

SH 7

Cherryvale Rd. to 75th St.

State Highway 7 (Cherryvale Road to 75th Street)

Finding of No Significant Impact and Final Section 4(f) Evaluation



**U.S. Department of Transportation
Federal Highway Administration**



Colorado Department of Transportation

October 2008

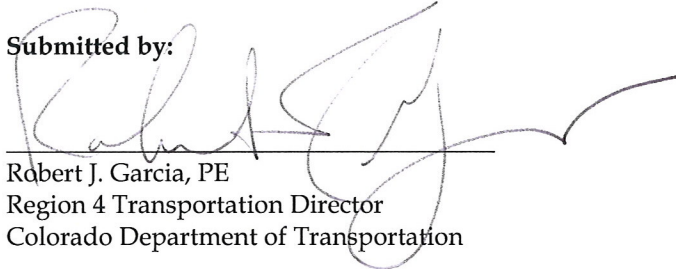
**CDOT No. STA 0072-013
State Highway 7
(Cherryvale Road to 75th Street)
Finding of No Significant Impact and
Final Section 4(f) Evaluation
Boulder County, Colorado**

Submitted Pursuant to
42 USC 4332(2)(c), 49 USC 303, 23 USC 138

by the
US DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

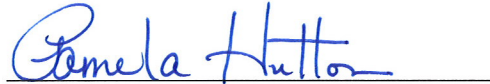
and
THE COLORADO DEPARTMENT OF TRANSPORTATION

Submitted by:


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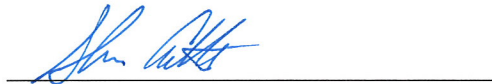
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List of Acronyms

BNSF	Burlington Northern Santa Fe
BVSD	Boulder Valley School District
CDOT	Colorado Department of Transportation
DRCOG	Denver Regional Council of Governments
EA	Environmental Assessment
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
HCM	Highway Capacity Manual
LOS	Level of Service
mph	Miles per hour
MVRTP	Metro Vision Regional Transportation Plan
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
ROW	Right-of-Way
RTD	Regional Transportation District
RTP	Regional Transportation Plan
SH	State Highway
STIP	Colorado State Transportation Improvement Program
US	United States
VoTec	Vocational and Technical Education Center
vpd	Vehicles Per Day

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Chapter 1.0: Project Description

1.1 Project Purpose and Need

1.1.1 Background

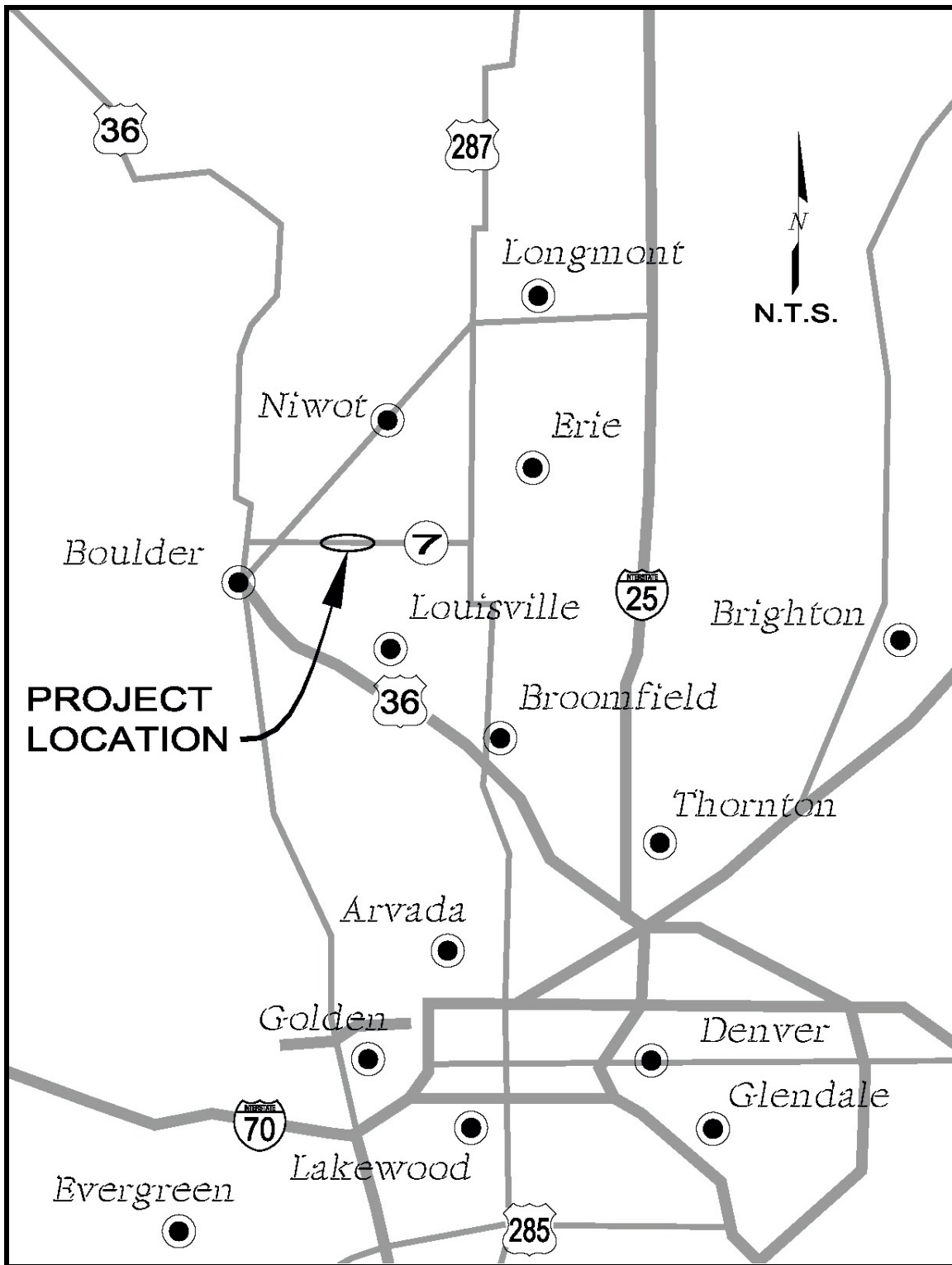
The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) propose to improve State Highway 7 (SH 7), between Cherryvale Road in the City of Boulder through the 75th Street intersection in Boulder County (approximately 2.2 miles). SH 7 is a principal east-west arterial roadway serving as a commuter and intra-regional facility (see **Figure 1-1** and **Figure 1-2**). To comply with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was conducted to evaluate the reasonable alternatives that address the purpose and need for the project and assesses the impacts of implementing the proposed improvements. Two alternatives, the No-Action Alternative and the Preferred Alternative (build alternative) were evaluated in the EA. The build alternative was identified as the Preferred Alternative. FHWA approved the EA and Draft Section 4(f) Evaluation on May 30, 2008.

1.1.2 Overview of Purpose and Need

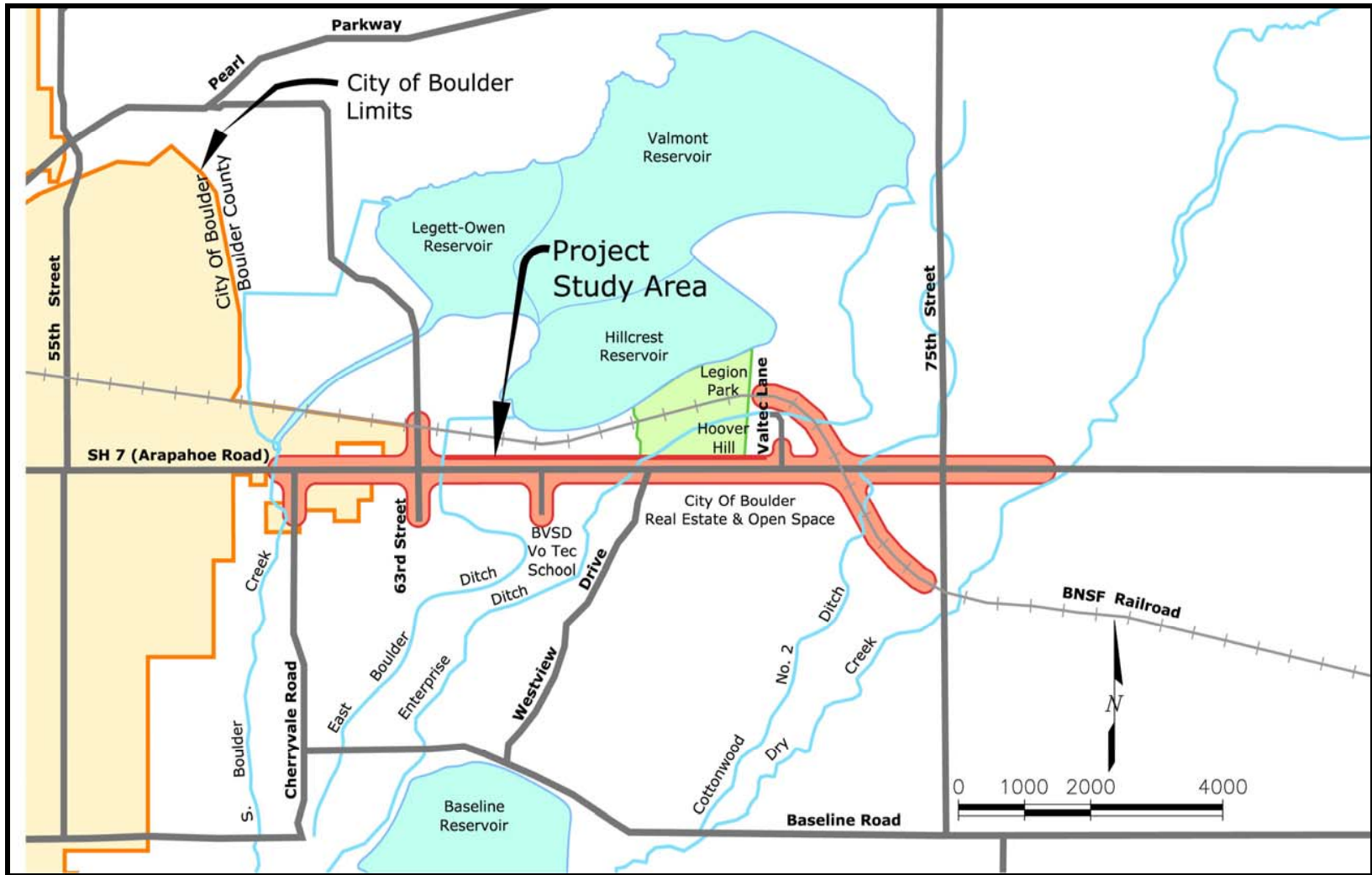
The primary purpose and need for improvements to SH 7 (Cherryvale Road to 75th Street) are to reduce congestion, enhance safety and improve mobility for multiple modes of transportation, summarized as follows:

- **To Reduce Congestion** - Population and employment growth in the City of Boulder, Boulder County and the surrounding communities has increased traffic along SH 7 to a level that is overloading the existing transportation system. There is currently a two hour peak traffic period during the morning and another two-hour peak traffic period in the evening. In addition, the roadway segment between 63rd Street and 75th Street currently operates at near capacity conditions, with traffic growth anticipated to continue to grow in the future.
- **To Enhance Roadway Deficiencies and Safety**- The existing roadway does not meet current design standards with regard to roadway grades, stopping sight distance, roadway shoulder widths, roadside clear zone, roadway drainage, warranted auxiliary lanes and access control. On the west end (at Cherryvale Road) and the east end (at 75th Street) of the study limits, SH 7 is a four-lane facility, requiring traffic to transition through sub-standard lane drops to the existing two-lane facility within the study limits. These roadway deficiencies result in unsafe roadway and operating conditions.

**Figure 1-1
Project Location**



**Figure 1-2
Study Area**



- **To Improve Mobility for Multiple Modes of Transportation** - The City of Boulder, Boulder County, CDOT and the Regional Transportation District (RTD) have identified that SH 7 provides improved opportunities for multiple modes of transportation. The “JUMP” bus service currently serves SH 7 commuters utilizing general-purpose traffic lanes, but bus stops in the project area are not served by sidewalks or standard bus stop facilities. Pedestrians along SH 7 use makeshift dirt roadside trails or substandard roadway shoulders due to the lack of sidewalks. Also, the lack of bicycle trails, bicycle lanes, or standard shoulder widths do not provide adequate bicycle facilities consistent with the SH 7 vision identified in the Boulder County Bikeway Plan.

1.2 Preferred Alternative

The Preferred Alternative has been designated in this document. A plan view of the Preferred Alternative is shown in **Figure 1-3**.

1.2.1 Typical Section

The typical sections for the Preferred Alternative are shown in **Figure 1-4** and **Figure 1-5**. The Preferred Alternative has two through lanes in each direction from Cherryvale Road to the Boulder Valley School District (BVSD) entrance. At Cherryvale Road, curb and gutter is added to the existing right-turn deceleration lane for eastbound traffic. At 63rd Street, in the westbound direction, there is a continuous right-turn acceleration/deceleration lane that also functions as a bus bypass lane from east of 63rd Street to Cherryvale Road. In the eastbound direction, there is a continuous right-turn acceleration/deceleration lane between the business access west of the BVSD to east of the BVSD signal. From the BVSD signal to Westview Drive there is one through lane westbound and two through lanes eastbound. The second eastbound through lane is dropped as a right-turn lane at Westview Drive. There is a right-turn lane in the westbound direction at Valtec Lane.

The two-lane section (one lane in each direction) continues to the east past the Burlington Northern Santa Fe (BNSF) railroad overpass where the roadway section widens to match the 75th Street intersection improvements.

The roadway is an urban section with curb and gutter between Cherryvale Road and Westview Drive. Between Westview Drive and the BNSF railroad overpass, the Preferred Alternative is a rural section with ten-foot shoulders. Between the railroad overpass and 75th Street, SH 7 is an urban section with curb and gutter.

The Preferred Alternative features a raised median with left-turn lanes between Cherryvale Road and 63rd Street. East of 63rd Street to the 75th Street improvements is a continuous sixteen-foot two-way left-turn lane.

Figure 1-3
Preferred Alternative – Plan View

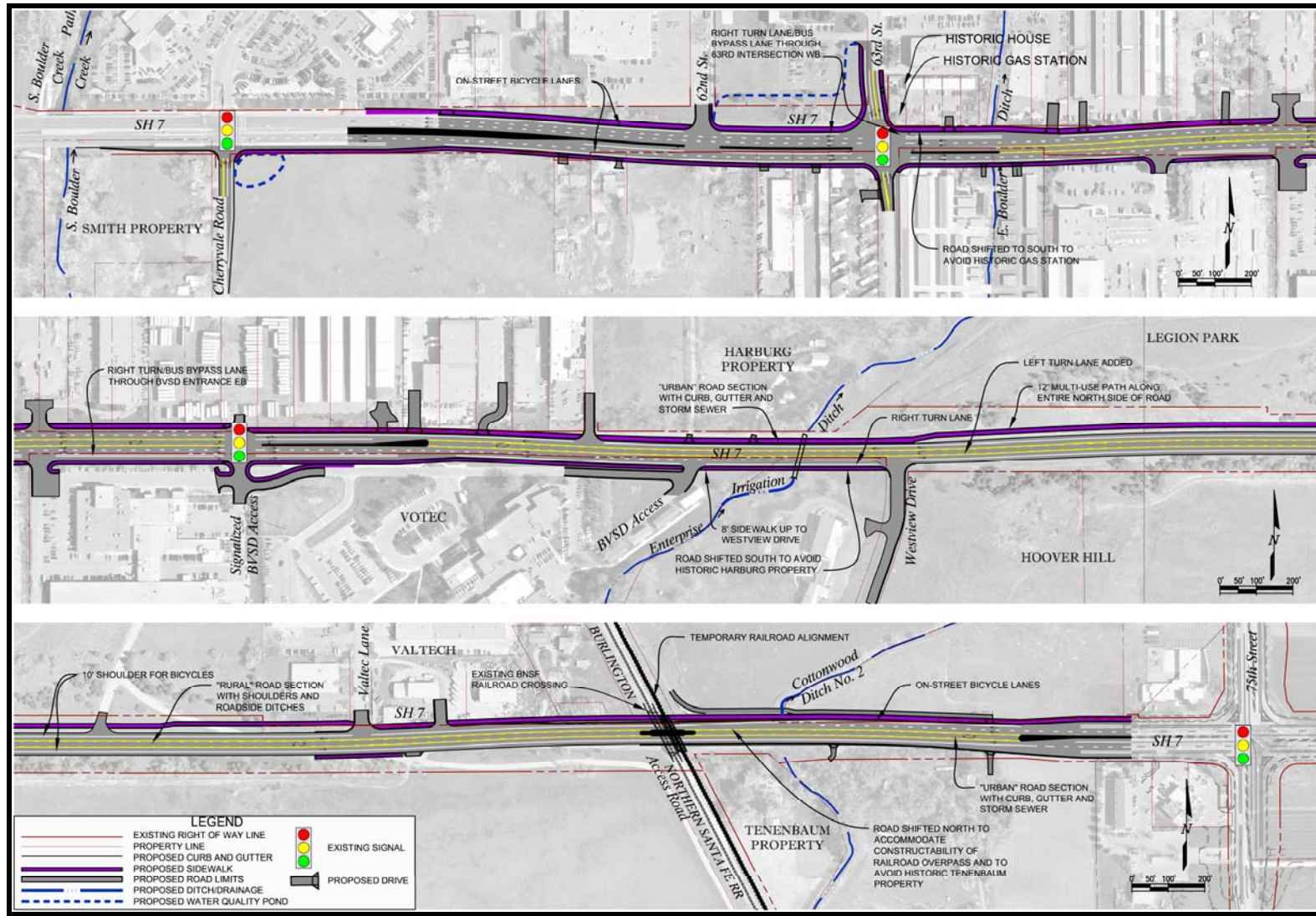


Figure 1-4
Preferred Alternative Typical Sections

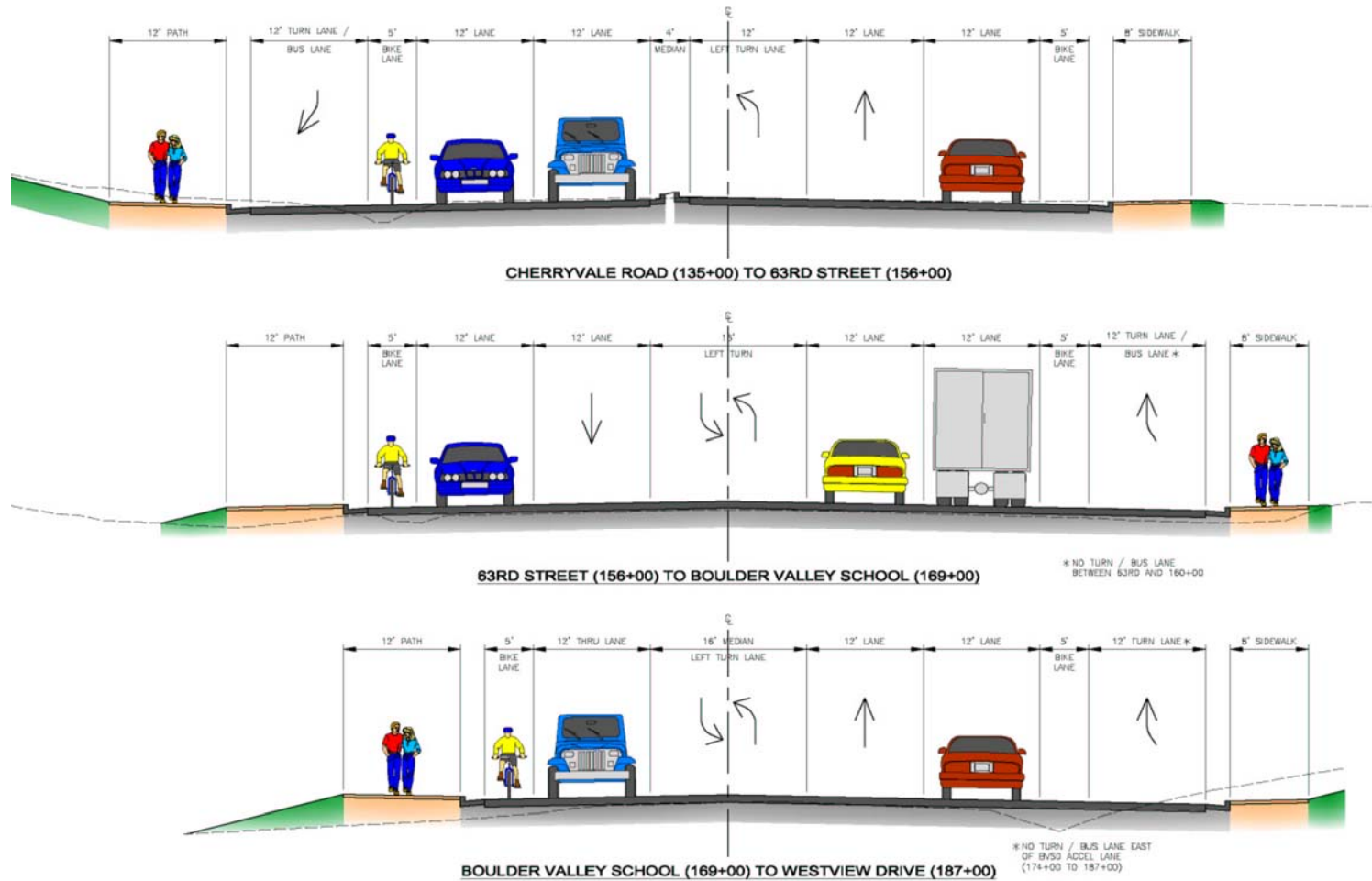
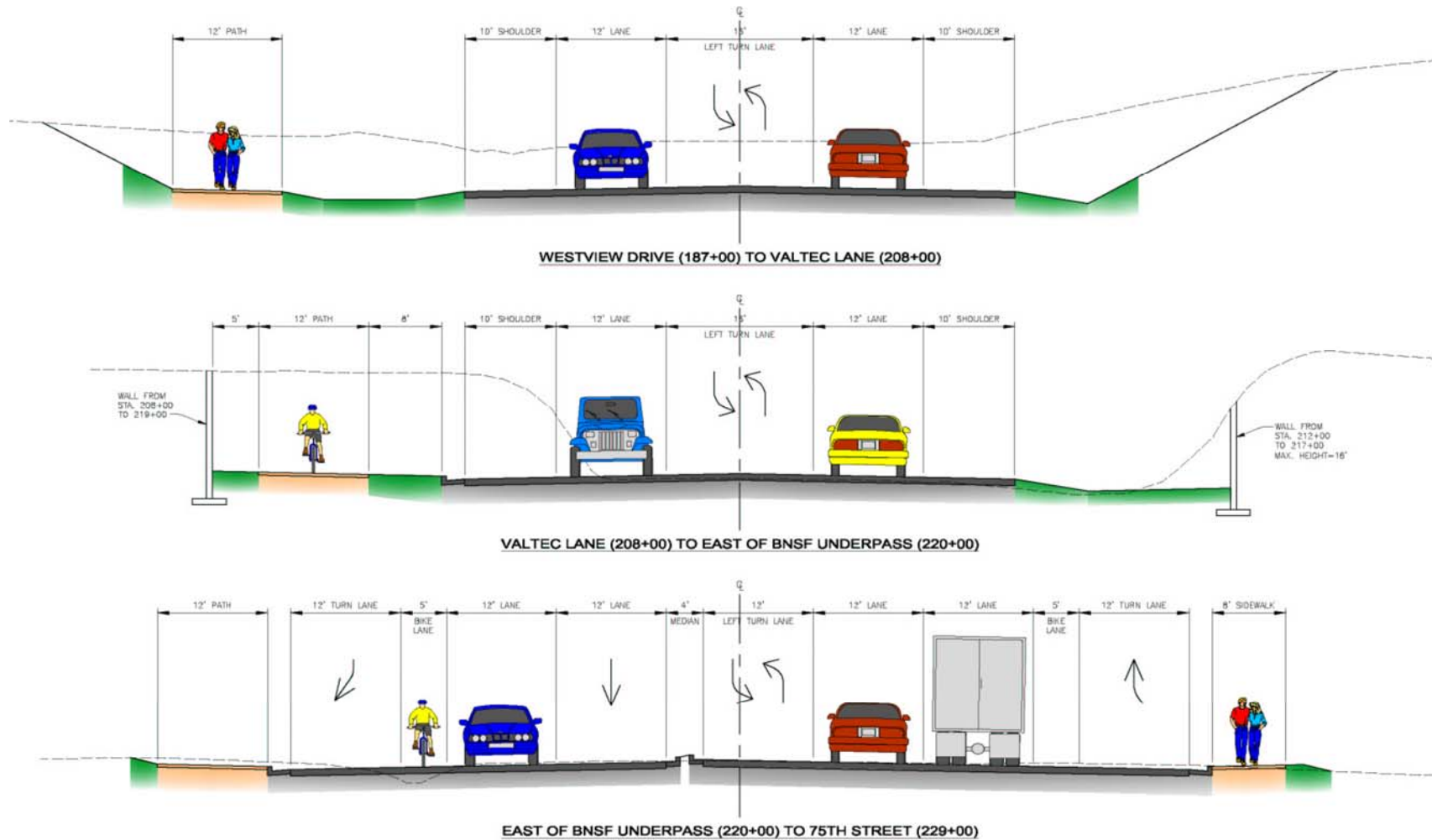


Figure 1-5
Preferred Alternative Typical Sections



1.2.2 Pedestrian/Bicycle Facilities

The Preferred Alternative includes bicycle lanes or shoulders along the entire length. The roadway section includes a five-foot bicycle lane in each direction in the urban sections, adjacent to the curb and gutter. Bicycle lanes would extend through intersections as exclusive lanes. In the rural section, the ten-foot shoulder would also function as a bicycle lane. Flattening the side slopes adjacent to the paved roadway and removing obstructions would provide a safer roadside by providing an unobstructed uniform clear zone adjacent to the roadway.

A continuous twelve-foot multi-use path on the north side of SH 7 is intended for both pedestrian and bicycle traffic. An eight-foot sidewalk is incorporated along the south side of SH 7 between Cherryvale Road and Westview Drive. Pedestrian and handicap access to transit facilities would be provided at intersections with 63rd Street, the BVSD access and at Valtec Lane. Handicap ramps would be provided at all intersections. Traffic signals would be enhanced to include pedestrian phases.

1.2.3 Alignment

The horizontal alignment is shifted from the existing roadway centerline and section line to avoid the National Register of Historic Places (NRHP)-eligible properties along the corridor. The proposed roadway centerline is shifted 37 feet south of the existing centerline adjacent to the historic gas station on the northeast corner of the 63rd Street intersection. The alignment is also shifted 29.5 feet south adjacent to the Harburg property. Finally, the roadway centerline is shifted 24.5 feet north adjacent to the Tenenbaum property and Cottonwood Ditch.

The vertical alignment would generally follow the existing alignment. The exception is at the existing hill east of Westview Drive. To achieve a design speed of 55 miles per hour (mph) and provide the required minimum stopping sight distance between Westview Drive and 75th Street, the existing hill east of Westview Drive would be lowered approximately 13 feet. The alignment is also slightly lowered below the BNSF railroad bridge to obtain the 16'-6" required clearance.

1.2.4 Access Management

All state highways in Colorado are limited access highways. CDOT is authorized to regulate vehicular access to or from any state highway under its jurisdiction from or to property adjoining that highway to protect the public health, safety and welfare; to maintain smooth traffic flow, to maintain highway right-of-way drainage; and to protect the functional level of the highway. Because of the high volume of traffic and in order to maintain the safe operation of traffic at intersections and in the vicinity of

intersections, access control has been incorporated into portions of the Preferred Alternative. From Cherryvale Road, through the 63rd Street intersection, auxiliary lane delineation and required intersection storage lengths create the need to control mid-block access.

In most cases, access locations and configurations are perpetuated along the corridor. In a few locations, for safety reasons, access control is incorporated into the Preferred Alternative.

Auxiliary lanes, where warranted by the CDOT *State Highway Access Code*, have been incorporated into the design.

1.2.5 Projected Traffic Operations

The traffic operations were evaluated for the key signalized intersections in the study area, and for the key roadway segment being evaluated. The Level of Service (LOS) analysis was done using the Highway Capacity Manual (HCM) methodology for signalized intersections and for roadway segments. The results are shown in **Table 1-1**.

Table 1-1
Traffic Alternatives, Level of Service

	Level of Service (LOS) AM Peak / PM Peak			
	Cherryvale Intersection	63 rd Intersection	Votec \ RTD Intersection	Road Segment (BVSD to 75 th)
Existing	C/C	C/C	B/B	E/E
2030: No-Action	C/D	E/D	D/D	E/E
Preferred Alternative	C/D	B/B	B/B	E/E

The HCM methodology for analysis of two-lane highways is based on highways that are more rural in character than this portion of SH 7. The methodology considers the capacity effects of improved shoulders but does not consider the effect of left-turn lanes at intersections. The LOS E for the rural segment between the Boulder Valley School District access and 75th Street is a reflection of the single-lane of peak traffic being at capacity. Although the LOS is E for this segment of the project, the difference in travel times between the Preferred Alternative and four-lane short-listed alternative described in the EA is minimal.

Safety and accidents should be considered when comparing the No-Action to the Preferred Alternative. While it is difficult to predict accident rates for roadways due to the complexity and abundance of variables on different roadways, the majority of

research conducted on the relationship of congestion and accident rates has determined that a U-shaped pattern will result when graphing number of accidents (vertically) versus traffic volume (horizontally).

At low traffic congestion levels, single-vehicle accident rates are high, and gradually decrease as congestion rises. This could be attributed to drivers taking more risks with fewer vehicles on the road, and could also include time-of-day factors.

Multiple-vehicle accidents most closely follow the U-shaped pattern. Accident rates are at the lowest levels when traffic levels are near LOS C, and the accident rates increase along with worsening congestion levels.

1.2.6 Railroad

For the Preferred Alternative, reconstruction of the BNSF railroad bridge is required. Railroad Alternative 2, which reconstructs the railroad bridge over SH 7 along the existing railroad alignment, is the Preferred Alternative. It has been determined that rerouting rail traffic is not practical, so a temporary bridge and offset rail alignment 25 feet east of the current location is required. The existing vertical alignment includes positive grades that are near the maximum allowed for the current track design speed of 30 mph. Therefore, the temporary vertical alignment of the offset alignment would be essentially the same as the existing alignment. The temporary alignment would require a temporary bridge or culvert for the Cottonwood Ditch #2 crossing. It is anticipated that the temporary embankment and track would be contained within the existing 100-foot-wide BNSF right-of-way limits.

The typical section for the new bridge accommodates a single track with walkways and handrails provided on both sides in accordance with BNSF design criteria. It is anticipated that an I-girder bridge with a center pier would be utilized. The bridge would require a total superstructure depth of approximately five feet. The bridge would consist of two 59-foot spans. SH 7 is realigned to the north in this location; therefore, the center railroad bridge pier can be constructed while still maintaining two lanes of traffic. The vertical alignment for SH 7 is lowered to provide 16'-6" of clearance with the new railroad bridge. Retaining wall abutments are required to minimize impacts to existing residences, businesses, frontage roads, and adjacent City of Boulder Open Space.

1.2.7 Cost

Construction costs were identified for the Preferred Alternative based on an initial opinion of probable construction costs, including contingencies, right-of-way, design

and construction engineering. The total conceptual-level estimated cost for the Preferred Alternative is approximately \$23 million.

1.3 Clarifications to the EA

- On page 1-4 of the Environmental Assessment, there are descriptions of the consistency of the project with various plans. The project is also consistent with and included on the 2035 Fiscally Constrained Plan for the Denver region.
- On page 3-30 of the EA, there are several references to using travel forecasting from the Denver Regional Council of Governments (DRCOG). The correct citation is in the first sentence of Section 3.6.3.2, which states that "Traffic forecasting for 2030 was done using the Denver Regional Council of Governments (DRCOG) regional transportation plan (RTP) sketch plan model."
- The project will adhere to the Colorado Division of Wildlife's 2002 document called "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors."
- The reconstruction of SH 7 – Cherryvale to 75th Street is included in the FY2008 - FY2013 Colorado State Transportation Improvement Program (STIP).

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Chapter 2.0: Summary of Impacts, Mitigation and Commitments

2.1 Summary of Impacts

A summary of impacts is depicted in **Table 2-1**.

Table 2-1 - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Land Use	<p>The direct land use impact of the project would be in areas where right-of-way acquisition is required. In these areas, the current land use would be changed to a roadway use.</p> <p>The local agencies of the City of Boulder and Boulder County anticipate improvements as defined by the Preferred Alternative, which is consistent with local planning.</p>
Social Conditions	<p>The Preferred Alternative would reduce congestion and improve road conditions along SH 7, thereby improving accessibility to businesses and neighborhoods in the study area. Safety conditions would also be improved with this alternative, which also would improve access to local businesses and neighborhoods. Access changes and some out-of-direction travel may occur as a result of construction.</p> <p>Pedestrian and bicycle safety and access would be improved with the addition of the bicycle lanes and sidewalks, along the roadway.</p> <p>This alternative would temporarily reduce or degrade access to businesses and neighborhoods during construction, which could possibly impact businesses in the study area.</p> <p>Because there are very few residential land uses in the study area, adverse impacts on persons of advanced age or with disabilities are not anticipated. In addition, this alternative would address roadway safety concerns and include the addition of multi-use pathways, benefiting persons living in or traveling through the study area.</p>
Environmental Justice	<p>Minority populations are limited to three Census Blocks on the outer edges of the study area. These blocks extend well outside of the study area. The small number of households within these blocks (some possibly occurring in the portion of the Census Block that is outside of the study area) does not indicate a concentrated minority population.</p> <p>Impacts experienced by minority persons would be the same as those experienced by the non-minority population and would include temporary construction related impacts such as access changes, dust, noise, and construction related traffic and delays as well as longer term impacts including increased traffic, noise, and added pavement to the viewshed. Roadway improvements would also address traffic safety and access concerns, provide pedestrian and bicycle facilities, and increase mobility in the study area. These impacts would benefit minorities in the study area. In addition, several Census Blocks within the study area adjacent to the proposed improvements contain much larger non-minority populations that would bear these impacts. Therefore, impacts to minority populations are not considered to be disproportionately high and adverse.</p> <p>The Preferred Alternative would require the relocation of three business structures. One of these businesses is minority owned and has two full-time employees, one of which is a minority. Relocation impacts will be borne by all three businesses and associated employees and therefore, does not constitute a disproportionately high and adverse impact to minority owned businesses or minority employees. This alternative would require driveway reconstruction for twenty properties, as well as impacts to access for eight properties.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Environmental Justice (cont.)	<p>One of the structures that would be removed is a mobile home at the Columbine Mobile Home Park. Due to the sensitivity of the data and to protect confidentially, it is unknown whether this specific structure contains minority or low-income residents. Conversations with the property manager indicated that the majority of the residents of the mobile home park are low-income. Therefore, it is reasonable to assume that the residents of the impacted property are low-income. Additional impacts anticipated at the mobile home park include some right-of-way acquisition and access modifications. This would move SH 7 55 feet closer to the first mobile home in the park. This would result in increased noise and visual impacts at this mobile home park (more information is included in Section 3.7 of the EA). This would not be considered a disproportionately high and adverse impact because other noise impacts of greater magnitude occur to the general population areas along SH 7.</p>
Economic Conditions	<p>Selection of a build alternative could temporarily boost the economy of the study area during the construction period by providing employment of construction workers and revenue generated by the purchase of construction material from local sources. Additional employment could provide a temporary economic boost to the region, through increased wages and retail sales to firms in the project vicinity, partially offsetting any lost revenue from temporary increase in congestion and access restrictions during construction.</p> <p>With the Preferred Alternative there would likely be no direct permanent impacts to economic conditions in the study area. Short-term temporary impacts would occur during construction. Access to businesses located near construction sites may be impaired which could cause consumers to go elsewhere. This could be offset by sales to construction workers in the area.</p> <p>Due to improved access and mobility, this alternative could be expected to enhance the economic condition of the majority of the study area and would be consistent with economic growth areas identified in the comprehensive plans. Ease of access into and out of the businesses would be improved.</p>
Right-of-Way	<p>The Preferred Alternative would require the removal of four structures. Two structure removals are located near 63rd Street on the south side of SH 7 where the roadway improvements would be shifted south. The improvements are 55 feet south of the existing pavement. The first is the mobile home on the southwest corner of 63rd Street and SH 7. The proposed sidewalk is within four feet of the house. The second is a house that has been converted to an office for the storage facility business on the southeast corner of 63rd Street and SH 7. The proposed improvements would fall within the footprint of the building.</p> <p>The second two structures requiring removal are on the north side of SH 7 near Valtec Lane just west of the Burlington Northern Santa Fe Railroad (BNSF) overpass where the proposed improvements would be in the transition of the north shift of the roadway alignment. The first is a commercial warehouse. The second structure is a house that has been converted into a business.</p> <p>The Preferred Alternative would require a total of approximately 6.6 acres of right-of-way from 27 owners along the project and approximately 0.9 acre of permanent slope easement.</p>
Transportation	<p>The Preferred Alternative would improve transit for the corridor. This alternative would include pad and bench facilities along with sidewalk facilities for bus users. In the case of the intersection at 63rd Street, westbound deceleration and acceleration lanes are warranted and can be used as queue jump lanes for buses.</p> <p>The Preferred Alternative would improve the deficient roadway condition and thus improve safety by enhancing vertical geometry, improving drainage, improving sight distance, providing clear roadsides, providing required auxiliary lanes, consolidating and controlling access and providing refuge for stalled vehicles.</p> <p>Incorporation of accident counter measures into the final design and designing a roadway consistent with CDOT and American Association of State Highway and Transportation Officials (AASHTO) design standards would help to reduce accidents and thus provide a benefit to the users of the facility.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Noise	<p>According to the model, the Preferred Alternative would cause four of the modeled locations to have noise levels above the NAC in 2030. These four receptors approach or exceed the NAC with predicted future noise levels increasing between 3 and 5 dB(A). One of the sites, Receptor SW10 representing two residences, would experience noise levels above the impact NAC for Category B if the Preferred Alternative was constructed. Mitigation should be considered for this location. Receptors NE2, NE6 and SW7 would be acquired and removed, and therefore no mitigation needs to be considered for these locations.</p> <p>All remaining receivers falling below the NAC have modeled noise levels ranging from 53.8 to 67.2 dB(A) for Category B receivers and from 56.0 to 71.3 dB(A) for Category C receivers. Of these receivers, the greatest projected increase over existing noise levels is 3.4 dB(A).</p>
Air Quality	<p>The study area is located in Boulder County, which is included in the Denver metropolitan attainment/maintenance area for carbon monoxide (CO), ozone, and particulate matter (PM10). Therefore, the conformity provisions of the federal Clean Air Act apply. The impacts of motor vehicle emissions in the study area on concentrations of CO, ozone and PM10 were analyzed for the Preferred Alternative.</p> <p>Motor vehicle emissions in the study area would not result in any exceedance of the NAAQS.</p>
Wetlands	<p>Wetland impacts are based on 2001 wetland delineations and Spring 2005 field review. Based on these boundaries and preliminary design plans, the Preferred Alternative would permanently impact approximately 0.309 acre of non-jurisdictional wetlands and 0.013 acre of jurisdictional wetlands.</p> <p>Best management practices (BMPs) will be implemented to prevent temporary and indirect impacts that could also result from construction and operation activities, including sedimentation from erosion during earth moving, fuel spills in construction staging areas, and winter sanding operations.</p>
Vegetation and Noxious Weeds	<p>Direct impacts to vegetation would occur from clearing, excavation and grading for the proposed improvements. It is anticipated that numerous mature trees including cottonwood, box elder, Ponderosa pine, piñon pine, Chinese elm, and Russian-olive would be removed prior to construction. There are no conservation sites or sensitive plant communities within the study area. The Preferred Alternative would impact approximately 4.3 acres of well-developed vegetation in the Hoover Hill/Legion Park area. In this area, the Preferred Alternative would require the removal of approximately 100 trees on the south side of SH 7 (adjacent to and within City of Boulder Open Space) and 10 trees on the north side of SH 7 (in Legion Park). During final design, efforts will be made to minimize impacts to existing vegetation.</p> <p>Soil disturbance associated with construction of the Preferred Alternative is anticipated to provide further conditions for invasion of noxious weeds. Construction would disturb areas already inhabited by weeds as well as areas that currently have very minor weed cover, such as the grass and woodland community in and adjacent to Legion Park, and result in the potential for accelerated weed infestation of a park site. Temporary work areas would also be susceptible to weed invasion.</p>
Wildlife and Aquatic Resources	<p>The Preferred Alternative consists of widening the current road and would generally follow the existing roadway alignment. The southern border of Legion Park and vegetated area across from Legion Park on the south side of existing SH 7 would have temporary impacts from clearing and grading for the new roadway. Removal of vegetation in these areas could impact migratory bird nesting areas and reduce habitat for mammal species. No impacts are anticipated to the black-tailed prairie dog colonies, or to burrowing owls.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Threatened, Endangered or Sensitive Species	No direct impacts to any federally listed threatened or endangered species would be expected from the Preferred Alternative. Potential habitat for Bald Eagle could exist around the perimeter of Valmont Reservoir. Any nesting eagles near the reservoir could occasionally occur in the study area and could be slightly affected by the Preferred Alternatives because of noise and disturbance during construction. Since the Preferred Alternative would be widening an existing roadway, any resident eagles are most likely adapted to vehicular presence in the area and would not be negatively affected in the long term.
Water Resources and Water Quality	<p>The Preferred Alternative would add curb and gutter with a storm sewer system between Cherryvale Road and Westview Drive and between the BNSF railroad crossing and 75th Street. The addition of impervious area and a storm sewer system would cause the storm flows to reach the outfalls more rapidly and with more concentrated flows. Increased impervious area would result in larger quantities of sediment and pollutants to enter in the surrounding surface waters. From the crest of the hill to the west, stormwater would be captured in a storm sewer system that would outfall into South Boulder Creek. From the crest of the hill to the east, stormwater would flow in roadside ditches to the BNSF railroad crossing. It would then be captured in an existing storm sewer system and outfall into Dry Creek No. 3.</p> <p>Temporary impacts to water resources during construction are also expected. The primary pollutant carried from a construction site is sediment or total suspended solids (TSS). Erosion is prevalent when the surface vegetation is disturbed as is required for roadway widening side slope construction.</p> <p>The Preferred Alternative would result in an increased impervious surface area from an existing 11 acres with the No-Action Alternative to approximately 20 acres.</p>
Wild and Scenic Rivers	There are currently no rivers near the study area designated or being studied for inclusion in the Wild and Scenic Rivers System.
Floodplains	The storm sewer outfall pipe into South Boulder Creek falls within the floodplain. The proposed 54-inch concrete pipe would outfall to a tail-water basin. There would be no additional fill required for the improvements; therefore, the floodplain would not be adversely impacted. All remaining improvements are outside the mapped floodplains.
Geology	No signs of major slope instability were observed. Natural hillsides in the area appear to have a stable geologic history. Construction activity in the vicinity of the Pierre Shale (between 63rd Street and the crest of the hill) may require slope stabilization when large cuts are made. These Pierre Shales can also exhibit expansion potential when exposed to moisture.
Historic Preservation	<p>Roadway improvements have been planned in order to avoid permanent adverse impacts to the National Register of Historic Places (NRHP) eligible sites with the exception of the Cottonwood Ditch and a segment of the BNSF railroad. Below is a list of specific impacts to each property:</p> <ul style="list-style-type: none"> Butler-Smith Property (1880) – SH 7 would be widened in front of the Butler-Smith House and additional vegetation would be removed in the right-of-way between the road and the house. All improvements would stay within existing roadway right-of-way. There would be no direct impact to the house or the barn and no impact to the qualities that made this property significant. Very small temporary easement for construction of curb return may be required. As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO.

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Historic Preservation (cont.)	<ul style="list-style-type: none"> • Gas Station (1920) and House – When SH 7 is reconstructed, the corner of this property, which is currently paved and used as roadway, would continue to be used as a roadway. In consultation with SHPO, it was determined that the corner of the property does not contribute to the significance of the property. All other improvements to SH 7 would occur to the south. Curb cut from 63rd would be installed on existing roadway right-of-way. Temporary easement for construction would be required to construct private access on private property. Tree removal may be required for access construction. As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO. • Harburg House w/Barn & Gazebo (1930) – When SH 7 is widened some of the vegetation in the CDOT right-of-way would be removed, but would have no impact on the setting or direct impact on the Harburg property. Constructing two private driveways to match proposed improvements would require a temporary easement for the Preferred Alternative and may require some limited vegetation removal. Public road on the west side of the Harburg property would require reconstruction and may require a temporary easement. If headwall and wingwalls of Enterprise Ditch outlet are replaced in current location, this construction may be on Harburg property. As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO. • DeBacker-Tenenbaum House (1913) – When SH 7 is widened a retaining wall may be constructed along a portion of the roadway right-of-way, north of the DeBacker-Tenenbaum property, but would not have a direct impact to the landscaped setting or the buildings. The BNSF railroad would be temporarily realigned to be east of the existing location, but there would be no direct impact to the landscaped setting or the buildings. There will be temporary fill slope impacts within this historic property. The ultimate railroad alignment would follow its existing alignment. A temporary easement may be required to build the temporary fill slope for the temporary railroad alignment. As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO. • Cottonwood Ditch #2 (1863) North side Arapahoe to North 75th – The Cottonwood Ditch #2 currently crosses SH 7 just east of the Colorado Southern (BNSF) railroad bridge in an inverted siphon pipe. This existing structure would be replaced with a new inverted siphon. In order to accommodate the improvements, the inlet end of the siphon pipe (south end) would be located at the existing inlet end and the north end of the siphon pipe would be located approximately 20 feet north of the existing outlet end of the siphon pipe. This 20-foot portion (north end) of the existing open ditch would be removed and be in the pipe. Regrading of ditch at outlet end (north end) would be required when siphon is replaced. This has been determined as an adverse effect by CDOT and FHWA and confirmed by SHPO. • Cottonwood Ditch #2 (1863) South side Arapahoe – This segment crosses under the railroad south and west of the DeBacker-Tenenbaum property. In order to construct a new BNSF railroad bridge over SH 7, a temporary railroad alignment would be required 25 feet to the east of the current alignment. The temporary BNSF alignment would require a temporary bridge to be constructed over the Cottonwood Ditch. The temporary bridge would be removed when the temporary alignment is removed. The ultimate railroad alignment would be along its current alignment and would not result in a direct impact to the Cottonwood Ditch since it would be restored to its original function and appearance. This has been determined as no adverse effect by CDOT and FHWA and confirmed by SHPO.

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Historic Preservation	<ul style="list-style-type: none"> • Colorado and Southern Railway Company Segment (1870s) North and South of Arapahoe Road – The widening of SH 7 would require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment would ultimately be on the future bridge structure over SH 7. The Preferred Alternative involves the construction of a temporary railroad alignment offset 25 feet to the east of the existing alignment and the construction of a temporary bridge along this alignment over SH 7. This temporary alignment is required so that the new, longer bridge over SH 7 can be constructed while train operations can continue on the temporary alignment. The ultimate railroad alignment would follow the existing alignment. To construct the temporary alignment, approximately 500 feet of the existing railroad track would be temporarily impacted along the southern curve and approximately 600 feet of existing track would be temporarily impacted along the northern curve. A temporary bridge would be required to carry the temporary railroad alignment over the Cottonwood Ditch. This temporary bridge would be removed following the need for the temporary alignment. This has been determined as an adverse effect by CDOT and FHWA and confirmed by SHPO. (The existing railroad bridge over SH 7 is officially not eligible.) • Enterprise Ditch Segment (1870s) North and South of Arapahoe Road – For the Preferred Alternative, a 120-foot concrete box culvert would replace the southern 60 feet of the existing box culvert. Additionally, 250 feet of the existing ditch on the south side of SH 7 would be realigned and reconstructed as an open ditch. This has been determined as no adverse effect by CDOT and FHWA and confirmed by SHPO. • Enterprise Ditch Segment (1870s) North of Arapahoe Road Crossing under the BNSF Railroad – For the Preferred Alternative, a temporary railroad alignment would require approximately 100 feet of the ditch to be placed into a pipe. Once the temporary alignment is removed, the ditch would be restored to its original function and appearance. This has been determined as no adverse effect by CDOT and FHWA and confirmed by SHPO.
Hazardous Waste	<ul style="list-style-type: none"> • Transmission Technology Services, 6270 Arapahoe Road – The Preferred Alternative would shift the roadway closer to this property. Should right-of-way acquisition become necessary, mitigation requirements would be obtained from the appropriate regulatory agency. • Historic Gas Station and House, 6301-6303 Arapahoe Road – The Preferred Alternative would have no impact in this area since no right-of-way would be obtained, and testing has been completed.
Open Space / Recreation	<p>The Preferred Alternative would have beneficial indirect impacts on all parks and recreational facilities within the study area by alleviating congestion along SH 7, thereby improving accessibility. There would be short-term increases in emissions from vehicles due to construction and both long-term and short-term increases in noise that may impact users' experience. Direct impacts to each individual property are described below.</p> <p>Bicycle improvements included for this alternative include a five-foot on-street bike lane in each direction on the west segment of the alignment and 10-foot shoulders serving as bike lanes along the eastern segment. In addition, a 12-foot multi-use path is included on the north side of SH 7 for the entire length of the corridor. On the south side of SH 7, an 8-foot sidewalk would be constructed between Cherryvale Road and Westview Drive.</p> <p>There is currently one access drive to the Legion Park that splits into a "Y" that has two access points onto SH 7. Direct impacts at Legion Park would consist of cut slopes that would require a temporary construction easement in an area of the park that has no public use, and the closure of the eastern leg of the "Y" access point. The western leg of the access point would be improved to accommodate all the traffic going in and out of the park. The proposed limits of the cut slope would require the removal of some vegetation. The eastern leg of the access point would be removed.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Open Space / Recreation (cont.)	<p>There would be no direct impacts to the Sombbrero Marsh Open Space under the Preferred Alternative. There would be improvements made to the SH 7 and 63rd Street intersection that would allow the public to more easily access the open space area.</p> <p>There would be no direct impacts to the South Boulder Creek Path with this alternative. SH 7 improvements would begin to the east of where the path crosses the roadway.</p> <p>There would be some intrusion on Legion Park and on the City of Boulder Open Space parcel across the road from Legion Park. Approximately 0.5 acre of temporary easement would be needed to accommodate the grading for the road lowering and widening at Legion Park. Also, there would be a substantial amount of vegetation located along SH 7 that would need to be removed from the Legion Park property. For the City of Boulder Open Space, approximately 2.4 acres of temporary easement for grading would be required.</p>
Visual Quality	<p>Between Cherryvale Road and the Boulder Valley School District, added pavement and a raised median would alter foreground and middleground views. Because this portion of the study area is currently a four-lane urban section, these changes would be consistent with existing land uses and visual character.</p> <p>To accommodate roadway design speeds, the existing hill near Legion Park would have to be lowered approximately 13 feet, which may widen the viewshed and improve background views. At the top of Hoover Hill, 10 trees would be removed on the north side of the road and 100 trees on the south side of the road, exaggerating the presence of the roadway. Retaining walls up to 21 feet high (adjacent to the BNSF crossing) would alter foreground and middleground views where erected in the vicinity of the railroad overpass.</p> <p>Pedestrian and bicycle improvements include the addition of bicycle lanes and pedestrian pathways. These improvements would increase the amount of pavement in the viewshed, most notably near Legion Park.</p> <p>This alternative would not impact background views of the Rocky Mountains, Front Range, and Flatirons where currently visible throughout the study area.</p> <p>Overall, impacts to the visual quality of the study area would be most prominent east of the Boulder Valley School District (approximately 0.25 mile east of 63rd Street), where the existing roadway consists of two-lanes and the landscape begins to become more rural in character. In this area, a third two way left turn lane and twelve-foot detached concrete path would be added to the viewshed as travelers approach Legion Park.</p>
Farmland	<p>The Preferred Alternative would result in conversion of approximately 5.0 acres of Prime farmland from several parcels. This is based on additional right-of-way that would be required. A Farmland Conversion Impact Rating form (AD-1006) was completed in accordance with the Farmland Protection Policy Act (FPPA – 7 USC 4201, et seq.). This rating form indicated that 6.06 acres would be impacted. Since that time, the design has been refined to impact less farmland. There will be no impacts to the ability to irrigate the remaining farmland, nor to the access to and from fields.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Energy/Utilities	<p>The Preferred Alternative would impact several existing utilities. The lowering of the roadway profile east of Westview Drive and subsequent cut slopes from the widening would require the utility lines to also be lowered. This lowering would affect the 2-inch Xcel gas line and the underground telephone and electrical lines. Overhead and underground electric lines exist along the roadway alignment would be impacted. The power poles in conflict with the roadway work would require relocation to accommodate excavation and embankment activities. Fiber optic lines run between manholes in the existing roadway pavement. It is anticipated that the proposed roadway vertical profile and widening would create earthwork cut/fill activities. The fiber optic lines may be in conflict and the manholes would require reset work. The ICG fiber optic near the BNSF railroad may be impacted, depending on the depth of the existing line. Roadway widening activities may also impact existing underground Comcast cable television coaxial cable. Initial utility locating efforts show that more investigation would be required.</p> <p>In addition to the utilities mentioned above, underground sanitary sewer lines, water lines and fire hydrants are present. These features would be reset or adjusted in order to maintain service and match the proposed roadway section.</p> <p>Several drainage structures also exist adjacent to the existing roadway. The structures are part of a network of drainage ditches in the area. Widening activities for the two build alternatives would impact the drainage ditches and structures.</p> <p>The Cottonwood Ditch No. 2 siphon under SH 7 would require replacement. The temporary offset railroad alignment east of the existing alignment would require a temporary bridge crossing over the Cottonwood Ditch.</p> <p>The box culvert for the Enterprise Ditch crossing below SH 7 would be replaced in kind to accommodate the wider roadway improvements. The Enterprise Ditch siphon under the railroad would likely not require replacement.</p> <p>The East Boulder Ditch box culvert would be replaced in kind to accommodate the larger roadway footprint and the south shift of the improvements.</p> <p>All wells within the proposed right-of-way and construction easements would be located in the first stages of final design.</p> <p>Personal Septic Disposal Systems may be impacted by the build alternatives. It is anticipated that the footprint for the roadway widening may necessitate relocation of these systems.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Construction	<p>The Preferred Alternative would have temporary impacts during the construction period. The construction period for this alternative would likely be two years. Detailed construction phasing will be addressed during final design. It is anticipated that one lane of traffic in each direction in addition to a center left-turn lane at intersections would be maintained at all times and that most construction would take place during normal work hours. The contractor would be required to maintain access to all residences and businesses along the corridor.</p> <p>Construction of this alternative would have potential temporary impacts to the following resources:</p> <ul style="list-style-type: none"> • Air Quality – Construction activities could have a temporary impact on air quality. These include fugitive dust during earthmoving operations and stockpiling. PM₁₀ (particles less than 10 microns in diameter) dust particles are of particular pollution concern because the particles can travel further and are more likely to be inhaled by humans. Emissions from construction equipment can also contribute to air pollution. Gasoline and diesel engines emit exhaust, including particulate matter, carbon monoxide, sulfur dioxides, nitrogen oxides and other pollutants. Increased emissions would also result if congestion occurs as a result of construction closures or delays. • Noise – Temporary noise impacts to receptors along the construction corridor are expected. The increased noise during construction would be primarily due to construction equipment including earth moving, hauling, pile driving and paving equipment. • Water Quality – Construction activities can affect water quality through erosion and sedimentation. Erosion is usually greater during construction due to the exposed soil during grading and dirt moving operations. This sediment can reach waterways and impact water quality if not properly managed. Another concern during construction is water contamination from spilled fuels or other hazardous materials. • Visual – During the construction period, visual impacts would occur through the use of traffic control devices, dirt and construction material stockpiles, and equipment storage areas. • Section 4(f) – Impacts to 4(f) properties would include the construction of cut slopes north of SH 7 at Legion Park in an area of the park where there is no public use. Because of the lowering of the hill east of Westview Drive, grading of side slopes would be required for the Preferred Alternative. Removal of approximately 10 trees on park property would be required. During the construction of the cut slopes and during seeding operations, construction equipment would require access to Legion Park property. A temporary easement would be required during construction. • Sustainability – Both the Preferred and No-Action Alternative may affect environmental resources not regulated at the federal, state, or local level. Such impacts can include the consumption of natural resources such as fossil fuels and raw materials like gravel. The type of alternative selected may also affect social resources such as landfill capacity. In most cases, such impacts cannot be quantified, and cannot entirely be avoided. It is recognized that these impacts should be minimized to the extent practicable.

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Cumulative	<p>The following cumulative impacts are associated with the Preferred Alternative:</p> <ul style="list-style-type: none"> Land Use – Land uses within the cumulative study area have remained fairly consistent in recent years. A large percentage (80 percent) of the cumulative study area is classified as open space, agriculture and low-density residential. Much of the open space and agricultural lands within the cumulative study area are owned by the City of Boulder and Boulder County and are protected from future development. As such, reasonably foreseeable development actions are limited and would have negligible impacts to land uses within the cumulative study area. <p>The proposed commuter rail station at 63rd and Arapahoe would require the acquisition of approximately 12 acres of existing industrial and storage uses and convert those uses to a park-n-Ride. This change in use may affect the trail along the site. There may also be some conversion of use to higher density in the surrounding area. All of this will result in impacts to traffic, air quality, noise and other resources.</p> <p>Because much of the land within the cumulative study area is protected from future development, it is unlikely that substantial development or changes in existing development patterns would occur as a result of the construction of the Preferred Alternative.</p> <ul style="list-style-type: none"> Wildlife – Habitat for black-tailed prairie dogs, raptors and other wildlife has been negatively impacted by agricultural and land development activities in the area. It is, therefore, reasonable to assume that there have been significant reductions in the extent of these species within the study area. Today, the cumulative study area is for the most part, developed or preserved. Open space and agricultural lands that are owned by the City of Boulder and Boulder County will generally remain used for recreational and agricultural purposes. Future development and transportation projects planned for the area are few and would not result in a significant loss of habitat for wildlife within the cumulative study area; however, the proposed commuter rail station at 63rd and Arapahoe would create minor disturbances to wildlife habitat. <p>Construction of the Preferred Alternative would impact 5.8 acres of vegetation in the Hoover Hill/Legion Park area and would require the removal of approximately 110 trees along the corridor. Even though this would be in an area that is immediately adjacent to the existing roadway, vegetation removal would contribute to the cumulative loss of habitat in the area. These impacts would not result in effects that would exceed the ability of wildlife to sustain itself or remain productive. Under the Preferred Alternative there would be no impact to black-tailed prairie dogs or burrowing owls.</p> <ul style="list-style-type: none"> Wetlands – Development adjacent to Sombbrero Marsh could potentially degrade the quality of this only naturally occurring perennial open water body still present in the study area today. The remainder of Sombbrero Marsh is under the management of the City of Boulder Open Space and Mountain Parks Department. Reasonably foreseeable development actions are limited and would have negligible impacts to the remaining wetlands and riparian corridors within the cumulative study area. <p>There are wetlands and other Waters of the U.S. along the BNSF alignment north of Arapahoe Road in this study area. The proposed commuter rail project and park-n-Ride would directly impact approximately 0.5 acre of wetlands and 0.2 acre of impact to Boulder Creek. Other indirect impacts would occur to these resources, including sedimentation, erosion, noxious weed invasion, and loss of vegetation due to shadowing of bridges.</p> <p>Construction of the Preferred Alternative would impact several riparian corridors crossing SH 7 and would impact 0.322 acre of wetlands. Under the Preferred Alternative there would be no impact to any portion of Sombbrero Marsh.</p>

continued

Table 2-1 (cont.) - Summary of Impacts for the Preferred Alternative

Category	Preferred Alternative Impacts
Cumulative (cont.)	<ul style="list-style-type: none"> Water Quality – Similar to many Front Range areas, the Boulder Creek Watershed area has experienced significant population growth over the years. Changes in land use, increased growth, and the conversion of agricultural lands to developed lands have collectively impacted water resources over time. Development throughout the cumulative study area will increase the impervious surface area, change runoff characteristics, and potentially degrade water quality. If the population of Boulder County were to increase as projected by the US Census (by approximately 71,000 persons or 25 percent), there would be an increased demand for water supplies and water treatment. Water depletion and treatment capacity may become a concern for the city. <p>The new park-n-Ride at 63rd and Arapahoe will result in increased impervious surface (approximately 12 acres) which will increase contaminated stormwater runoff into surface waters. The treatment of this runoff will be done in compliance with Boulder County water quality standards.</p> <p>The length of roadway along SH 7 that is proposed for improvement under the Preferred Alternative consists of approximately two miles. The cumulative impacts study area for water quality consists of the 1,160-km² Boulder Creek Watershed. Because the proposed action is so small in scope, the cumulative impact of the project to this resource is negligible. In addition, because the proposed action would occur in the lower basin of the Boulder Creek Watershed, impacts to Boulder Creek headwater streams would be avoided.</p>

2.2 Summary of Mitigation and Commitments

A summary of mitigation and commitments is depicted in **Table 2-2**.

Table 2-2 - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Land Use	Mitigation for the change in land use will be through compensation to the landowner during the right-of-way acquisition process. The right-of-way mitigation is discussed later in this table under the Right-of-Way category.	
Social Conditions(including Environmental Justice)	<p>Social: Good communication with emergency service providers, the community, and residents with regard to road delays, access, and special construction activities will be conducted during the construction phase. This will be accomplished using various strategies such as radio and public announcements, newspaper notices, on-site signage, and the use of CDOT's Web site.</p> <p>Environmental Justice: Every effort was made to avoid or minimize potential impacts to low-income and/or minority populations in the study area. This included eliminating the auxiliary/queue jump lane in order to narrow the width of the roadway in front of the mobile home park. Because of these efforts, no disproportionate impacts to low-income or minority populations are anticipated, and therefore, no mitigation measures are required.</p> <p>All property acquisition will follow the procedures outlined in the CDOT Right of Way Manual. CDOT follows the Federal Uniform Relocation and Real Property Acquisition Act of 1970 (Public Law 91-646), as amended in 1987 (Public Law 100-17), 1991 (Public Law 102-240) and 1997 (Public Law 105-117). The purpose of the act is "To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs." See the Right-of-Way category in this table for more information regarding right-of-way acquisition.</p>	
Economic Conditions	Good communication with the community, business owners, and residents with regard to road delays, access, and special construction activities will be conducted during the construction phase. This will be accomplished using various strategies such as radio and public announcements, newspaper notices, on-site signage, and through CDOT's Web site. Mitigation for relocation impacts is addressed in Section 3.5, Right-of-Way of the EA and in this table under the Right-of-Way category.	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Right-of-Way	<p>All property acquisition will follow the procedures outlined in the CDOT Right of Way Manual. CDOT follows the Federal Uniform Relocation and Real Property Acquisition Act of 1970 (Public Law 91-646), as amended in 1987 (Public Law 100-17), 1991 (Public Law 102-240) and 1997 (Public Law 105-117). The purpose of the act is "To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs."</p> <p>For permanent right-of-way acquisitions, under CDOT right-of-way policy, owners will be compensated in a fair and equitable manner. Depending on the estimated value of the property, monetary compensation is determined through independent and impartial appraisals by qualified professionals (over \$5,000) or by value finding (under \$5,000). For permanent slope easements acquisitions, similarly to right-of-way acquisitions, owners will be compensated in a fair and equitable manner through the use of appraisals (over \$5,000) or by value finding (under \$5,000). For permanent slope easements, owners are compensated for the property but retain limited usage in ways that do not cause negative impacts to the roadway.</p> <p>For properties requiring relocation, the relocation benefits provided to those displaced are determined by eligibility guidelines based on federal regulations. For eligible businesses, this includes reimbursement of actual reasonable and necessary moving and related expenses and certain re-establishment costs, or a fixed payment in lieu of all other possible relocation benefits. For eligible residences, this includes reimbursement of moving and related expenses, a replacement housing benefit for owners, or a rental supplement for renters. The rental supplement payment may also be used towards the down payment for the purchase of a replacement dwelling to encourage renters to become property owners. The replacement housing benefit and rental supplement benefit have certain monetary limitations; however, these limitations can be exceeded in certain circumstances.</p>	
Transportation	Because there are no adverse impacts, mitigation is not necessary.	
Noise	<p><u>Mitigation Barrier at SW10</u></p> <p>A noise barrier was analyzed for Site SW10, which consists of two residences located at 6160 and 6180 Arapahoe Road. Noise mitigation at this site is not recommended because the resultant cost-benefit was unreasonable according to CDOT and FHWA guidelines. The feasible and reasonable analyses are detailed in Appendix B of the SH 7 <i>Noise Analysis Technical Memorandum</i>, which is located in Appendix E of the EA.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Noise (continued)	An effective noise reduction of 5.7 decibels could be achieved at this location by constructing a continuous six-foot noise wall that is 310 feet long. The noise wall would require relocation of the two residential driveway accesses. Any gaps in the wall would decrease the effectiveness of the noise abatement, making the wall infeasible. The wall is shown in Figure 3-11 of the EA, illustrating the gaps created by intervening driveway access points. Construction of a continuous wall should not create safety hazards for vehicles or pedestrians along SH 7. The cost of a continuous wall of these dimensions would be approximately \$55,800. Using the CDOT criterion for cost benefit in determining the reasonableness of noise abatement discussed in the paragraphs above, the cost benefit of this noise wall would be approximately \$4,895 per receiver per decibel noise reduction. CDOT considers any amount over \$4,000 not reasonable. Noise mitigation at this location is not recommended because, although relocating the two accesses would make this wall feasible, the extraordinary cost/benefit ratio would make the wall unreasonable.	
Air Quality	Motor vehicle emissions in the study area would not result in any exceedance of the NAAQS; therefore, no direct project air quality mitigation is necessary. During construction, dust emissions should be minimized by including techniques to control fugitive dust.	
Wetlands	<p>The Preferred Alternative design includes avoidance and minimization of impacts to most study area wetlands. Impacts to wetlands will be avoided and minimized as much as practical during the final design process. The design shall comply with the policy of Executive Order 11990 regarding impacts to wetlands. The following specific BMPs from the <i>Erosion Control and Storm Water Quality Guide</i>, CDOT, 2002, will be required during construction to reduce the potential for wetlands to be indirectly affected by sedimentation from accelerated erosion or by hazardous materials (e.g., fuel, equipment lubricants):</p> <ul style="list-style-type: none"> • All disturbed areas will be revegetated with native grass and forb species. Seed, mulch and mulch tackifier will be applied in phases throughout construction. • Where permanent seeding operations are not feasible because of seasonal constraints (e.g., summer and winter months), disturbed areas will have mulch and mulch tackifier applied to prevent erosion. • Erosion control blankets will be used on 3:1 or steeper, newly seeded slopes to control erosion and to promote the establishment of vegetation. Slopes should be roughened at all times. • Temporary erosion control blankets will have flexible natural fibers. 	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Wetlands (continued)	<ul style="list-style-type: none"> Erosion bales, erosion logs, silt fence or other sediment control device will be used as sediment barriers and filters adjacent to wetlands, surface waterways and at inlets where appropriate. To minimize the loss of sand from the road surface during winter sanding operations, sediment catch basins will be included during construction and put in place permanently with continual maintenance. Where appropriate, slope drains will be used to convey concentrated runoff from top to bottom of the disturbed slopes. Slope and cross-drain outlets will be constructed to trap sediment. Storm drain inlet protection will be used where appropriate to trap sediment before it enters the cross-drain. Check dams will be used where appropriate to slow the velocity of water through roadside ditches and in swales. <p>Additionally, the following BMPs to minimize additional wetland impacts during construction will be employed:</p> <ul style="list-style-type: none"> All wetland areas and water bodies not impacted by the project will be protected from unnecessary encroachment by temporary fencing and will be seeded in phases throughout construction. Sediment control such as silt fence or erosion logs will also be used where needed to protect the area from sediment. Siltation control devices (e.g., fences) will be placed on the down-gradient side of construction areas to prevent soil from entering wetland areas. No staging of construction equipment, equipment refuelling or storage of construction supplies will be allowed within 50 feet of a wetland or any water-related area. Standard erosion/sediment control measures will be observed and an erosion control plan will be developed prior to and for inclusion in the construction bid plans. All bare fill or cut slopes adjacent to streams or intermittent drainages will be stabilized as soon as practicable. No fertilizers, hydrofertilizers, or hydromulching will be allowed anywhere on the project. Work areas will be limited as much as possible to minimize construction impacts to wetlands 	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Wetlands (cont'd.)	<p>Wetlands, as well as their associated functions permanently impacted by the Preferred Alternative will be mitigated at a 1:1 ratio by purchase of credits at one of the three wetland mitigation banks within the primary service area. Wetland impacts will be reduced as much as possible during final design. Replaced wetland functions and values are anticipated to include bank stabilization, sediment/toxin retention, nutrient removal/transformation, food chain support, wildlife habitat, and visual quality.</p> <p>Wetland areas temporarily impacted by construction activities will be restored as soon as possible following completion of the activity.</p>	
Vegetation and Noxious Weeds	<p>All CDOT revegetation BMPs and guidelines will be followed to ensure adequate revegetation of the study area. All disturbed areas will be seeded in phases throughout construction. Although specific BMPs to be used will not be determined until final design, mitigation measures are anticipated to include:</p> <ul style="list-style-type: none"> • Minimize the amount of disturbance of grading to 10 feet beyond the toe of slope. Project will follow CDOT standard specifications for amount of time that disturbed areas are allowed to be non-vegetated. • Avoid existing trees, shrubs and vegetation, to the maximum extent possible, especially wetlands and riparian plant communities. Coordinate with CDOT landscape architect prior to construction to determine which vegetation will be protected during construction. • Salvage weed free topsoil for use in seeding. • Implement temporary and permanent erosion control measures to limit erosion and soil loss. Erosion control blankets will be used on steep, newly seeded slopes to control erosion and to promote the establishment of vegetation. Slopes should be roughened at all times. • All disturbed areas will be revegetated with native grass and forb species. Seed, mulch and mulch tackifier will be applied in phases throughout construction. • Develop acceptable revegetation plan with the CDOT Landscape Architect, City of Boulder, and Boulder County. • A Senate Bill 40 (SB 40) Certification will be required by the Colorado Division of Wildlife for stream crossings or adjacent streambanks to avoid adverse effects to waterways and adjacent riparian vegetation. In these areas, trees and shrubs must be replaced at a 1:1 basis (trees) and square foot basis (shrubs). 	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Vegetation and Noxious Weeds (continued)	<p>Since soil disturbance with accompanying invasion by noxious weed species can be associated with highway construction, an Integrated Weed Management Plan will be incorporated into the project design and implemented during construction. Specific BMPs will be required during construction to reduce the potential for introduction and spread of noxious weed species, such as:</p> <ul style="list-style-type: none"> • Mapping will be included in the construction documents along with appropriate control methods for noxious weeds. • Highway right-of-way areas will periodically be inspected by the City of Boulder or its consultants during construction and during post-construction weed monitoring for invasion of noxious weeds. • Weed management measures will include removal of heavily infested topsoil, herbicide treatment of lightly infested topsoil, limiting disturbance areas, phased seeding with native species throughout the project, monitoring during and after construction, other herbicide and/or mechanical treatments. • Use of herbicides will include selection of appropriate herbicides and timing of herbicide spraying, and use of a backpack sprayer in and adjacent to sensitive areas such as wetlands and riparian areas. • Certified weed-free hay and/or mulch will be used in all revegetated areas. • No fertilizers will be allowed on the project site. • Supplemental weed control measures may be added during design and construction planning. <p>Preventative Control Measures for project design and construction may include:</p> <ul style="list-style-type: none"> • Native Plants: Use of native species in revegetation sites. • Weed Free Forage Act: Materials used for the project will be inspected and regulated under the Weed Free Forage Act, Title 35, Article 27.5, CRS. • Topsoil Management: When salvaging topsoil from on-site construction locations, the potential for spread of noxious weeds will be considered. Importing topsoil onto the project site will not be allowed. • Equipment Management: Equipment will remain on designated roadways and stay out of weed-infested areas until the areas are treated. All equipment will be cleaned of all soil and vegetative plant parts prior to arriving on the project site. 	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Wildlife and Aquatic Resources	<ul style="list-style-type: none"> Disturbance to native plant communities will be minimized. Tree removal will be minimized. Erosion control techniques, such as silt fence or erosion logs, will be used to protect surrounding areas from construction related erosion. Noxious weeds will be spot sprayed. In locations where spot application is not practical a wildlife biologist will inspect the area prior to spraying to ensure crucial habitat is not impacted. Temporary erosion control blankets will have flexible natural fibers. Follow requirements of the Colorado Department of Transportation, outlined in the note below: <p>Note: The Migratory Bird Treaty Act (MBTA) protects all migratory birds, nests and eggs except English sparrow, European starling, and rock dove and resident game birds. For projects that could potentially result in the killing, taking, harassing, or harming of these birds, the following conditions must be adhered to:</p> <p>Tree Trimming/Removal Tree trimming and/or removal activities shall be completed before birds begin to nest or after the young have fledged. In Colorado most nesting and rearing activities occur between April 1st and August 31st. However, since some birds nest as early as February a nesting bird survey must be conducted by a biologist before any tree trimming or removal activities begin.</p> <p>Bridge/Box Culvert Work Bridge or box culvert work that may disturb nesting birds must be completed before birds begin to nest or after the young have fledged. No bridge or box culvert work may take place between April 1st and August 31st. If work activities are planned between these dates, nests must be removed (before nesting begins) and appropriate measures taken to assure no new nests are constructed. Failure to remove and keep nests from becoming established could postpone construction of the project.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Wildlife and Aquatic Resources (continued)	<p>Clearing/Grubbing Activities Clearing and grubbing of vegetation that may disturb ground nesting birds must be completed before birds begin to nest or after the young have fledged. If work activities are planned between April 1st and August 31st, vegetation must be removed and/or trimmed to a height of six (6) inches or less prior to April 1st. Once vegetation has been removed and/or trimmed, appropriate measures (i.e. repeated mowing/trimming) must be implemented to ensure vegetation does not grow more than six (6) inches. Failure to maintain vegetation height of six (6) inches or less could provide habitat suitable for nesting birds that could postpone construction of the project.</p> <p>Birds of Prey For birds or prey that could potentially nest near the project site, please refer to the Colorado Divisions of Wildlife's "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" guidelines, available at Colorado Division of Wildlife district offices.</p> <ul style="list-style-type: none"> • Work activities, including the movement and placement of vehicles, shall not disturb black-tailed prairie dog colonies. If any sites are encountered, CDOT Region 4 Environmental Unit shall be notified so that all applicable clearances and permits may be obtained, including following CDOT prairie dog policy. • Although no Burrowing owls were observed in or near the study area, they are a state threatened species and are protected under MBTA. No human encroachment or disturbance within 75 yards of a nest site shall occur from April 1 to July 31. If project activities are scheduled to take place between March 1 and October 31, a burrowing owl survey must be completed before construction activities begin. If owls are identified on or adjacent to the project, CDOT Region 4 Environmental Unit shall be notified immediately. 	
Threatened, Endangered or Sensitive Species	Mitigation is not necessary since there will be no impacts.	
Water Resources and Water Quality	For the high groundwater in the proximity of the railroad overpass, the design will accommodate this groundwater and direct it to the storm drainage system.	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Water Resources and Water Quality (continued)	<p>This project commits to following CDOT's Erosion Control and Stormwater Quality Guide, sections 107.25 & 208 of the specifications for the Standard Specifications for Road and Bridge Construction and the Stormwater Management Plan. CDOT follows The Municipal Separate Storm Sewer System (MS4) requirements for water quality. These requirements will be followed on this project by the process outlined in Appendix I of the CDOT Drainage Design Manual.</p> <p>A Stormwater Management Plan (SWMP) will be completed during final design. It will address specific methods of reducing pollutants in stormwater runoff during construction. Stormwater BMPs during construction would consist of five major elements:</p> <ol style="list-style-type: none"> 1. Implementation of BMPs for erosion control. These include, but are not limited to, phased seeding with mulch and tackifier, the use of erosion control blankets, the use of embankment protectors, the use of berm diversions or check dams, and outlet protection for storm sewer pipes. 2. Implementation of BMPs for sediment control. These include, but are not limited to, erosion bales or logs, silt fence, storm drain inlet and outlet protection, sediment traps, concrete washout and saw water containment basins, and stabilized construction entrances. 3. Implementation of BMPs for materials handling and spill prevention. These include, but are not limited to, stockpile management, material management, material use, and spill prevention and control. 4. Implementation of BMPs for waste management. These include, but are not limited to, concrete, hazardous, and contaminated waste management to ensure that solid or liquid wastes are not carried off the site by stormwater. 5. Implementation of BMPs for pollution prevention. These include treatment during dewatering and paving operations. It also includes the use of street sweeping and temporary waterway crossings. <p>Permanent BMPs will be designed to protect stormwater quality and reduce pollutant discharges after construction is complete. The permanent BMPs are developed with the intention of mitigating the potential impacts typical of a roadway corridor. These can include petroleum or other vehicle fluids, hazardous spills, sand or other snow melting chemicals, and litter. General BMPs for this project will include the vegetation of all disturbed areas with erosion control blankets on slopes 3:1 or steeper. In addition to maintaining BMPs installed on the project, maintenance activities after construction will include consistent roadway sweeping and removal of sediment from storm inlets and basins.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Water Resources and Water Quality (continued)	The EA evaluated a wide range of Best Management Practices (BMPs) for the use on SH7. During final design, a determination will be made of exact methods and locations of stormwater management during construction and will be outlined in the SWMP.	
Wild and Scenic Rivers	No mitigation is necessary.	
Floodplains	Since the improvements within the floodplain would not cause a rise in the floodplain, no mitigation measures are required for floodplains. A floodplain development permit from Boulder County would be required since work is taking place in the floodplain. This permit would be obtained during the final design of the project.	
Geology	The final design stages of the project will include a detailed geotechnical and pavement design to provide structural integrity of the roadway for the geological conditions. Bridge foundations, retaining walls and culvert structures will be designed based on specific geologic conditions. Deep foundations will be considered based upon the presence of potentially swelling or collapsible soils. Some locations east of Legion Park where sandstone and alluvial sands are present may allow structures founded on spread footings. The improvements will be designed to meet the seismic requirements for the area. Therefore, seismic events typical of the region will not affect the project.	
Historic Preservation	<p>Agreement among the SHPO, ACHP, FHWA, and the Certified Local Government, represented by the Boulder Landmarks Preservation Board, has been reached through the Section 106 process of the National Historic Preservation Act on measures to minimize harm. Those measures are incorporated into the alternatives designs. A Memorandum of Agreement has been prepared and signed.</p> <p>No mitigation for paleontological resources has been recommended for the alternatives. However, if these resources are uncovered during construction, the CDOT Paleontologist will be notified immediately.</p> <p>In the event that archeological resources are exposed during the construction process, all activity would be immediately suspended in the area of discovery. The CDOT Staff Archeologist would be notified in order for the cultural materials to be properly evaluated for National Register of Historic Places (NRHP) significance.</p> <p>CDOT shall ensure that the Cottonwood Ditch and BNSF Railroad are documented in accordance with the guidance for Level II documentation found in OAHF Form #1595, <i>Historical Resource Documentation: Standards for Level I, II, III Documentation</i>.</p> <p>For the BNSF Railroad, the use of vertical bridge abutments will be employed to minimize the length of the new overpass bridge. The contractor's work area around the railroad will be limited to only the area that is directly impacted.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Historic Preservation (continued)	The new Cottonwood Ditch siphon will be designed to be as short as possible. The new siphon will include reconstructed wingwalls, headwalls and short transition sections to the existing ditch. Retaining walls will be constructed along SH 7 which will minimize the length of the siphon. The rebuilt section of the ditch will be designed to carry no less than the minimum flow requirements as determined by the ditch owner. Construction will occur at such times as the ditch is not in use. If this is not possible, the hydraulic integrity of the ditch will be maintained through the use of temporary systems. The contractor's work area around the ditch will be limited to only the area that is directly impacted.	
Hazardous Waste	<p>During construction, CDOT utilizes its Environmental Health and Safety Management Specification (250 Specification) on projects to address issues related to the transportation, handling, monitoring, and disposal of any hazardous or solid waste materials encountered during construction, including contaminated soils, lead-based paint, and other toxic substances. If deemed necessary, a materials management plan would be prepared regarding the removal and disposal of contaminated soils. A Health and Safety Plan would also be developed to protect workers during construction.</p> <p>During final design when right-of-way and access requirements are further developed, CDOT will obtain the status of any suspect sites in the study area and will take the necessary precautions during future construction activities.</p> <p>When contaminated properties are encountered, either during or prior to construction, CDOT coordinates with the affected property owners through the right-of-way process, as well as with the appropriate state, local and federal authorities. Prior to a construction project, CDOT ascertains the status of adjacent properties and updates all available information at that time. Construction contractors are required to comply with Section 250, Environmental Health and Safety Management (CDOT Standard Specifications), when applicable, during construction.</p> <p>Specific mitigation is unknown at this time, but will be incorporated into final design plans when more detailed design information becomes available. At the Historic Gas Station, further testing of soils and groundwater on site and off site may be necessary. At the time of final design, the necessary right-of-way acquisition and relocation processes would be initiated in accordance with the CDOT right-of-way manual, FHWA, and other federal guidance procedures involving acquisition and relocation. CDOT procedures concerning hazardous waste issues would also be followed to determine necessary project mitigation requirements.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Open Space/Recreation	<p>The land where the eastern leg of the access into Legion Park is removed will be revegetated with native plant seed mixtures. No other mitigation measures are necessary for any of the parks or recreation facilities. The following BMPs will mitigate the build alternatives impacts:</p> <ul style="list-style-type: none"> Minimize the amount of disturbance of grading to 10 feet beyond the toe of slope. Project will follow CDOT standard specifications for amount of time that disturbed areas are allowed to be non-vegetated. Develop and implement a noxious weed management plan. This will be completed during final design. Salvage weed free topsoil for use in seeding. Implement temporary and permanent erosion control measures to limit erosion and soil loss. Reseed all disturbed locations except rock cuts with native plant seed mixtures. Develop acceptable revegetation plan with the CDOT Landscape Architect, City of Boulder, and Boulder County. Removed trees and shrubs in the Boulder Creek riparian zone will be replaced on a 1:1 basis as required by SB 40. 	
Visual Quality	<p>Visual mitigation measures would include:</p> <ul style="list-style-type: none"> Choose wall colors and textures that will fit into the landscape visually and aesthetically by complimenting the surrounding area to reduce visual impact to the community. Revegetation of disturbed areas in a manner that is consistent with adjacent landscape features. Use native and indigenous species for revegetation. Where feasible, slope modifications will be completed in a manner that maintains or accentuates foreground views. Techniques could include creating pockets for native vegetation, undulating finished grades, and application of erosion control measures. 	
Farmland	<p>Any crops that are damaged during construction will be compensated by CDOT. The total points on the Farmland Conversion Rating form (AD-1006) for impacts are less than 260. Therefore, under the provisions of 7 CFR 658.4(c), no mitigation is required by the NRCS.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Energy/Utilities	<p>All utility locations will be identified and field verified prior to construction. Exposed utilities will be protected during construction activities. If utility service must be interrupted, temporary service will be provided as needed and maintained during the disruption. It is expected that some of the utilities will be in conflict with the proposed improvements and require reset and/or relocation work to a new permanent location. Impacted utility owners will be contacted during the early stages of the design process to closely coordinate this work and design.</p> <p>An effort will be made to minimize impacting the existing ditches and drainage structures through efficient design and coordination with the owners.</p> <p>The exact location of personal wells and septic systems adjacent to the proposed action will be determined during the design process and noted on the plans, if applicable. Protection and/or relocation of the wells and septic systems might be needed and will be mitigated during the right-of-way acquisition process. Coordination with the affected residents, CDOT, Boulder County, and the City of Boulder will be necessary to minimize conflicts. Adequate public notice will be given for proposed work activities. Coordination with impacted residents will be maintained throughout the construction process.</p> <p>If it is determined that the improvements will impact the existing system, the owner will be notified in advance of roadway work for coordination efforts to protect or relocate the system. Design modifications, such as retaining wall installations instead of embankment or excavation roadway slopes, may be preferred.</p>	
Construction	<p>Air Quality To mitigate impacts to air quality during construction, water as a dust palliative will be used. Stockpile areas can be stabilized through covering or the application of water. Haul trucks should be covered during transport. Finally, to reduce emissions, the contractor can be encouraged to retrofit equipment to reduce pollution, to use clean burning fuels and to properly maintain construction equipment.</p> <p>Noise To limit noise impacts to residents, construction activities will primarily be conducted during daytime work hours. CDOT may allow night work for special circumstances such as activities requiring road closures or where major disruptions to traffic will occur. Also, the contractor shall be encouraged to phase as much of the noise inducing activities together to help limit the duration of higher noise levels. Finally, the contractor shall be required to use mufflers or noise blankets on equipment and quiet generators.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Construction (continued)	<p>Water Quality Impacts to stormwater quality can be mitigated during construction. This project commits to following CDOT's Erosion Control and Stormwater Quality Guide and sections 107.25 and 208 of the Standard Specifications for Road and Bridge Construction. An erosion control plan will be developed during final design and followed during construction. Inspections of erosion control and water quality devices should occur during construction. The following are stormwater quality methods to be implemented during construction:</p> <ul style="list-style-type: none"> • Implementation of BMPs for erosion control. These include but are not limited to seeding, the use of erosion control blankets, the use of embankment protectors, and outlet protection for storm sewer pipes. • Implementation of BMPs for sediment control. These include but are not limited to erosion bales, silt fence, storm drain inlet protection, sediment traps, and stabilized construction entrances. • Implementation of BMPs for materials handling and spill prevention. These include but are not limited to stockpile management, material management, material use, and spill prevention and control. • Implementation of BMPs for waste management. These include but are not limited to concrete, hazardous, and contaminated waste management. • Implementation of BMPs for pollution prevention. These include treatment during dewatering and paving operations. It also includes the use of street sweeping and temporary waterway crossings. <p>Visual Visual impacts will be minimized during construction by limiting stockpiles and equipment storage to designated areas. Any traffic control devices can be removed promptly after use.</p> <p>Section 4(f) Mitigation for temporary impacts to the Legion Park 4(f) property will include seeding with a native seed mix approved by Boulder County.</p>	

continued

Table 2-2 (cont.) - Summary of Mitigation and Commitments for the Preferred Alternative

Category	Mitigation Measures and Commitments	Date Completed
Construction (continued)	<p>Sustainability Sustainable practices incorporated into the project planning, construction, and maintenance can minimize resource impacts. As part of its environmental ethic and policy, CDOT encourages its staff, consultants, and contractors to identify and utilize opportunities and methods to reduce the impact of projects and programs on environmental resources through innovative programs and by providing flexibility in project planning and construction for the use of sustainable processes and materials. This may include such concepts as: natural resource conservation, waste minimization, materials reuse, minimal use of native virgin materials, conservation and efficient use of water and energy, air pollution prevention, preference for "green" purchasing including recycled, minimally processed and packaged items, and preference for locally-available resources. CDOT encourages the identification and incorporation of proven alternative materials that are as long or longer-lasting, and which require the same or less amount of maintenance, as long as such materials do not impact CDOT's ability to meet its primary obligations for providing a safe and efficient transportation system.</p>	
Cumulative	<p>The following measures could reduce the proposed action's portion of the cumulative impacts to the resources of concern:</p> <ul style="list-style-type: none"> • Prior to construction, an NPDES Permit would be obtained from the CDPHE, in accordance with Section 402 of the Clean Water Act. Under the NPDES permit stipulations, BMPs would be detailed in the project plans for implementation in the field. • Use of Stormwater BMPs during construction. These are detailed in Section 3.13.5, Water Resources Mitigation, of the EA and would comply with local ordinances. • All CDOT revegetation BMPs and guidelines will be followed to ensure adequate revegetation of the study area. These are detailed in Section 3.10.3, Vegetation and Noxious Weed Mitigation of the EA. • Adherence to the conditions outlined by CDOT ensure compliance with the Migratory bird Treaty Act. These provisions are detailed in Section 3.11.4, Wildlife and Aquatic Resources Mitigation of the EA. • Implementation of BMPs from the <i>Erosion Control and Storm Water Quality Guide</i>, CDOT, 2002 will reduce the potential for impacts to wetlands and riparian areas. These are detailed in Section 3.9.4, Wetland Impact Minimization and Mitigation Measures of the EA. 	

Chapter 3.0: EA Comments and Responses

3.1 Agency Comments and Responses

Appendix C includes the three e-mails and the five letters received from various agencies. Comments and responses are summarized below.

Document A-1. Email from Douglas Short, Public Works Director for the City of Lafayette, expressed his support for a four-lane roadway the entire length of the project from Cherryvale to 75th.

Response. The four-lane roadway the entire length of the project was evaluated as a short-listed alternative. Both the four-lane short-listed alternative and the Preferred Alternative address the purpose and need although the Preferred Alternative is also consistent with this prior local planning. A qualitative comparative evaluation was done as part of the EA and the following benefits of the Preferred Alternative compared to the short-listed four-lane alternative were identified: less right-of-way required, less vegetation impact to Legion Park and Boulder Open Space, less water quality impact, less grading impact to Legion Park, less visual impact, less Prime Farmland impact, lower construction cost, and higher local agency support based on consistency with prior local planning.

Document A-2. Email from Jim Blankenship, consultant for Boulder Valley School District (BVSD), requested contact information for the surveyors who prepared the base maps for CDOT for help with surveying the BVSD site.

Response. Surveyor information was provided to Mr. Blankenship.

Document A-3. Letter from Tracy Winfree, City of Boulder Director of Public Works and George Gerstle, Boulder County Transportation Director

A3-1. Boulder and Boulder County support a 45 mph design speed. They would like CDOT to use narrower lanes, recommending 11 foot travel lanes and 10 foot turn lanes. They also question the need for a 16 foot center turn lane.

Response. The 45 mph design speed will be used for the design of the project improvements. The Preferred Alternative was developed with a 45 mph design speed for the entire corridor with the exception of the segment over Legion Park hill. Utilizing the 45 mph design speed over Legion Park hill will result in a reduced impact due to a reduction in the amount of cut required. The change in design speed is not anticipated to affect traffic operations. The lane widths shown in the Preferred Alternative are consistent with CDOT design criteria and provide for

efficient and safe traffic operations. Changes to the typical roadway section, including lane width, will be considered during final design.

A3-2. Boulder and Boulder County expressed interest in constructing a narrower typical section with a defined trigger that would precipitate restriping of the lane usage. Documentation and approvals would need to be developed.

Response. CDOT, Boulder and Boulder County have had several meetings regarding this topic and coordination is ongoing with regard to the phasing of improvements.

A3-3. Boulder and Boulder County do not advocate adding queue jump lanes to the 5-lane roadway typical section.

Response. The queue jump lanes also serve as warranted auxiliary turn lanes to allow traffic to move from the through lanes when making a turning maneuver. Buses are allowed to utilize these auxiliary lanes as queue jump lanes to continue through the intersection rather than turning. If desirable by Boulder and Boulder County, the auxiliary lanes can be constructed as turn lanes only and can be signed as queue jump lanes in the future.

A3-4. Boulder and Boulder County would like CDOT to include auxiliary lanes only where they are warranted.

Response. Right turn acceleration and deceleration lanes are shown where they are anticipated to be needed based upon traffic operations. Left turn lanes are recommended at most intersections along the corridor and thus a two way left turn lanes has been incorporated into the typical section. The inclusion of these left turn lanes improves the operation of the traffic along the corridor and also improves safety by moving these turning vehicles from the through lanes of traffic. The close proximity of intersections and business driveway accesses along with the required lengths and tapers for these left-turn lanes, based upon design criteria, do not leave enough distance between intersections to transition to a reduced roadway width.

A3-5. Boulder and Boulder County would like CDOT to evaluate the appropriate location to begin the third westbound lane west of 63rd Street.

Response. The westbound deceleration lane at 63rd aligns with the westbound acceleration lane west of the intersection. It was anticipated that these auxiliary lanes would also serve as a queue jump lane. Considering that Boulder and Boulder County do not advocate adding queue jump lanes to the 5-lane typical section, the need for the westbound acceleration lane will be further evaluated during the

design process and should it be determined that it is not warranted, the transition to the third westbound lane will be shifted to the west.

A3-6. Consider detaching the sidewalk and multi-use path.

Response. The Environmental Assessment cleared the Preferred Alternative shown in the EA document. Consideration of detached sidewalks and multi-use trails would result in environmental impacts which are greater than those analyzed and documented in the EA. These design variations will be considered and evaluated further by CDOT, with additional input from Boulder and Boulder County, during final design. Should the final design result in impacts that differ from those identified in the EA, additional environmental analysis and documentation would be needed.

A3-7. Contingent upon agreement with the above stated comments, Boulder and Boulder County would like to pursue an agreement with DRCOG regarding utilizing City of Boulder federal funds for the construction of this project.

Response. Comment noted.

Document A-4. Letter from Sandy Goldman, Vice President of Operations, Naropa University

A4-1. The Naropa University campus, an important institution to the City and County of Boulder, will be affected by the construction and completed project, yet gets little mention or attention in the assessment.

Response. Naropa University campus will be impacted by the construction of a water quality pond. Some existing vegetation, including trees, will need to be removed. CDOT is designing the roadway and once more details are available, CDOT will contact Naropa University to discuss details of the impacts. However, no additional ROW impacts to Naropa University are anticipated outside those described in the Environmental Assessment.

A4-2. Naropa University should be added to Table 3-27 in regard to "Foreseeable Future Development".

Response. This table comes from a list of projects seen as reasonably foreseeable by the City of Boulder and Boulder County. After checking with Boulder planners again, there are no developments in the permitting process for 6287 Arapahoe Road. No change should be made to the table at this point.

A4-3. The EA states that 22,400 square feet of our property falls into the “area of acquisition”. Representing about 10% of our campus, this is concerning.

Response. The area currently being considered for a water quality pond is in undeveloped native grass areas adjacent to 63rd Street and Arapahoe Road. If constructed as a water quality pond, this area will remain undeveloped and be seeded with native grass. See response to comment A4-1.

A4-4. Due to the alleged historic gas station, the widening of Arapahoe Road, east and west, will dip south near the intersection of 63rd Street. Not given any attention is that similarly, due to the location of the gas station, 63rd Street heading north from Arapahoe is projected to be moved extensively to the west. The plan, from all indications, intrudes largely on our eastern border. 63rd Street will then encroach on our classroom building, raising noise, carbon monoxide and visual concerns.

Response. 63rd Street was widened several years ago to accommodate the new railroad crossing north of Arapahoe Road (SH 7). The proposed improvements at the Arapahoe Road / 63rd Street intersection will tie directly into these improvements and 63rd Street will not be reconstructed closer to Naropa University. The noise and carbon monoxide modeling that was conducted did not result in any impacts at this location. In fact, the air quality, including carbon monoxide emissions, will improve with the Preferred Alternative because of a reduction in congestion. The visual impacts associated with the improvements at this intersection are not considered significant since they will be at-grade. SH 7 (which carries more traffic than 63rd) will be moved further away from the Naropa campus, and the proximity of 63rd Street will remain unchanged.

A4-5. Classrooms, studios, windows and many roof top units of our heating and air conditioning system run parallel to 63rd street.

Response. See response to comment A4-4.

A4-6. The moving of 63rd Street to the west will also likely require the destruction of trees along our eastern border.

Response. Some existing vegetation, including trees, will need to be removed. All disturbed areas will be revegetated.

A4-7. The widening of 63rd to the west might intrude on existing parking spaces that cannot be lost.

Response. The conceptual plan reflected in the EA does not show any loss of parking spaces for Naropa University.

A4-8. It is unlikely the university will agree to an increase in the right-of-way associated with the purchase of our land along the eastern border of our property.

Response. The comment has been noted. CDOT will coordinate directly with Naropa University during the design process regarding right-of-way needs.

A4-9. The university was not used as a site for noise testing during the EA and thus, if appropriate, has not been considered for a noise abatement structure. Obtrusive noise is a concern to a classroom environment. "According to CDOT guidelines, the 'feasibility and reasonableness' of mitigation needs to be considered for all locations that are projected to experience noise impacts."

Response. When existing noise measurements were taken in the area, none of them exceeded Federal or state criteria, including measurements that are closer to the roadways than the structures on the Naropa campus. In addition, the classroom building closest to 63rd Street was modeled as a sensitive receptor (Model ID NW 7) and was found that there would be no noise impacts with the Preferred Alternative. In fact, noise at this location would increase by only 0.7 decibels in the PM peak hour and 1.7 decibels in the AM peak hour by the year 2030 compared to existing modeled conditions. This increase is inaudible to the human ear. Therefore, no mitigation measures were considered for this location.

A4-10. Numerous trees parallel Arapahoe Road on Naropa's southern border. One of especial interest is an old, very large cottonwood tree, which sits close to the intersection to 63rd street. It is not clear from the engineer's drawings if this and other trees are endangered by the project. Considering the shift in 63rd Street to the west, curb and gutter work, the 12-foot wide multi-use sidewalk, the water quality pond, the widening of 63rd Street, the westbound acceleration lane servicing 63rd street and required RTD bus stop with its associated cement pad, some or all of these trees are likely in jeopardy. Naropa University frowns upon the possible destruction of these trees.

Response. The large cottonwood tree on the north side of SH 7 just west of the 63rd Street intersection is located adjacent to a proposed storm water quality pond and storm sewer outfall. This proposed water quality pond and storm sewer system will be designed and constructed with the intent to minimize or avoid impacts to this cottonwood tree. In addition, other existing trees, shrubs and vegetation will be avoided to the maximum extent possible. See response to comment A4-1.

A4-11. The size and location of the water detention pond along our borders is concerning but not overwhelming. Specifics of this proposed water quality structure need to be examined and brought to acceptable university understanding. We would like to be certain that details related to the location, size, maintenance of and impact on pedestrian circulation are addressed.

Response. Design details for the water quality pond are being developed. Once CDOT has more details, Naropa University will be contacted.

A4-12. The EA states, "Because there are very few residential land uses in the study area, adverse impacts on persons of advanced age or with disabilities are not anticipated". In fact, Naropa University does have among its ranks individuals in both above categories and attention does need to be brought forth in attending to their needs.

Response. The project will improve roadway and pedestrian conditions in the project area. Provisions of the Americans with Disabilities Act will be incorporated into the design.

Document A-5. Letter from James Blankenship, JLB Engineering Consultants, on behalf of Boulder Valley School District (BVSD)

A5-1. BVSD expressed concern about the effect construction will have on access to their site and school bus operations. BVSD requested that they be notified a minimum of 10 working days in advance with respect to any change to signals, traffic lane configurations and traffic flow.

Response. CDOT will coordinate with BVSD before construction begins.

A5-2. BVSD expressed concern that the removal of trees may impact the use and performance of the facility parking lot.

Response. CDOT will coordinate with BVSD during construction to ensure there are no impacts to the parking lot during tree removal.

A5-3. Due to the heavy bus traffic, BVSD requested that they be involved with the review of the design of the improvements to ensure that the intersection geometry and signalization appropriately address the site conditions.

Response. The comment has been noted. CDOT will coordinate directly with BVSD during the design process.

A5-4. BVSD has fiber optic communication utility lines in the project area and is concerned about impacts to this utility.

Response. The communication lines will be identified and field verified during design. These communication lines will be protected during construction. Should service need to be interrupted during construction, due diligence will be taken to ensure that utility systems stay in service and that any required outages are scheduled with the BVSD.

Document A-6. Email from Fred Sandal, Long Range Transportation Planning Coordinator, Denver Regional Council of Governments

A6-1. The document references the 2030 Metro Vision Regional Transportation Plan (MVRTP) even though the 2035 MVRTP was adopted in December 2007.

Response. The project has been around long enough that the 2020, 2025, and 2030 have previously been used. In each case, the forecast has been near 22,000 to 23,000 vehicles per day (vpd), which is a realistic daily capacity for a two-lane highway. Although we did not look at the 2035 model, it is assumed that 2035 numbers are in the similar range as well.

A6-2. The document should mention that the project is included in the Fiscally Constrained 2035 Regional Transportation Plan.

Response. The project is consistent with and included on the 2035 Fiscally Constrained Plan for the Denver region. This has been stated on page 11 of this document.

A6-3. There are references to “forecasting from DRCOG.” The document should be consistent with previous pages that refer to “using” the DRCOG model.

Response. Traffic forecasting for 2030 was done using the DRCOG regional transportation plan sketch plan model. This has been clarified on page 11 of this document.

A6-4. The statements about SH 7 being at capacity based on 2030 forecasts should be clarified.

Response. Using very general planning numbers and examples of busy two-lane highways from around the state, a reasonable daily capacity for a two-lane highway is in the range of 20,000 to 25,000. It appears that the traffic model

approaches those recognized peak hour capacities, and adds traffic from 10 distinct periods throughout the day, to come up with a similar answer.

A6-5. Data to support statements about safety and accident rates of two-lane vs. four-lane facilities should be included in the document.

Response. This data is in a separate document in the project file. This type of detail is not normally included in EA text. CDOT will provide this data, upon request.

Document A-7. Letter from Willie R. Taylor, Director - Office of Environmental Policy and Compliance, United States Department of the Interior

A7-1. Recommended adhering to the Colorado Division of Wildlife's 2002 "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" to avoid and minimize the likelihood of violating the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act.

Response. The Colorado Division of Wildlife provisions will be included in the project mitigation as indicated in Section 1.3 - Clarifications to the EA.

A7-2. Department of the Interior stated concurrence that there is no feasible or prudent alternative to the Preferred Alternative identified in the EA and that all measures have been taken to minimize harm to the resources.

Response. The comment has been noted.

Document A-8. Letter from Larry Svoboda, Director, NEPA Program, Office of Ecosystems Protection and Remediation, United States Environmental Protection Agency

A8-1. EPA has reviewed the document and their review did not raise any issues or concerns and they do not plan to submit comments.

Response. The document has been noted.

3.2 Public Comments and Responses

One email (E-1) was received during the document review period and eleven comment sheets (F-1 to F-11) were returned at the close of the public hearing or by mail during the comment period. Appendix D includes the complete text of these emails and comments sheets. Comments and responses are summarized below.

E-1. Rose Mary Highman appreciates the effort in preserving the rural nature of the roadway by using a 45 mph speed, along with the addition of the bike and multi-use lanes. Ms. Highman wants CDOT to consider surfaces that are not conducive to graffiti.

Response. The comment has been noted. Anti-graffiti surface treatments on structures will be considered.

F-1. Lauren Facey-Muench is pleased that left-turn lanes are being added at the Westview Drive intersection. Ms. Facey-Muench indicated that if the funding for the project doesn't become available, she would like safety improvements to be made to the intersection.

Response. The comment has been noted.

F-2. Bill Roettker does not agree that a center left-turn lane is justified for the entire project length and wants to minimize the paved surface to minimize the environmental and right-of-way impacts. Mr. Roettker wants the overhead utility lines to be placed underground. Mr. Roettker believes the maximum design speed should be 45 mph.

Response. Left-turn lanes are recommended at most intersections along the corridor. The inclusion of these left turn lanes improves the operation of the traffic along the corridor and also improves safety by moving these turning vehicles from the through lanes of traffic. The close proximity of intersections and business driveway accesses along with the required lengths and tapers for these left-turn lanes, based upon design criteria, do not leave enough distance between intersections to transition to a reduced roadway width between intersections. Xcel will make the decision about placing relocated power lines underground. Both the 75th Street intersection reconstruction and the western portion of the existing roadway have a speed limit of 45 mph. Therefore, CDOT has decided to utilize a 45 mph design speed for the entire project.

F-3. Bill Boothby with Colorado Tennis Facilities is concerned that the proposed roadway will result in a loss of parking spaces. The property is currently being considered for annexation into the City of Boulder and the loss of parking spaces would negatively affect the configuration of the proposed tennis facilities and the potential revenues.

Response. This site is currently being designed to be used as a proposed tennis complex. The Preferred Alternative reflects the improvements extending to the edge of the existing parking lot of the previous (now out of business) lumber yard development. Actual site design configuration and requirements for the proposed tennis complex, including auxiliary lane needs, setbacks, parking configurations and drainage requirements are in the early stages of development. CDOT has begun and

will continue to coordinate with this development to address site specific design issues during the design process to mitigate impacts to proposed parking facilities.

F-4. James Hoffmeister from Park Lake Subdivision states that traffic has greatly increased in the last 30 years and expresses concern that the proposed three-lane section will not make a significant difference.

Response. The purpose and need identified in the EA had three elements: reduce congestion, enhance roadway deficiencies and safety and to improve mobility for multiple modes of transportation. In addition, this corridor has previously been studied by local governmental agencies, led by Boulder County, and proposed improvements have been documented from this previous planning work.

The Preferred Alternative addresses the purpose and need and is also consistent with this prior local planning. Of particular concern to Mr. Hoffmeister and others, is the inclusion of a single through lane in each direction along the project in the vicinity of the hill area adjacent to Legion Park. The Preferred Alternative along this segment includes widened shoulders, reduced grades, improved sight distance, a continuous left turn auxiliary lane, the addition of warranted right turn auxiliary lanes, all of which result in improvements to traffic flow and safety. In addition, an analysis of travel times indicated that there is little difference between the Preferred Alternative laneage and a two through lane (in each direction) typical section.

F-5. Albert Chapman with Boulder Door and Millwork Company does not want a raised median in front of his property (6655 Arapahoe Road), as it would restrict access to the property. Mr. Chapman also states that the historic gas station has a stone façade beneath the current wood board exterior.

Response. The median, as shown in the Preferred Alternative, will limit access to Boulder Door and Millworks to a right-in right-out movement in the westbound direction only. This configuration is intended to provide access control in the vicinity of the BVSD signalized intersection where there is insufficient space to provide for safe operations of left turning vehicles. The final median locations will be refined and access concerns will be discussed with the property owner during the design process.

F-6. Jason Sweeney would prefer to see the two eastbound through lanes continue to the crest of Legion Hill to prevent backups as vehicles slow prior to climbing the hill and to prevent vehicles from spinning out at Westview during inclement weather. Also, consider including both an eastbound right turn lane and a bike lane at the Westview Drive intersection.

Response. A right-turn deceleration lane for eastbound vehicles accessing Westview Drive is included in the Preferred Alternative based upon a warrant evaluation conducted as part of the EA. This lane will transition in usage from a second through lane in the eastbound direction at the BVSD signalized intersection to an auxiliary lane at the Westview Drive intersection. Signage and pavement markings will alert drivers of this transition so that through traffic can merge into the single through lane continuing over the hill. The transition location as shown in the Preferred Alternative limits further impact to City of Boulder Open Space. Warrants for auxiliary lanes, including an eastbound acceleration lane at Westview Drive, will be confirmed during the design process. Improved geometry is also being incorporated into the project to reduce vehicle operation problems during inclement weather. The Preferred Alternative includes a bicycle lane along the entire length of SH 7 in both directions. East of Westview Drive, the bicycle lanes also serve as a roadway shoulder.

F-7. Marcia Hoffmeister wants a four-lane section to be built from Cherryvale to 75th Street. Ms. Hoffmeister expresses concern about the safety of Arapahoe Road for bicycles between 75th and 95th Streets and states that access onto Arapahoe in this segment is nearly impossible during rush hours.

Response. See response to comment F-4. The project limits do not include the highway segment to the east of 75th Street. Within the project limits, bicycle lanes will be provided in the roadway template in both directions and a multi-use path will be provided along the north side of SH 7.

F-8. Carol Saunders is concerned that the reconstructed railroad bridge does not account for a future four-lane section and the multi-use path. Ms. Saunders wants access to the multi-use path across from Westview Drive, prefers roundabouts to signals at the 63rd Street, BVSD, and 75th Street intersections, would like more trees planted and would like the overhead lines buried.

Response. The multi-use path extends the length of the project and is included in the Preferred Alternative. The reconstructed railroad bridge accommodates this multi-use path. Since the new bridge structures will be built for a longer projected design life than the roadway improvements, which is typically 20 to 30 years, the new bridge structures will allow for a potential four-lane roadway, although an expansion of the roadway is not anticipated at this time. Access points for the multi-use path will be addressed during the upcoming design process. A roundabout was considered during the design of the recently completed improvements at the 75th Street intersection. Roundabouts will be considered during the design process for the major intersections in the project. All disturbed areas shall be revegetated and should trees and shrubs require removal, an acceptable revegetation plan will be developed with the CDOT

Landscape Architect, the City of Boulder and Boulder County. Xcel Energy will make the decision regarding burying existing overhead lines.

F-9. Tom Conway is concerned that the proposed access to both 7183 and 7191 Arapahoe Road does not provide for semitrailers and U-Haul trucks. The proposed roadway also requires acquisition of 7165 Arapahoe, resulting in loss of both revenue and customer/employee parking. The proposed roadway also requires the relocation of an existing storm water detention pond and existing septic tanks and leach field.

Response. The Preferred Alternative provides an access point along SH 7 to serve this property. Access to this property will be designed to accommodate the appropriate design vehicle, including U-Haul trucks. The building and parking at 7165 Arapahoe will be directly impacted by the construction as shown in the Preferred Alternative. Property acquisition will follow the procedures outlined in the CDOT Right-of-Way Manual. Based upon conceptual design information, the storm water detention pond, septic tank and leach field will be impacted by the project. The full extent of impacts will be determined during the design projects and mitigation will be provided. Mitigation may include reconfiguring or replacing the storm water detention pond, the septic tank and the leach field. CDOT will coordinate directly with Mr. Conway to address his concerns during the design process.

F-10. An anonymous comment wants the structure on the northeast corner of Arapahoe and Valtec to be removed, as it blocks the line of sight for vehicles exiting Valtec and vehicles heading west on Arapahoe.

Response. This structure is shown as being removed in the EA.

F-11. Historic Boulder, Inc. stated thanks for aligning the project to avoid the historic gas station at 63rd Street.

Response. The comment has been noted.

3.3 Public Hearing Comments and Responses

Pre and Post-Hearing Comments

Six pre and post-hearing comments (T-1 to T-6) provided to the court reporter are included with responses. Comments are numbered to match the transcript summary found in Appendix B. These comments are included in their entirety in Appendix B.

T-1. Anonymous commenter wants both eastbound through lanes to be extended past Westview Drive, over Legion Hill.

Response. See response to comment F-4.

T-2. The owner of **Boulder Door and Millwork** at 6655 Arapahoe does not want a raised median in front of the driveway impeding left-turn access to the property.

Response. See response to comment F-5.

T-3. Marcia and Jim Hoffmeister in the Park Lane Subdivision expressed concern about the safety of bicyclists along Arapahoe Road between 75th and 95th.

Response. See response to comment F-7.

T-4. Bruce Tenenbaum of 7279 Arapahoe expressed concern about the proposed retaining wall across from his property creating more noise.

Response. This will be kept in mind as the project team moves into final design. However, typically, to get an amphitheater effect, the noise would need to be enclosed. For example, another barrier would need to be in place parallel to the proposed retaining wall on the opposite side of the property. If it is reflective noise that is a concern, studies have shown that measuring a reflective increase in traffic noise has never increased over two decibels, which is inaudible to the human ear. Since it will not be traffic noise coming *from* the property, it depends upon the source of the noise as to how much reflection could occur. More than likely there will be no noticeable difference.

T-5. Jim Hoffmeister does not think a two-lane roadway can handle the future traffic and wonders about the cost benefit of this change.

Response. See response to comment F-4. Also, no formal benefit/cost study was conducted. A qualitative comparative evaluation was done as part of the EA and the following benefits of the Preferred Alternative compared to the short-listed four-lane alternative were identified: less right-of-way required, less vegetation impact to Legion Park and Boulder Open Space, less water quality impact, less grading impact to Legion Park, less visual impact, less Prime Farmland impact, lower construction cost, and higher local agency support based on consistency with prior local planning.

T-6. Joe Kent, owner of the property at 6551 Arapahoe, wants the existing trees planted as a sight barrier to be replaced. Also, semitrailers decelerating to access the property will block traffic, since a right-turn lane will not be provided.

Response. CDOT will compensate landowner during the right-of-way acquisition process if the impacted vegetation is on their private property. All disturbed areas shall be revegetated and should trees and shrubs require removal, an acceptable revegetation plan will be developed with the CDOT Landscape Architect, the City of Boulder and Boulder County. A deceleration lane for vehicles accessing this property from the east is not included in the Preferred Alternative based upon a warrant evaluation conducted as part of the EA. With the Preferred Alternative, turning vehicles will decelerate in the through lanes of traffic, resulting in the deceleration of vehicles traveling behind. Warrants for auxiliary lanes, including this westbound deceleration lane, will be confirmed during the design process

Hearing Public Comments

Comments (Q1 to Q12) and responses are summarized below. These comments are included in their entirety in the hearing transcript in Appendix B.

Q-1. Rosemary Highman requested that the overhead electric lines be buried during construction and asked for clarification about the cut depth of Legion Hill.

Response. Xcel will make the decision about placing relocated power lines underground. The Environmental Assessment evaluated the maximum impacts possible for the project, using a 55 mph design speed. The worst case scenario would be approximately 13 feet of cut at Legion Hill. However, using a slower design speed could reduce the cut considered in the Environmental Assessment. CDOT is currently considering using a 45 mph design speed for the improvements.

Q-2. Joe Kent asked about the purpose of alternating between a four-lane highway and a two-lane highway and expressed concern about traffic backing up on the two-lane section.

Response. See response to comment F-4.

Q-3. Jim Hoffmeister expressed concern that the existing roadway is already over capacity during peak hours and that the traffic numbers are not an accurate assessment of the current conditions.

Response. Although traffic peak hours will still occur, the traffic should flow better when the improvements are constructed, especially since the previous bottleneck at the 75th Street intersection has been corrected. Traffic was last counted in 2007. Also, see response to comment F-4.

Q-4. Bill Roettaer asked for the justification of providing a center turn lane along the entire length of the project.

Response. See response to comment F-2.

Q-5. Lorene Muench expressed concern about safety at the Westview Drive intersection and requested that CDOT consider improvements for a left-turn lane if funding is not available for this project.

Response. See response to comment F-1.

Q-6. Bob Condon does not think the two-lane roadway section proposed for the Preferred Alternative will sufficiently address the existing traffic volumes.

Response. See response to comment F-4.

Q-7. Tim Huddle expressed his opinion that a two-lane section over Legion Hill is not sufficient. Mr. Huddle also asked about the length of construction for the project.

Response. See response to comment F-4. The construction schedule for the project would most likely occur across two construction seasons, approximately 18 months. Construction is dependent upon funding availability but is currently anticipated to begin in 2010.

Q-8. Bruce Tenenbaum believes that the varying of the road between two lanes and four lanes will act to slow down traffic.

Response. The comment has been noted.

Q-9. Tom Conway has observed a decrease in accidents since the 75th Street intersection has been reconstructed. Mr. Conway asked if the new railroad bridge would accommodate a four-lane road.

Response. The comment has been noted. Since the new structure will be built for a 50-year plus life span, it will allow for a potential four-lane roadway, although an expansion of the roadway is not anticipated for the 30-year life span of the proposed roadway.

Q-10. Joe Sleeper asked what contingencies are in place to account for possible future increases in the cost of construction.

Response. The goal is to build what is shown in the Environmental Assessment as one project. If construction costs escalate beyond funding, decisions would be made at that time concerning any possible cutbacks on the project. These decisions cannot be made until the process has reached the final design stage.

Q-11. Bill Roettaer asked if the final design speed has been determined and if the speeds could be limited to a 45 mph maximum.

Response. The 75th Street intersection reconstruction had a 45 mph design speed, and the existing roadway to the west of the Boulder Valley School District property has a speed limit of 45 mph. Therefore, CDOT has decided to utilize a consistent 45 mph design speed for the project, rather than the 55 mph used for the Legion Park hill section in the development of the Preferred Alternative in the EA.

Q-12. Scott McLennon asked about how much additional traffic to expect from a possible park-n-Ride for FasTracks at 63rd and Arapahoe.

Response. Even though the park-n-Ride is not currently funded and it cannot be assumed that it will be built, a sensitivity analysis, with regard to traffic operations, was performed and included in the EA. The majority of the traffic utilizing the potential park-n-Ride is assumed to be originating from the west in the AM peak-hour and heading west in the PM peak-hour, opposite of current peak-hour flow directions. Based on these anticipated traffic patterns, it is assumed that the park-n-Ride would likely have minor impact to the overall traffic operations along SH 7 in the project area.

Chapter 4.0: Final Section 4(f) Evaluation

4.1 Section 4(f) – Department of Transportation Act of 1966

Section 4(f) of the United States Department of Transportation Act of 1966, as amended, and codified in 49 USC § 303, declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Congress amended Section 4(f) in 2005 when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). These changes have now been codified in 23 CFR Section 774.3, which became effective on April 11, 2008.

FHWA Regulations

Section 4(f) specifies that:

"The Administration may not approve the use, as defined in §774.17, of Section 4(f) property unless a determination is made under paragraph (a) or (b) of this section.

(a) The Administration determines that:

(1) There is no feasible and prudent avoidance alternative, as defined in §774.17, to the use of land from the property; and

(2) The action includes all possible planning, as defined in §774.17, to minimize harm to the property resulting from such use; or

(b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in §774.17¹, on the property.” [23 CFR §774.3 (a) and (b)]

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the United States Department of Agriculture and the United States Department of Housing and Urban Development, and relevant state and local officials, in developing transportation projects and programs that use lands protected by Section 4(f).” (23 CFR 774.3)

¹*De minimis impact.* (1) For historic sites, *de minimis* impact means that the Administration has determined, in accordance with 36 CFR part 800 that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question. (2) For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The proposed action, as described in Chapter 2 of the EA, Alternatives Considered, is a transportation project that may receive federal funding and/or discretionary approvals through United States Department of Transportation; therefore, documentation of compliance with Section 4(f) is required.

This Section 4(f) evaluation has been prepared in accordance with the joint FHWA/FTA regulations for Section 4(f) compliance codified at 23 CFR §774. Additional guidance has been obtained from the FHWA Technical Advisory T 6640.8A (1987) and the revised FHWA Section 4(f) Policy Paper (2005).

This Section 4(f) evaluation summarizes and incorporates the results of this consultation process. The FHWA Division Administrator for Colorado is responsible for determining that this project meets the criteria and procedures set forth in the federal regulations. Application of 4(f) requires a determination of whether there are feasible and prudent alternatives that avoid the use of the 4(f) resource. Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes.

The FHWA may not approve the use of land from a Section 4(f) resource unless there are no feasible and prudent alternatives and that the proposed action includes all possible planning to minimize harm. If no alternatives exist that avoid Section 4(f) use, then a least harm analysis must be performed to determine which alternative does the least overall harm to the Section 4(f) properties. In performing this analysis, the net harm (after mitigation) to the properties is the governing factor. The following sections describe and analyze the impacts to the 4(f) properties located within the study area of this project.

4.2 Description of Section 4(f) Properties

4.2.1 Section 4(f) Properties: Parks and Recreational Resources

Table 4-1 lists the properties and the resources that qualify for protection under Section 4(f), and which are potentially used by the project. Section 3.19 in Chapter 3.0 of the EA document gives a full description of park and recreational resources.

Table 4-1
Section 4(f) Resources: Parks and Recreational Resources

Section 4(f) Resource	Property Jurisdiction	Type of 4(f) Resource	Description of Resource
Legion Park	Boulder County	Park	Parking, benches, Legion Trail

Legion Park is owned and operated by the Boulder County Open Space department. Located on the north side of SH 7 between Valtec Lane and Westview Drive, Legion Park is open to the public and used for recreational purposes. On-site facilities include a multi-use trail, parking areas, and benches for scenic viewing. Currently, Boulder County has no future plans for improvements to the park.

Under Section 4(f) definition, a park or recreational property qualifies when:

- The parcel is publicly owned and operated.
- The parcel has public access.
- The parcel is presumed to be, or is determined by public officials with jurisdiction to be, for significant park, recreation, or wildlife refuge purposes.

With these determinants, Legion Park would qualify as a Section 4(f) resource.

4.2.2 Section 4(f) Properties: Historic Sites

Table 4-2 lists the historical and archaeological resources located within the area of potential effect (APE) that were determined to be listed on or eligible for the National Register of Historic Places (NRHP) and were determined to have a use under Section 4(f). Section 3.17 in Chapter 3.0 of the EA gives a full description of historic sites in the APE.

Table 4-2
Section 4(f) Resources: Historic Properties

Historic Properties	Site #	SHPO Determination of Eligibility for NRHP
Colorado and Southern Railroad- Burlington Northern Railroad	5BL400.5	Railroad segment eligible; Bridge not eligible and non-contributing
Cottonwood Ditch #2 Segment	5BL4488.2	Eligible Segment
Cottonwood Ditch #2 Segment	5BL4488.3	Eligible Segment
Enterprise Ditch Segment	5BL4164.2	Eligible Segment
Enterprise Ditch Segment	5BL4164.4	Eligible Segment
Butler/Smith Property	5BL8917	Eligible
Gas Station and Small House	5BL9021	Eligible
The Harburg House, Barn and Gazebo	5BL9024	Eligible
DeBacker-Tenenbaum House	5BL9029	Eligible

Source: Colorado Historical Society, State Historic Preservation Office, 2002 and 2005.

The following is a description of the historic properties located in the SH 7 study area for which there will be a Section 4(f) use:

Colorado and Southern Railroad - Burlington Northern Railroad

The Colorado and Southern Railroad-Burlington Northern (BNSF) Railroad (Site #5BL400.5) is eligible under NRHP Criterion A for its association with the history of rail transportation in Boulder County. This railroad line served to transport freight in the 19th century and both freight and passengers in the early part of the 20th century. The entire Colorado and Southern Railroad-Burlington Northern Railroad is considered eligible and this segment of the railroad was found to retain sufficient integrity to support the overall significance of the railroad. The SHPO concurred with this finding in correspondence dated March 29, 2005, which is located in Appendix E.

Cottonwood Ditch #2

The Cottonwood Ditch #2 (#5BL4488) is eligible under NRHP Criterion A as one of the oldest intact ditches in this area, for its importance in the agricultural history in Boulder County. This ditch, begun in 1863, still retains integrity of design, setting, feeling and association. It still flows past farms in a rural setting that has not been redeveloped. The entire ditch is considered NRHP- eligible. Segments 5BL4488.2 and 5BL4488.3 were found to retain sufficient integrity to support the significance of the entire resource. The SHPO concurred with this determination in correspondence dated March 2002, and March 29, 2005, which is located in Appendix E.

Enterprise Ditch

The Enterprise Ditch (#5BL4164) is eligible under National Register Criterion A. The ditch is very important in the agricultural development of Boulder County, but segments of it have lost historical integrity due to recent residential and commercial development. There are two segments of the ditch that are located in the project area. Segment 5BL4164.2 is located at SH 7 just west of Westview Drive. Segment 5BL4164.4 is a 1000-foot segment that extends north of SH 7 and crosses under the railroad in a siphon.

The initial determination for Enterprise Ditch was that it was not eligible to the NRHP and would therefore result in *no historic properties affected*; however, SHPO reversed its decision in a letter dated August 15, 2005 which stated that the property is NRHP-eligible. There was a recommended finding of *no adverse effect* for the entire ditch. Correspondence can be found in Appendix E.

Butler/Smith Property

Site #5BL8917 is the only property in the study area with a 19th Century house and barn. It is an excellent example of a 1880s farmhouse with clapboard siding and a Victorian front porch. This house meets Criterion C for a type, period, and method of construction. This is the earliest surviving house in this area of SH 7. The SHPO concurred with this finding in correspondence dated March 29, 2005 and August 15, 2005, which is located in Appendix E.

Gas Station and Small House

Site #5BL9021 meets Criterion C for its characteristics as a 1920s Craftsman style gas station in rural Boulder County. The combination of cinder block sheathed in wood siding is somewhat rare, as are early gas stations of any style. The SHPO concurred with this finding in correspondence dated March 29, 2005 and August 15, 2005, which is located in Appendix E.

The Harburg House, Barn and Gazebo

Site #5BL9024 is a complex of buildings that meets Criterion C for architectural significance relating to a 1930s rural complex in the Boulder Valley. The house and gazebo are excellent examples of Craftsman style. The property also meets Criterion A as one of the important farms and for its association with the history of the area and its agricultural development from the 1880s. The SHPO concurred with this finding in correspondence dated March 29, 2005 and August 15, 2005, which is located in Appendix E.

DeBacker-Tenenbaum House

Site #5BL9029 contains the distinctive characteristics of a type, period, and method of construction seen in the original house and older out buildings and meets Criterion C. The house, built in 1913 by a member of the DeBacker family, is notable for the fine decorative brickwork and wood shingle siding. In addition, the landscaping consists of the original 1913 plantings on the property that have grown into outstanding specimens not commonly seen. This building complex is one of the few intact farm properties in the survey area that retains its rural setting and represents the former rural agricultural nature of the area. According to the site form, the original landscaping is part of what makes the property significant. The SHPO concurred with this finding in correspondence dated March 29, 2005 and August 15, 2005, which is located in Appendix E.

4.3 Impacts to Section 4(f) Properties

There are three types of impacts to a designated 4(f) property that require an evaluation and determination as set forth in the statute:

- A direct impact to a Section 4(f) property when land is permanently incorporated into a transportation facility;
- A direct impact to a Section 4(f) property when there is a temporary occupancy of land that is adverse; or,
- Any action by the project, while not amounting to a direct use, which would “substantially impair” the current use of the property by such intrusions as

noise, air or visual impacts, as well as impairment of property access. This could constitute a “constructive use” of the 4(f) property as defined by 23 CFR 774.17.

No-Action Alternative

Under the No-Action Alternative, there would be no change to the current existing conditions due to this project, and therefore, there would be no direct or indirect impacts to either historic or recreation resources. See Chapter 2 of the EA for a complete description of the No-Action Alternative.

Preferred Alternative

Below is an explanation of impacts from the Preferred Alternative to eight Section 4(f) resources; one park and seven historic properties:

- **Legion Park:** Legion Park is owned and operated by the Boulder County Open Space department. Located on the north side of SH 7 between Valtec Lane and Westview Drive, Legion Park is open to the public and used for recreational purposes. On-site facilities include a multi-use trail, parking areas, and benches for scenic viewing. Currently, Boulder County has no future plans for improvements to the park. The area of impact to the park is located on a slope directly adjacent to SH 7 where there is only landscaped vegetation, an access drive, and no recreational facilities.

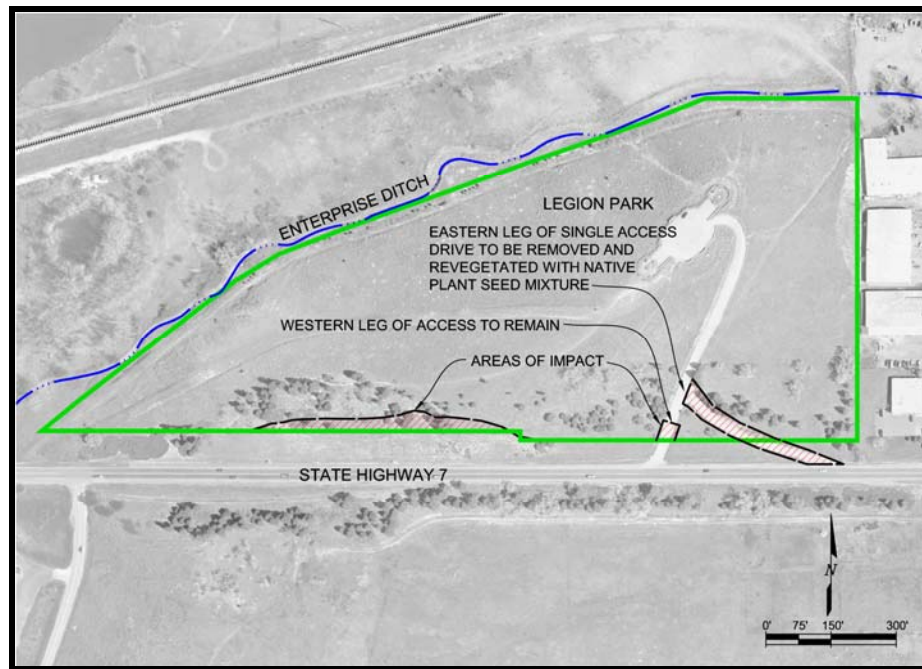
For the Preferred Alternative, the roadway will be lowered adjacent to Legion Park in order to meet minimum sight distance requirements for the design speed. This lowering will require a cut slope inside the park in order to match back to existing grades. These cut slopes will generally match the steepness of the existing slopes. Some vegetation in Legion Park will require removal due to the construction of cut slopes, including grasses, shrubs and small trees. This vegetation will be replaced in kind by CDOT.

There is currently a single access drive to Legion Park that is served by two access points on SH 7. For safety and access control reasons, the eastern leg of the single access drive into the park will be closed. This eastern leg will be removed and the land will be revegetated with a native plant seen mixture. The western leg of the single access drive will remain open. A temporary construction easement will be required to construct side slopes for roadway improvements and to reconstruct the western leg of the single access drive to accommodate the project. No trails within the park and no landform or usable portion of the park will be permanently affected. See **Figure 4-1** for the location of impacts.

These impacts to Legion Park have been determined by FHWA and CDOT, and concurred by Boulder County (letter dated May 17, 2005 in Appendix E), to have

no adverse effect to the park. The impacts to the park would result in a *de minimis* use. Correspondence on FHWA's *de minimis* finding is dated November 28, 2007 and located in Appendix E.

**Figure 4-1
Legion Park Impact**



- Colorado and Southern Railroad – Burlington Northern Railroad (5BL400.5):**
The Preferred Alternative involves the construction of a temporary railroad alignment offset 25 feet to the east of the existing alignment and the construction of a temporary bridge along this alignment over SH 7. This temporary alignment is required so that the new, longer bridge over SH 7 can be constructed while train operations can continue on the temporary alignment. The ultimate railroad alignment would follow the existing alignment.

To construct the temporary alignment, approximately 500 feet of the existing railroad track would be temporarily impacted along the southern curve and approximately 600 feet of existing track would be temporarily impacted along the northern curve.

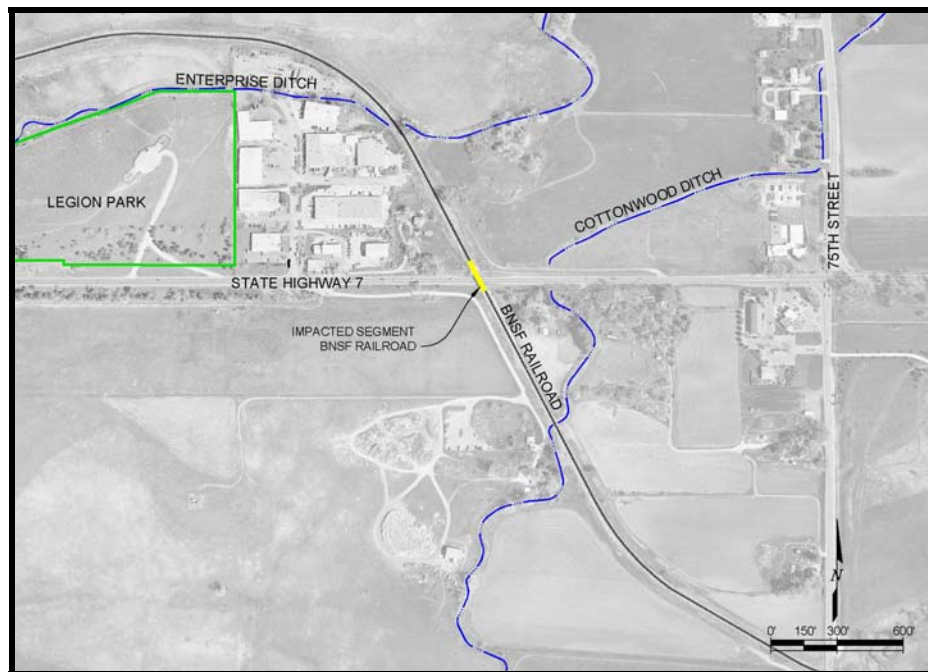
The widening of SH 7 would require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment would ultimately be on the future bridge structure over SH 7.

A temporary bridge would be required to carry the temporary railroad

alignment over the Cottonwood Ditch. This temporary bridge would be removed following the need for the temporary alignment. The existing railroad bridge over SH 7 is officially *not eligible*, as documented in the *Colorado Bridge Survey for Colorado Department of Transportation*, conducted in 2000 by Clayton Fraser.

FHWA and CDOT have determined that the permanent impact to 25 to 35 feet of the railroad segment would result in an *adverse effect* to the historic Colorado and Southern Railroad-Burlington Northern Railroad segment because that portion of the railroad bed and track would be removed and will ultimately be on the new railroad bridge. See **Figure 4-2**.

Figure 4-2
Colorado and Southern Railroad - Burlington Northern Railroad Impact

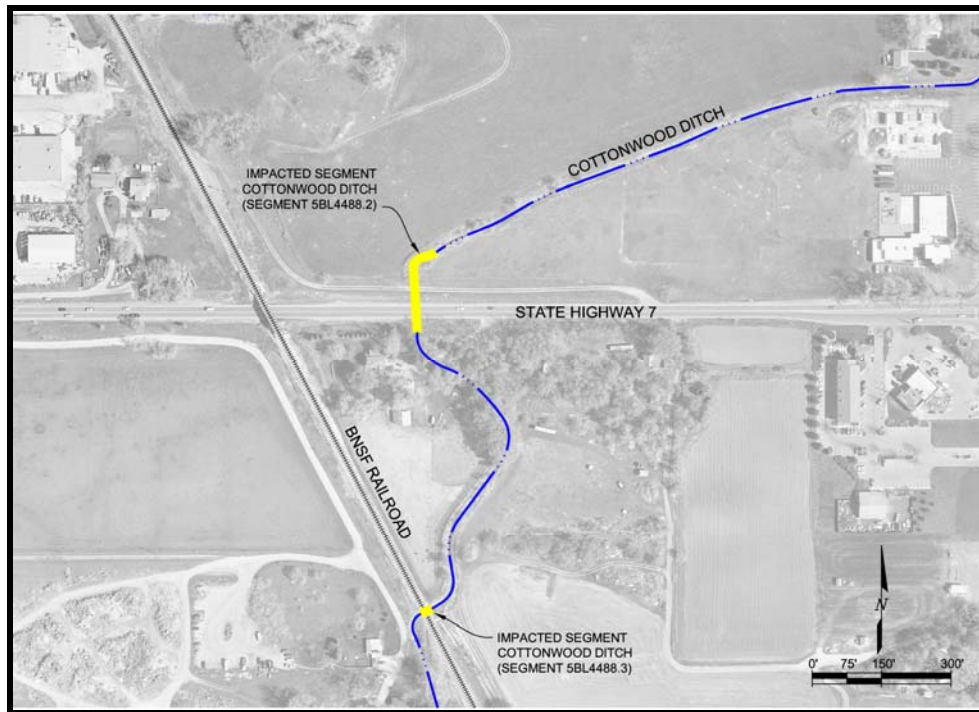


- **Cottonwood Ditch #2 (5BL4488):** For segment 5BL4488.2, located at SH 7 just east of the BNSF railroad, the siphon and pipe under the road and the concrete headwalls at the openings into the siphon would need to be reconstructed. On the north side of SH 7, it is anticipated that an approximate 20-foot segment of the ditch would have to be placed in a pipe. This would constitute an *adverse effect* to this segment of the property under Section 106 and would be a Section 4(f) use of the property.

The second segment of the ditch (5BL4488.3) in the APE crosses under the railroad south and west of the DeBacker-Tenenbaum property. In order to construct a new BNSF railroad bridge over SH 7, a temporary railroad alignment would be required 25 feet to the east of the current alignment. The temporary

BNSF alignment would require a temporary bridge to be constructed over the Cottonwood Ditch. The temporary bridge would be removed when the temporary alignment is removed. The ultimate railroad alignment would be along its current alignment and would not result in a direct impact to this segment of the Cottonwood Ditch since it would be restored to its original function and appearance. This has been determined as *no adverse effect* by CDOT and FHWA and concurred by SHPO. This letter dated March 24, 2006 can be found in Appendix E. **Figure 4-3** shows the impacted segments of Cottonwood Ditch.

Figure 4-3
Cottonwood Ditch Impact

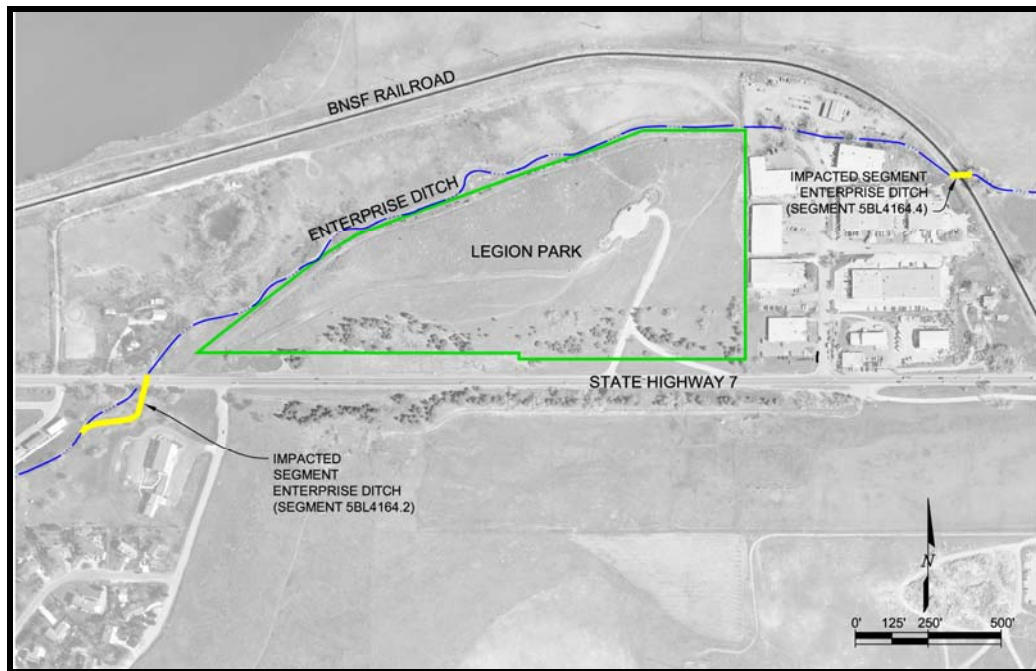


- **Enterprise Ditch (5BL4164):** For segment 5BL4164.2 of the ditch located just west of Westview Drive, the Preferred Alternative would require a 120-foot concrete box culvert to replace the southern 60 feet of the existing box culvert. Additionally, 250 feet of the existing ditch on the south side of SH 7 would be realigned and reconstructed as an open ditch. This has been determined as *no adverse effect* by CDOT and FHWA and concurred by SHPO. This is documented in a letter dated August 15, 2005 and is located in Appendix E.

For the Preferred Alternative, the segment of the ditch that extends north of SH 7 and crosses under the BNSF railroad in a siphon (5BL4164.4) would require a temporary railroad alignment that would necessitate placement of approximately 100 feet of the ditch into a pipe. Once the temporary alignment is

removed, the ditch would be restored to its original function and appearance. This has been determined as *no adverse effect* by CDOT and FHWA and concurred by SHPO. This is documented in a letter dated June 24, 2006 and is in Appendix E. See **Figure 4-4**.

Figure 4-4
Enterprise Ditch Impact



- Butler/Smith Property (5BL8917):** SH 7 would be widened in front of the Butler-Smith House and additional vegetation would be removed in the right-of-way between the road and the house. All improvements would stay within existing roadway right-of-way. There would be no direct impact to the house or the barn and no impact to the qualities that made this property significant. Very small temporary easement for construction of curb return may be required.

As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO.

- Gas Station and Small House (5BL9021):** When SH 7 is reconstructed, the corner of this property, which is currently paved and used as roadway, would continue to be used as a roadway. In consultation with SHPO, it was determined that the corner of the property does not contribute to the significance of the property. All other improvements to SH 7 would occur to the south. Curb cut from 63rd would be installed on existing roadway right-of-way. Temporary easement for

construction would be required to construct private access on private property. Tree removal may be required for construction access.

As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO.

- **The Harburg House, Barn and Gazebo (5BL9024):** When SH 7 is widened some of the vegetation in the CDOT right-of-way would be removed, but would have no impact on the setting or direct impact on the Harburg property. Constructing two private driveways to match proposed improvements would require a temporary easement for the Preferred Alternative and may require some limited vegetation removal. Public road on the west side of the Harburg property would require reconstruction and may require a temporary easement. If headwall and wingwalls of Enterprise Ditch outlet are replaced in current location, this construction may be on Harburg property.

As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for construction would constitute no adverse effect to the property as a whole as concurred by SHPO.

- **DeBacker-Tenenbaum House (5BL9029):** When SH 7 is widened, a retaining wall may be constructed along a portion of the roadway right-of-way, north of the DeBacker-Tenebaum property, but would not have a direct impact to the landscaped setting or the buildings. The BNSF railroad would be temporarily realigned to be east of the existing location, but there would be no direct impact to the landscaped setting or the buildings. There will be temporary fill slope impacts to some of the landscaping along the western boundary of this historic property. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a two-foot to four-foot tall retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. The ultimate railroad alignment would follow its existing alignment. A temporary easement may be required to build the temporary fill slope for the temporary railroad alignment. There will be no direct impacts to the property or the elements that make the property eligible for NRHP listing.

As determined by CDOT and FHWA, the improvements to SH 7 would have no affect to the historic structures on this property. The temporary easement for

construction would constitute no adverse effect to the property as a whole as concurred by SHPO.

Table 4-3 summarizes the effects to the historic properties as determined by FHWA and CDOT, and concurred by SHPO.

Table 4-3
Historic Properties' Effect Determinations

Historic Properties	Site #	Determination of Effect
Colorado and Southern Railroad- BNSF Railroad	5BL400.5	Adverse Effect
Cottonwood Ditch #2 Segment	5BL4488.2	Adverse Effect
Cottonwood Ditch #2 Segment	5BL4488.3	No Adverse Effect
Enterprise Ditch Segment	5BL4164.2	No Adverse Effect
Enterprise Ditch Segment	5BL4164.4	No Adverse Effect
Butler/Smith Property	5BL8917	No Adverse Effect
Gas Station and Small House	5BL9021	No Adverse Effect
The Harburg House, Barn and Gazebo	5BL9024	No Adverse Effect
DeBacker-Tenenbaum House	5BL9029	No Adverse Effect

Source: Colorado Historical Society, State Historic Preservation Office, 2002 and 2005.

4.4 Finding of *De Minimis*

Under SAFETEA-LU (the most recent Transportation Act), Congress simplified parts of Section 4(f) by creating a *De Minimis* Finding. If impacts to a resource are minor or temporary, and there is no adverse effect to that resource, it can be cleared as *de minimis* and no avoidance alternative is necessary. Below is more detail about the legislation.

The SAFETEA-LU was enacted August 10, 2005. Section 6009(a) (1) of SAFETEA-LU added a new subsection to Section 4(f) which authorizes the FHWA to approve a project that uses Section 4(f) property, without preparation of an Avoidance Analysis, if it makes a finding that such uses would have *de minimis* impacts upon the Section 4(f) resource.

4.4.1 Parks, Recreation Areas, and Wildlife or Waterfowl Refuges

With regard to Section 4(f) resources that are parks, recreation areas, and wildlife or waterfowl refuges, Section 6009 of SAFETEA-LU adds the following language to Section 4(f):

(b) *De Minimis* Impacts. --
(1) REQUIREMENTS.--

(B) REQUIREMENTS FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES.--The requirements of subsection (a)(1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a *de minimis* impact on the area. The requirements of subsection (a)(2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(3) PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES. --With respect to parks, recreation areas, or wildlife or waterfowl refuges, the secretary may make a finding of *de minimis* impact only if—

(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

In order to clarify the language in SAFETEA-LU, the FHWA has stated that the following procedures must be met in order for the impacts to parks, recreational resources, and wildlife refuges to be considered *de minimis*:

1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
2. The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

FHWA has determined that the impacts to Legion Park, with the mitigation measures proposed, constitutes a *de minimis* impact to this property and does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). In a letter dated May 17, 2005, the Boulder County Resource Planning

Manager (the official with jurisdiction) agreed that the proposed road improvements to SH 7 will not have an adverse impact on the use of Legion Park. See Appendix E for a copy of this letter. Furthermore, at a public meeting held on November 9, 2004, the public was afforded an opportunity to review and comment on the effects of the project to Legion Park. See Appendix H of the EA for comments received from this public meeting about Legion Park. In addition, information about Legion Park was provided at the EA Public Hearing, including the effects of the project on protected activities, features and attributes. No comments related to Legion Park were received at the public hearing during the comment period for the EA.

The following measures to avoid, minimize, mitigate, and enhance include the following best management practices (BMPs):

- The land where the eastern leg of the access into Legion Park is removed will be revegetated with native plant seed mixtures.
- The amount of disturbance of grading will be minimized to 10 feet beyond the toe of slope. Project will follow CDOT standard specifications for amount of time that disturbed areas are allowed to be non-vegetated.
- A noxious weed management plan will be developed and implemented. This will be completed during final design.
- Weed free topsoil will be salvaged for use in seeding.
- Temporary and permanent erosion control measures will be implemented to limit erosion and soil loss.
- All disturbed locations except rock cuts will be reseeded with native plant seed mixtures.
- An acceptable revegetation plan will be developed with the CDOT Landscape Architect and Boulder County.

Based on these actions and correspondence, and taking into consideration the harm minimization/mitigation measures that have been incorporated into the proposed action as documented in Section 3.19.3 of the EA, it is the conclusion of the FHWA that the proposed action would have *de minimis* impacts (see concurrence letter dated November 28, 2007 in Appendix E) and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required. CDOT, on behalf of FHWA, notified the Boulder County Resource Planning Manager (the official with jurisdiction) of the *de minimis* determination in a letter dated November 27, 2007 (see Appendix E).

The public was provided an opportunity to comment on the *de minimis* determination during the 30-day public review period for the EA.

4.4.2 Historic Resources

With regard to Section 4(f) resources that are historic resources, Section 6009 of SAFETEA-LU adds the following language to Section 4(f)¹:

(b) *De Minimis* Impacts. --

(1) REQUIREMENTS.--

(A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a *de minimis* impact on the area.

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of *de minimis* impact only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C.470f), that--

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

FHWA's December 13, 2005 *de minimis* guidance that clarifies the SHPO role in *de minimis*, states that the SHPO must concur in writing on the Section 106 determination of "no adverse effect" or "no historic properties affected" and that CDOT must notify the SHPO of the FHWA intention to make a *de minimis* finding based on concurrence with the Section 106 finding.

¹ This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).

FHWA has made a determination, and the Colorado SHPO has concurred, that the use of the Enterprise Ditch segments (5BL4164.2 and 5BL4164.4), the Cottonwood Ditch #2 segment (5BL4488.3), the Butler/Smith property (5BL8917), the Gas Station and Small House property (5BL9021), the Harburg House property (5BL9024), and the DeBacker-Tenenbaum House property (5BL9029) that would be affected by the proposed action would result in “no adverse effect” for purposes of Section 106 of the NHPA (see description below). These determinations are documented in Appendix E in letters dated August 4, 2005 and August 15, 2005 for Enterprise Ditch segment 5BL4164.2, the Butler/Smith property (5BL8917), the Gas Station and Small House property (5BL9021), the Harburg House property (5BL9024), and the DeBacker-Tenenbaum House property (5BL9029); June 24, 2006 for Enterprise Ditch segment (5BL4164.4); and March 24, 2006 for Cottonwood Ditch #2 segment (5BL4488.3). They are also described in Section 3.17 of the Environmental Assessment.

The following measures to avoid, minimize, mitigate, and enhance the below listed 4(f) resources were taken into consideration in making the *de minimis* finding for project impacts to these historic properties:

Cottonwood Ditch #2 Segment (5BL4488.3)

The temporary BNSF alignment will require a temporary bridge to be constructed over the Cottonwood Ditch. The temporary bridge will be removed when the temporary alignment is removed. The surrounding area where the temporary alignment and bridge over the ditch was located will be restored to its original appearance. The ultimate railroad alignment will be along its current alignment and will not result in a direct impact to this segment of the Cottonwood Ditch since it will be restored to its original function and appearance.

Enterprise Ditch Segments (5BL4164.2 and 5BL4164.4)

The section of the ditch that includes segment 5BL4164.2 will be realigned and reconstructed as an open ditch. This will be an enhancement to the current condition of the ditch which has a low degree of integrity. In addition, the deteriorating existing box culvert that a portion of this segment flows through will be replaced.

A 100-foot section of the ditch located north of SH 7 that includes segment 5BL4164.4 will be placed into a pipe due to the construction of the temporary railroad alignment. Once the temporary alignment is removed, the ditch will be restored to its original function and appearance.

Butler/Smith Property (5BL8917)

The proposed design for the improvements to SH 7 was specifically created to avoid direct impacts to the house or barn, and to stay within the current right-of-way. Any disturbed area adjacent to the property will be revegetated with native plant seed mixtures.

Gas Station and Small House (5BL9021)

The proposed design for the improvements to SH 7 was specifically created to avoid direct impacts to the gas station and small house, and to stay within the current right-of-way. A new private access from 63rd that is proposed to be constructed for the property would be an enhancement measure. Any disturbed area adjacent to the property will be revegetated with native plant seed mixtures.

The Harburg House, Barn and Gazebo (5BL9024)

The proposed design for the improvements to SH 7 was specifically created to avoid direct impacts to the house, barn and gazebo, and to stay within the current right-of-way. Two private drives that access the property are proposed to be reconstructed for the property in order to match the improvements to SH 7. This would be an enhancement measure. Any disturbed area adjacent to the property will be revegetated with native plant seed mixtures.

DeBacker-Tenenbaum House (5BL9029)

The proposed design for the improvements to SH 7 was specifically created to avoid direct impacts to the house, and to stay within the current right-of-way. The temporary fill slope that may be required on the property will be removed at the end of construction and the area will be restored to its original function and appearance. Any disturbed area adjacent to the property will be revegetated with native plant seed mixtures.

These findings of “no adverse effect” with regard to these six properties reflect a conclusion that these impacts will not “alter, directly or indirectly, any of the characteristics of the historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association” as described in 36 CFR § 800.5(a)(1). This conclusion takes into consideration the measures above that have been incorporated into the proposed action. It is the conclusion of the FHWA that the proposed action would have *de minimis* impacts and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required. CDOT, on behalf of FHWA, notified the SHPO of the *de minimis* determination in letters dated April 25, 2007 and November 2, 2007, and March 7, 2008 (see Appendix E).

4.5 Avoidance Alternatives

The Cottonwood Ditch #2 (Site #5BL4488) is eligible under NRHP Criterion A as one of the oldest intact ditches in this area, for its importance in the agricultural history in Boulder County. This ditch, begun in 1863, still retains integrity of design, setting, feeling and association. It still flows past farms in a rural setting that has not been redeveloped. The entire ditch is considered NRHP- eligible. The existing siphon pipe

and adjacent open ditch sections of the Cottonwood Ditch can currently only accommodate the existing two-lane, substandard roadway section, which does not meet the purpose and need. The purpose and need for improvements are to reduce congestion, enhance roadway deficiencies and safety, and to improve mobility for multiple modes of transportation. These are described in detail in Chapter 1 of the EA.

The Colorado and Southern Railroad-Burlington Northern Railroad (Site #5BL400.5) is eligible under NRHP Criterion A for its association with the history of rail transportation in Boulder County. This railroad line served to transport freight in the 19th century and both freight and passengers in the early part of the 20th century. The entire Colorado and Southern Railroad-Burlington Northern Railroad is considered eligible and this segment of the railroad was found to retain sufficient integrity to support the overall significance of the railroad. The existing BNSF railroad bridge can currently only accommodate the existing two-lane, substandard roadway section, which does not meet the purpose and need.

A range of alternatives, including those outlined in Chapter 2 of the EA, were considered and analyzed in order to determine if they were reasonable avoidance alternatives to these resources. All of the alternatives screened out in the alternatives evaluation process outlined in Chapter 2 of the EA did not meet the purpose and need. Also, as part of this EA, improvements to roadway corridors either north or south of SH 7 were considered in order to avoid the ditch and railroad. These corridors include Valmont Road/Pearl Parkway, approximately 1.5 miles north of SH 7, and Baseline Road, approximately one mile south of SH 7. Due to the linear nature of the ditch and railroad, improvements to these other roadway corridors would still not avoid impacts to these historic resources.

Avoidance Alternative Number 1

In order to completely avoid the impacts to the BNSF railroad (segment 5BL400.5) and the Cottonwood Ditch (segment 5BL4488.2), and stay on the current roadway alignment, SH 7 would have to be reconstructed over both of these resources. This would require SH 7 to be raised approximately 55 feet on a bridge structure. To avoid impacts to other 4(f) resources in the vicinity, retaining walls would have to be incorporated into the design of the approaches to the bridge which would traverse over the BNSF railroad. The approaches to the bridge would have to begin approximately 1500 to 2000 feet in advance of the bridge location. Access to the Valtec commercial development would likely not be feasible since it is located between the BNSF railroad, Legion Park and SH 7, and the vertical grade change on SH 7 would not allow direct access, which would take away the ability of the property to remain operational. Similarly, access to other adjacent land uses would become very difficult, including access to the Tenenbaum property, the Jacobs property and the Aldridge property, which raises safety concerns. At the intersection of SH 7 and 75th, the vertical alignment change would require the reconstruction of the intersection due to the

required change in vertical grade required to traverse the railroad. It is likely that the Conoco convenience store and the commercial development would not be able to remain operational due to access issues. In addition to the access and safety concerns, the raised profile of SH 7 in this vicinity would have major impacts to the visual quality and view shed in the study area.

This alternative would be feasible as a matter of sound engineering judgment, and could possibly be prudent by meeting purpose and need, however, it would not be prudent due to unacceptable safety and operational problems because of access changes. In addition, after mitigation, it causes severe visual impacts, and would likely require the closure of SH 7 during the construction resulting in impacts to the traveling public possibly lasting 1 year or more. Finally, the additional cost of this avoidance alternative is likely \$20 to \$30 million above the cost of the Preferred Alternative. Therefore this avoidance alternative would not be feasible and prudent.

Avoidance Alternative Number 2

In order to completely avoid the impacts to the BNSF railroad (segment 5BL400.5) and the Cottonwood Ditch (segment 5BL4488.2), and stay on the current roadway alignment, SH 7 would have to be reconstructed beneath both of these resources along a depressed roadway alignment and through a tunnel. This would require SH 7 to be lowered approximately 60 feet on a depressed alignment and through a 500 foot long tunnel. To avoid impacts to other 4(f) resources in the vicinity, retaining walls would have to be incorporated into the design of the approaches to the tunnel. The approaches to the tunnel would have to begin approximately 2000 feet in advance of the tunnel location from the west and approximately 1000 feet in advance of the tunnel from the east. Access to the Valtec commercial development would likely not be feasible since it is located between the BNSF railroad, Legion Park and SH 7, and the vertical grade change on SH 7 would not allow direct access, which would take away the ability of the property to remain operational. Similarly, access to other adjacent land uses would become very difficult, including access to the Tenenbaum property, the Jacobs property and the Aldridge property, which raises safety concerns.

This alternative would be feasible as a matter of sound engineering judgment, and could possibly be prudent by meeting purpose and need, however, it would not be prudent due to unacceptable safety and operational problems because of access changes. In addition, after mitigation, it would likely require the closure of SH 7 during the construction resulting in impacts to the traveling public possibly lasting 1 year or more. Finally, the additional cost of this avoidance alternative is likely \$30 to \$35 million above the cost of the Preferred Alternative. Therefore this avoidance alternative would not be feasible and prudent.

No-Action Alternative

With the No-Action Alternative, congestion (approaching maximum capacity in 2030) and the current unsafe condition of the roadway (currently accidents occur related to the substandard roadway conditions) would continue. The No-Action Alternative also does not improve the corridor for multiple modes of transportation including busses, bicycles and pedestrians. Finally, the No-Action does not meet the purpose and need of the project. Due to these reasons, this would not be a feasible and prudent avoidance alternative.

Due to the effect that these avoidance alternatives would have on surrounding properties, the cost of the alternatives, impact to the traveling public, or the fact that they do not meet the purpose and need of the project, and due to the limited use of, and the value of the two Section 4(f) resources (i.e. while important for association with railroad and agricultural history, the railroad bridge is non-contributing and the parts of the resources that are being used are not unique for these resources), do not outweigh the problems with the avoidance alternatives that make them not prudent. The Preferred Alternative would result in the least harm while still achieving project goals. This Preferred Alternative would be feasible and prudent.

4.6 Measures to Minimize Harm

Since there are no prudent and feasible alternatives to the impacts to Cottonwood Ditch (segment 5BL4488.2) and the BNSF railroad (segment 5BL400.5), the proposed action must demonstrate that it includes all possible planning to minimize harm to both resources. Planning measures incorporated into the proposed action include the following:

- A Memorandum of Agreement regarding the Cottonwood Ditch #2 (segment 5BL4488.2) and the BNSF railroad (segment 5BL400.5) has been prepared which incorporates the views of the SHPO on the proposed action. A copy of the MOA is located in Appendix E.
- CDOT shall ensure that the ditch and railroad are documented in accordance with the guidance for Level II documentation found in OAHP Form #1595, *Historical Resource Documentation: Standards for Level I, II, III Documentation*.
- The new siphon would be designed to be as short as possible. The new siphon will include reconstructed wingwalls, headwalls and short transition sections to the existing ditch.
- Retaining walls will be constructed along SH 7 which will minimize the length of the siphon.

- The rebuilt section of the ditch would be designed to carry no less than the minimum flow requirements as determined by the ditch owner.
- Construction would occur at such times as the ditch is not in use. If this is not possible, the hydraulic integrity of the ditch would be maintained through the use of temporary systems.
- The contractor's work area around the ditch would be limited to only the area that is directly impacted.
- For the railroad, the use of vertical bridge abutments would be employed to minimize the length of the new overpass bridge.
- The contractor's work area around the railroad would be limited to only the area that is directly impacted.
- In general, all efforts will be made during final project design to minimize impacts to the ditch and the railroad.

4.7 Coordination

In consultation with the SHPO, the FHWA and CDOT have determined this project will have an adverse effect on Cottonwood Ditch #2 (segment 5BL4488.2) and Colorado and Southern Railroad-Burlington Northern Railroad (segment 5BL400.5). FHWA, CDOT and the SHPO have agreed this project will have no adverse effects on the Cottonwood Ditch #2 (segment 5BL4488.3), Enterprise Ditch (segments 5BL4164.2 and 5BL4164.4), the Butler/Smith property (5BL8917), the Gas Station and Small House property (5BL9021), the Harburg House property (5BL9024), and the DeBacker-Tenenbaum House property (5BL9029).

Agreement among the SHPO, Advisory Council on Historic Preservation (ACHP), FHWA, and the Certified Local Government, represented by the Boulder Landmarks Preservation Board, has been reached through the Section 106 process of the National Historic Preservation Act on measures to minimize harm and those measures are incorporated into the project. A Memorandum of Agreement was signed by FHWA on December 4, 2006. There are no federal interests on any of the historic sites, so there are no appropriate agencies to be contacted for their comments on the proposed action.

The impacts to Legion Park have been determined by FHWA and CDOT, and concurred by Boulder County (letter dated May 17, 2005 in Appendix E), to have *no adverse effect* to the park.

A requirement under Section 4(f) is that the public has the opportunity to specifically comment on a *de minimis* finding for a park. At the public hearing for the EA,

information about Legion Park was presented, including the effects of the project on the protected activities, features, and attributes. No comments from the public were received.

In their August 7, 2008 letter, the Department of the Interior concurred that there is no feasible or prudent alternative (related to the de minimis use of Legion Park) to the Preferred Alternative, and that all measures have been taken to minimize harm to Legion Park. Their letter is included in Appendix C.

4.8 Section 4(f) Determination

Based upon the above coordination, there is no feasible and prudent alternative to the use of land from the Cottonwood Ditch #2 (segment 5BL4488.2) and Colorado and Southern Railroad-Burlington Northern Railroad (segment 5BL400.5), and the proposed action includes all possible planning to minimize harm to the Cottonwood Ditch #2 (segment 5BL4488.2) and Colorado and Southern Railroad-Burlington Northern Railroad (segment 5BL400.5) resulting from such use.

In addition, the Federal Highway Administration determined that the use of seven historic properties (Cottonwood Ditch #2 Segment - 5BL4488.3; Enterprise Ditch Segment - 5BL4164.2; Enterprise Ditch Segment - 5BL4164.4; Butler/Smith Property - 5BL8917; Gas Station and Small House - 5BL9021; Harburg House, Barn and Gazebo - 5BL9024; and the DeBacker-Tenenbaum House - 5BL9029), and one park property (Legion Park), including any measures to minimize harm (such as any avoidance, minimization, mitigation or enhancement measures) committed to by the CDOT, will have a de minimis impact as defined in 23 CFR 774.17 on the properties.

Chapter 5.0: Selection of the Preferred Alternative

Based on the *SH 7 – Cherryvale Road to 75th Street Environmental Assessment and Draft 4(f) Evaluation*, the public hearing summary and the summary of comments, FHWA has determined that the alternative described in Section 1.2 of this document is the Preferred Alternative.

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Chapter 6.0: Finding of No Significant Impact

FHWA has prepared the *SH 7 – Cherryvale Road to 75th Street Environmental Assessment and Draft 4(f) Evaluation* in compliance with all applicable environmental laws and Executive Orders.

FHWA has determined that the Preferred Alternative described in Section 1.2 of this document will have no significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. FHWA takes full responsibility for the accuracy, scope and content of the Environmental Assessment.

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Appendix A – EA Availability

Public Notice of Availability
Colorado Department of Transportation
State Highway 7 - Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation
Document Availability and Upcoming Public Hearing

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) have completed an environmental study for the existing State Highway 7 (Arapahoe Road) from Cherryvale Road to 75th Street in Boulder County, Colorado.

Preferred Alternative

What has been identified as the Preferred Alternative?

FHWA/CDOT identified a preferred alternative which provides two through lanes in each direction on the east and west ends of the project. The two through lanes in each direction narrow to one through lane in each direction between Westview Drive and east of the BNSF railroad bridge. More information on the Preferred Alternative, its environmental impacts, and mitigation are included in the EA document.

EA Document Availability – June 23, 2008

When and where will the EA document be available to the public?

Beginning June 23, 2008, the document will be available at the locations listed below for a review and comment period ending July 25, 2008:

CDOT Headquarters - Public Info. Office
4201 East Arkansas Avenue
Denver, CO 80222

CDOT Region 4 Headquarters
1420 2nd Street
Greeley, CO 80634

CDOT Region 4, Boulder Residency
1050 Lee Hill Road
Boulder, CO 80302

CDOT Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

FHWA Colorado Division Office
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

Boulder County Transportation Dept.
Courthouse Annex
2045 13th Street
Boulder, CO 80302

Boulder Public Library
1000 Canyon Blvd.
Boulder, CO. 80302

The document can be viewed on the project website at: <http://www.dot.state.co.us/SH7EA/index.asp>
Postage-paid comment sheets will be available for mail-in at all locations or comments can be recorded via the project website.

Public Hearing – July 8, 2008

When will questions be answered and comments received?

FHWA/CDOT will hold a public hearing on **July 8, 2008**, at the location below. The public hearing will begin at 4:30 p.m. with an open house format where guests can review information. **Promptly at 5:15 p.m., a 20-minute presentation will be given, followed by a 20-minute question and answer period.** After that, the open house format will continue. Project team members will be available to answer any additional questions. A court reporter will be available to receive formal comments.

Location: Douglass Elementary School
840 75th Street, Boulder, CO

Time: 4:30 p.m. – 6:30 p.m. (Presentation at 5:15 p.m.)

Reasonable accommodations for individuals with physical disabilities will be made.
Par informacion en Espanol, por favor comunicarse con Catherine Cavoto 303) 988 4939.

Comments may also be sent to Gray Clark at the address below to be received by July 25, 2008:

Gray Clark
Muller Engineering Company
777 South Wadsworth Blvd. Suite 4-100
Lakewood, CO 80226
gclark@mullereng.com

Proof of Publication/Invoice (General - Varied Publication Dates)

STATE OF COLORADO
COUNTY OF BOULDER

Valerie Yamamoto, of lawful age, being first duly sworn upon oath deposes and says:

1. That she is the Financial Services Representative of The Daily Camera and has personal knowledge of all the facts set forth in this affidavit and is a competent person to certify that the facts stated herein are accurate and she hereby certifies:

That The Daily Camera is a public daily newspaper of general circulation as defined by law and is printed and published wholly in the City of Boulder, County of Boulder and State of Colorado: That it has been admitted to the United States mails as second class matter under the provisions of the Act of Congress of March 3, 1879, and amendments thereto: And that it is a legal newspaper duly qualified to publish legal notices of advertisement which are required to be published in said City of Boulder and said County of Boulder or both.

2. That The Daily Camera is duly qualified to publish the annexed public notice, which is a full, true and correct copy of the original thereof, and the same was published in The Daily Camera 2 times, the date of the first publication being the 23rd day of June, and the date of last publication being the 7th day of July.

Further affiant sayeth not.

VALERIE YAMAMOTO

Subscribed and sworn before this 9th day of July, A.D. 2008. Witness my hand and official seal

Notary Public

Publication Fee/Amount Due \$ 158.40

Account Number: _____

Ad Number 5422995

The Prairie Mountain Publishing Company
LLC
dba The Daily Camera
P.O. Box 4579
Boulder, CO 80306-4579

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PUBLIC NOTICE OF AVAILABILITY

SH 7

Cherryvale Rd. to 75th St.

State Highway 7 - Cherryvale Road to 75th Street Environmental Assessment and Draft Section 4(f) Evaluation Document Availability and Upcoming Public Hearing

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) announce the availability of the Environmental Assessment (EA) for the State Highway 7 (Arapahoe Road) from Cherryvale Road to 75th Street in Boulder County, Colorado.

The preferred alternative provides two through lanes in each direction on the east and west ends of the project. The two through lanes in each direction narrow to one through lane in each direction between Westview Drive and east of the BNSF railroad bridge. The preferred alternative provides improvements to bicycle and pedestrian facilities as well as safety improvements. More information on the Preferred Alternative, its environmental impacts, and mitigation are included in the EA document.

The public may provide written comments by mail or e-mail to:

Gray Clark, PE.
Muller Engineering Company
777 South Wadsworth Blvd. Suite 4-100
Lakewood, CO 80226

PUBLIC HEARING

Tuesday, July 8, 2008 from 4:30 p.m. - 6:30 p.m.
Douglass Elementary School: 840 75th Street, Boulder, CO
A 20-minute presentation will be given at 5:15 p.m., followed by a 20-minute question and answer period. Comments will be received at the hearing in writing or by a court reporter.

Beginning June 23, 2008, the document will be available during normal working hours at the locations listed below for a review and comment period ending July 25, 2008.

CDOT Headquarters - Public Info. Office
4201 East Arapahoe Avenue
Denver, CO 80222

CDOT Region 4 Headquarters
1420 2nd Street
Greeley, CO 80634

CDOT Region 4, Boulder Residency
1050 Lee Hill Road
Boulder, CO 80302

CDOT Environmental Programs Branch
4201 East Arapahoe Avenue
Denver, CO 80222

FHWA Colorado Division Office
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80226

Boulder County Transportation Dept.
Courthouse Annex
2045 13th Street
Boulder, CO 80302

Boulder Public Library
1000 Canyon Blvd.
Boulder, CO 80302

CDOT Project Website
<http://www.dot.state.co.us/SH7EA/index.asp>

Reasonable accommodations for individuals with physical disabilities will be made.
Por información en Español, por favor comunicarse con Catherine Cavoto (303) 988 4939.

Published in the Camera on June 23rd & July 7th, 2008 - #5422995

PUBLIC NOTICE OF AVAILABILITY			
<p>SH 7 Cherryvale Rd. to 75th St.</p>	<p>State Highway 7 - Cherryvale Road to 75th Street Environmental Assessment and Draft Section 4(f) Evaluation Document Availability and Upcoming Public Hearing</p>		
<p>The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) announce the availability of the Environmental Assessment (EA) for the State Highway 7 (Arapahoe Road) from Cherryvale Road to 75th Street in Boulder County, Colorado.</p> <p>The preferred alternative provides two through lanes in each direction on the east and west ends of the project. The two through lanes in each direction narrow to one through lane in each direction between Westview Drive and east of the BNSF railroad bridge. The preferred alternative provides improvements to bicycle and pedestrian facilities as well as safety improvements. More information on the Preferred Alternative, its environmental impacts, and mitigation are included in the EA document.</p> <p>The public may provide written comments by mail or e-mail to:</p> <p>Gray Clark, P.E. Muller Engineering Company 777 South Wadsworth Blvd. Suite 4-100 Lakewood, CO 80226</p>			
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Appendix B – Transcript of Public Hearing

PUBLIC HEARING

State Highway 7 - Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f)
Evaluation Document Availability and Public Hearing

Tuesday, July 8, 2008

4:30 p.m.

Douglass Elementary School

840 - 75th Street

Boulder, Colorado

* * * * *

MR. MARCUCCI: All right, we'd like to get this started. If everyone could find a seat, that would be great. We'd like to welcome you. My name is Dan Marcucci. I'm CDOT project manager on this project. I would like to welcome you to the State Highway 7 Environmental Assessment and Draft Section 4(f) hearing. Thank you all for coming out.

First off, I'd like to introduce some of the project team. Joining me up here is Mark Gosselin, regional CDOT program engineer; Carol Parr, regional environmental manager, she will be assisting in the presentation; and Gray Clark from Muller Engineering, who's the consultant team who helped prepare the documents and presentation.

First off, before we get started, I'd like to please hold the comments until after the presentation. We'll have a comment period after that. First off, I would like to remind you of the project location and study area. Many of you are aware of it already, but it's State Highway 7 on Arapahoe Road from Cherryvale Road to the 75th Street intersection. The intersection improvements were completed in November of 2006.

Now I'll hand it over to Carol, where

1 she'll explain a little bit about the NEPA process.

2 MS. PARR: Good evening. Well, the NEPA
3 process is widely here tonight. Anytime we have an
4 action that is undertaken by a federal agency, we have
5 to go through the NEPA process. We completed an
6 environmental assessment for this project and the
7 project started in about 2001. I think there's another
8 project before that, but this actual project started in
9 2001, and we went out to the public to gather
10 information about the concerns they have on State
11 Highway 7.

12 At the time we developed a purpose and
13 need. Then we start collecting data, which you can
14 tell that we collect traffic data, design data,
15 environmental data, socioeconomic data, and we take
16 that and we start developing alternatives, and we
17 develop alternatives that will meet that purpose and
18 need.

19 Now, we include a no-build alternative
20 as a comparison; so we bring forth alternatives, then
21 we have the no-build alternative, then we analyze the
22 alternatives. And I don't remember exactly how many
23 alternatives we looked at. Do you remember?

24 MR. CLARK: There are probably about 15
25 or 20 variations of alternatives.

1 MS. PARR: So, as Gray said, we have
2 about 15 or 20 alternatives and we got down to one
3 alternative, the preferred alternative that's in the
4 document in the Environmental Assessment. And we
5 developed and we drafted the Environmental Assessment,
6 and right now where we're at is public and agency
7 review. The review time is through July 25th, and any
8 comments you make, either by e-mail, paper or tonight
9 to the court reporter, are all treated the same because
10 when we put the decision document together after the 25
11 days, all those comments will be addressed. I'm going
12 to turn it back over to Dan.

13 MR. MARCUCCI: Thanks, Carol. An
14 important part of any project is to identify the
15 purpose and need of that project, what needs to be done
16 and what should be done. For this project, we
17 identified several areas, the first being to reduce
18 congestion. State Highway 7 currently operates at or
19 near capacity, meaning theoretically it's handling the
20 maximum amount that it can already, and because of
21 population and employment growth, both in Boulder and
22 east of town, traffic volumes are anticipated to
23 continue to grow in the future.

24 The next area identifies roadway
25 deficiencies and safety issues. I'll go through a

1 couple of them here. The best example of roadway
2 grades and the stopping sight distance problems are
3 evident on the hill between Legion Park and Westview
4 Drive. The steep approach grades on each side of the
5 road contribute to the stopping sight distance at the
6 top.

7 The next example is the shoulder widths.
8 Where there are shoulder widths, they're inconsistent.
9 This makes is unfriendly to bicyclists and also does
10 not provide room for incapacitated vehicles to move off
11 the road and out of traffic flow. One of the things
12 about the roadway grades is it also makes it difficult
13 to traverse in inclement weather for some people.

14 Just another example would be access
15 control. There's virtually no access control along
16 State Highway 7, meaning there are numerous areas where
17 traffic can come and go from State Highway 7, and this
18 creates safety issues on two fronts. First, is traffic
19 along State Highway 7, it doesn't know where to
20 anticipate traffic entering the highway, and also the
21 traffic entering State Highway 7 may not have -- it may
22 not be the best area and may not be sight distance and
23 such things as that.

24 The next area we looked at, we wanted to
25 improve mobility for multiple modes of transportation:

1 this is bicyclists, pedestrians and bus facilities.
2 Currently most bus stops are not even accommodated with
3 sidewalks. There are very few sidewalks in the
4 corridor currently, and due to the lack of shoulders,
5 the corridor is pretty unfriendly to bicyclists.

6 Next slide. Now we go through our
7 preferred alternative and kind of highlight some of our
8 design features and also highlight some of our purpose
9 and need items. The first thing on the purpose and
10 need was to reduce congestion. Part of doing this
11 would be to add capacity. As far as adding capacity,
12 we've added lanes. We've extended the existing
13 four-lane section here on down to the signalized
14 intersection for the Boulder Valley School District
15 access. It also includes a center left turn lane. It
16 later transitions to a two-lane rural section after the
17 intersection.

18 If we go back up to the beginning,
19 improvements for multiple modes of transportation, we
20 have on-street bicycling lanes, five-foot bicycling
21 lanes, for the entire length of the project. The south
22 side we've incorporated an 8-foot sidewalk from
23 Cherryvale down to Westview; and then on the northern
24 side of the project you'll notice we've incorporated a
25 12-foot multi-use path, which extends for the entire

1 length of the project and connects to the 75th
2 intersection.

3 As we continue on to the west, we come
4 to the hill near Legion Park and Westview Drive. Our
5 purpose and need identified the roadway grades were too
6 steep and stopping sight distance was insufficient.
7 The current plan -- or this plan incorporates an 8- to
8 12-foot cut at the top of the hill. Flattening these
9 slopes will help to increase the stopping sight
10 distance. It will also make it easier for vehicles to
11 traverse in inclement weather.

12 We're now into the two-lane rural
13 section. Actually, the bicycle lanes have transitioned
14 to 10-foot shoulders, 10-foot shoulders on the highway.
15 These shoulders also act as breakdown lanes for
16 incapacitated vehicles so they can get out of the
17 traffic flow and reduce the back-ups. The two-lane
18 template extends down under a proposed new railroad
19 bridge and eventually ties into the intersection
20 improvements previously completed at 75th and Arapahoe.

21 Oh, one other thing, you'll notice some
22 shifts in the alignment of State Highway 7. These
23 are -- we shifted south a couple places and north here
24 to -- we wanted to avoid environmentally sensitive
25 areas. Carol will be addressing those areas in a

1 couple slides.

2 Next slide, please. Just one more
3 slide. I'm describing the preferred alternative.
4 These are a few typical sections of the area. The top
5 two are essentially the same. This is extending
6 Cherryvale to the Boulder Valley School District
7 access. You can see there's two through lanes in each
8 direction on both of them, the center left turn lane,
9 the 5-foot on-street bicycle lanes, and then the only
10 difference would be the placement of these auxilliary
11 transit lanes based on need. Those are essentially
12 right turn-only lanes or bus lanes through
13 intersections.

14 After the intersection of Boulder Valley
15 School District, we start the transitioning down to the
16 two-lane rural section, one lane construction, with a
17 continuous center left turn lane and the 10-foot bike
18 lanes.

19 One other thing you may notice, the
20 12-foot multi-use path extending for the entire length
21 of the project, and here is the sidewalk from
22 Cherryvale to Westview.

23 Now I'm going to hand it back to Carol
24 and she's going to go over a summary of impacts.

25 MS. PARR: If you haven't had an

1 opportunity, we just listed four of the -- I won't say
2 more important but the ones that have more impacts than
3 other impacts for environmental resources. We have
4 flip charts over on the table that list all the impacts
5 for the preliminary designs we have right now. So I'll
6 describe some of these impacts, but, you know, they can
7 change a little bit, and I'm sure you've been told that
8 at the table over there, but it has impacts and
9 mitigation measures in the flip charts.

10 So right-of-way, right now we have four
11 structures that it's showing would be taken for the
12 preferred alternative. Historic preservation, okay, on
13 historic preservation, under the Federal Highway
14 Administration Guidelines 4(f), we have to be sure that
15 there's no prudent and feasible alternative before we
16 impact a historic resource; and if we do impact a
17 historic resource, then we have to be sure that we
18 minimize harm. So we meandered the roadway to avoid
19 historic resources, and those are the resources that
20 Dan was saying, and we designed our roadway that way,
21 and so that's why it's like that.

22 For Legion Park, it's also considered --
23 4(f) also covers nonhistoric resources, such as parks
24 and recreation for the public. And on Legion Park, we
25 are doing temporary easements due to the construction

1 of the slope. We are taking a lot of the trees down on
2 the hill, I think approximately 10 on the north side
3 and about 100 on the south side and, again, that's why
4 the visual on impacts. There's photo simulations back
5 there. I think we have about four individual houses
6 that are going to have noise impacts, and we'll look at
7 mitigation for those. We have a few wetland impacts
8 and no threatened and endangered species, so these are
9 the ones that have the most, I guess.

10 And I'm going to turn it once more back
11 to Dan.

12 MR. MARCUCCI: So the most, then,
13 logical question you might have is what's next in this
14 process. This summer CDOT will work to continue the
15 NEPA process, working towards the completion of the
16 final decision document. This document will
17 incorporate comments received today and during the
18 overall comment period. We hope to have this
19 accomplished this summer. After that, future project
20 work, all dependent on funding, of course. Preliminary
21 and final design within -- we should be working on that
22 within the next year -- or over the next year, I should
23 say. During that, we will obtain or will identify
24 specific right-of-way needs. After that, we'll work to
25 obtain that right-of-way following federal guidelines.

1 And then the most important part, actually building it,
2 initiating construction. It's currently scheduled to
3 be built sometime in 2010, all dependent on funding, of
4 course.

5 Next slide. All right, that pretty much
6 wraps up our presentation for now. We would like to
7 open the floor for a 20-minute comment session. If
8 you'd like to make a public comment, please state your
9 name and address, also loudly enough for the court
10 reporter to hear.

11 MR. KENT: Can we ask questions first,
12 is that possible?

13 MR. MARCUCCI: Yeah, we can ask
14 questions, more specific questions about property maybe
15 one on one.

16 MR. KENT: Just general. What is the
17 purpose of going back to two lanes --

18 MR. MARCUCCI: We'll get to it, just one
19 second. If you want to make a public comment, state
20 your name and your address and please keep your
21 comments brief so we can get to everyone who wants to
22 make a comment in one or two minutes. If you prefer
23 not to make a public comment, there are several other
24 methods that you can use. You can either fill out a
25 comment sheet, which I've seen many of you working on

1 here today, you can comment directly to the court
2 reporter, or you can also visit our web site and
3 comment there. All comments received will be handled
4 in the same manner, all are equally important.

5 And with that, like I said earlier, more
6 specific property questions might be better suited for
7 one-on-one discussion afterwards, but with that, myself
8 and the project team would like to open it up for a
9 comment. We have a roving microphone.

10 MS. HIGHMAN: Rosemary Highman, 1056
11 Columbia Place.

12 MR. MARCUCCI: Can you spell your name
13 too, please.

14 MS. HIGHMAN: Rosemary, got that,
15 Highman, H-i-g-h-m-a-n, 1056 Columbia Place. As long
16 as you're doing construction, can you bury the overhead
17 power lines and the other lines, and are you
18 coordinating with people who have their water pipes and
19 various things, are you working to coordinate the
20 construction so that it's all done at one time?

21 And then the other part is I heard three
22 different cut depths on Legion Hill, an oral comment of
23 6 to 7 cut -- feet, sorry, and then I think you said it
24 or one of the other slides said 8 to 10 feet, and the
25 environmental impact said 13 feet cut on Legion Hill.

1 Which will it be?

2 MR. MARCUCCI: As far as the cut, at the
3 level of design we have right now, we're not exactly --
4 that has not exactly been pinned down. I've thrown out
5 the number 8 to 12.

6 MS. PARR: And for the environmental
7 part, we wanted to look at the impacts on the most it
8 would be cut. So the environmental part, we did look
9 at 13 feet, and it's my understanding we're in
10 preliminary design still, so it could be less; but when
11 we looked at environmental impacts, we did the most.

12 MR. CLARK: The EA evaluated a design
13 speed that is higher than what is being considered for
14 design. 50 or 55 miles per hour was the design speed
15 for the EA, the worst case. Right now we're
16 considering 45 to 50 miles per hour, which would reduce
17 that cut. And, Nancy, I don't recall what the current
18 is. Is it currently 10-foot?

19 MS. LAMBERTSON: Six to seven.

20 MR. CLARK: It is six to seven?

21 MS. LAMBERTSON: Just to throw it out
22 there, what's being shown on that picture is conception
23 design. We've gone a little further in the design, and
24 we've been able to make some adjustments to the profile
25 to minimize the cut of the hill.

1 MR. CLARK: But it's still a work in
2 progress.

3 MS. LAMBERTSON: Yes.

4 MS. HIGHMAN: And then the power lines?

5 MR. CLARK: And the power lines, which
6 specific area? Were you talking about the major
7 overhead power lines that go to the Xcel plant, or are
8 you talking about power lines parallel to the roadway?

9 MS. HIGHMAN: Parallel to the roadway.

10 MR. CLARK: There will be major utility
11 relocates. There will be relocation of water lines if
12 required, sewer lines, as well as electric lines and
13 communication lines. Usually the relocation of
14 overhead facilities are relocated overhead again,
15 although there are some opportunities to underground
16 those facilities, and I think that would require some
17 conversation with Boulder and Boulder County and CDOT.

18 MR. GOSSELIN: It's up to Xcel.

19 MR. CLARK: It's up to Xcel? Okay.

20 MR. KENT: Joe Kent, K-e-n-t, 531
21 Columbine Avenue in Broomfield. What's the purpose of
22 going from a four-lane highway down to a two-lane
23 highway back to a four-lane highway? And I know one of
24 the alternatives was staying four lane all the way.
25 How did you come down to arrive in the preferred

1 alternative to two-lane, and was it because you
2 couldn't get the right-of-way from either side of
3 Legion Hill?

4 MR. MARCUCCI: Well, not so much from
5 Legion Park, or Legion Hill. Part of the reason was
6 during our decision matrix, deciding between two
7 alternatives, the two-lane segment was more compatible
8 with local and regional planning. That's right there
9 at Westview, the road runs next to I think it's a rural
10 arterial right there, so --

11 MR. KENT: Doesn't the amount of traffic
12 dictate a four-lane highway?

13 MR. MARCUCCI: Actually, we show -- our
14 simulations show traffic travel time actually remaining
15 the same from I think is it 63rd over to 75th, still
16 five minutes. So we don't show a significant reduction
17 in travel time.

18 MR. KENT: What does it do to backed up
19 traffic on Arapahoe like it is now? Because you're
20 backing up from two lanes to one lane now, and it backs
21 up. How is what you're doing going to stop the backup?
22 That's what I don't understand.

23 MR. CLARK: I guess, first of all, Dan
24 went over the project purpose. And NEPA has several
25 functions. One is to improve capacity, one is to

1 improve safety and upgrade to current standards and
2 then also to provide multi-modal enhancements, so the
3 capacity portion is one part of the purpose. The
4 segment that's going to be two-lane, the new segment
5 that's going to be constructed with the two-lane
6 section starts at Westview and continues to the east.
7 There are four lanes at the intersection at 75th, but
8 the four lanes through the intersection at 75th were
9 constructed to provide increased capacity at the
10 signalized intersection, not to accommodate a future
11 four-lane going from the east and going to the west.
12 So it allows more traffic to go through a very
13 congested intersection where there's a lot of traffic
14 going from north to south also on 75th.

15 The other enhancements going in are
16 widened shoulders, improved sight distance, auxiliary
17 lanes wherever they're required, right turn lanes and
18 left turn lanes, and all the traffic that's turning
19 would be out of the through traffic lane, all vehicles
20 that are experiencing difficulty with snow conditions
21 can pull off to the side of the road; and so for that
22 three-quarter of a mile section that's being perceived
23 as a constrained section, traffic will still flow
24 through there better than it is now, significantly
25 better than it is now, based on all these other

1 improvements, and so we do think that there will be
2 some increase in capacity.

3 It's not additional drainage capacity,
4 but even with a traffic engineering analysis, when you
5 widen and clear roads, improve sight distance, widen
6 shoulders, you do incrementally improve capacity. So
7 it's not an even trade. You're not going to see, we
8 don't think, the same kind of congestion that you see
9 now with just the two-lane restraint section out there.

10 So the local planning was also taking
11 into consideration other studies that have been done on
12 the facility on the two-lane or on the State Highway
13 7/Arapahoe Road facility, so we're incorporating those
14 considerations into all the others identified in the
15 preferred alternative.

16 MR. HOFFMEISTER: I'm Jim Hoffmeister,
17 2400 Park, Park Lake subdivision. I've been there 30
18 years. I looked at the chart, 2-28, 2-29.

19 I'll start over, Hoffmeister, Park Lake
20 subdivision. I looked at the chart and referred to
21 2-28 and 29 in the assessment. It clearly shows
22 double, almost, the amount of traffic at peak times
23 from what it was in 2002, I believe. The assumption
24 was that is -- that by the County Commissioners,
25 apparently, is if we don't expand the road, traffic

1 will not increase, but it obviously has increased,
2 doubled during that time.

3 Part of the question is, in studies of
4 traffic, I hope that you will come out and actually try
5 to drive Arapahoe going into Boulder at about 7:15 to
6 9 o'clock. I don't think your counters report what's
7 actually happening there. In your assessment it says
8 it's near capacity. It's way over capacity at those
9 peak times. I hope that -- and this is not personal, I
10 know you folks are doing the best that you can, but it
11 seems to me that to get a more accurate assessment of
12 what's happening on the highway, you and some staff
13 need to come out there several times during the week
14 over a period of a month at the peak traffic times just
15 to see what it's like. Thank you.

16 MS. PARR: Thank you.

17 MR. CLARK: And we did. You and I had a
18 conversation a little bit earlier, and there are some
19 graphs in the study that are on the table over here
20 that we can point out to you if you want to look at
21 them. There is a distinct peak traffic westbound in
22 the morning and there's a distinct peak traffic in the
23 afternoon. The p.m. peak, it's classic 5 o'clock, it
24 just comes to like a mountain peak. So during those
25 timeframes there is a lot of traffic on the highway

1 going in one direction or the other.

2 What we have noticed is some of that
3 traffic has spread out a little bit. It used to be, I
4 think, several years ago right at 8 o'clock and now
5 it's maybe expanding from 7:30 to 8:30 or 7:00 to 9:00,
6 and so there is some natural, I guess, traffic
7 adjustment taking place by people sort of adjusting
8 their travel times.

9 MR. KENT: I think that's additional
10 traffic. I don't think it's people spreading out.
11 It's additional people using the road.

12 MR. CLARK: I don't believe it's double.
13 I think the daily traffic has maybe doubled since 1988,
14 I think. It was around 10,000 per day, now it's about
15 19,000 per day, or at least the last time we counted
16 about a year ago it was 19,000 a day. And those peaks
17 hit all over the city and all over the metro area,
18 there's congestion during those peak timeframes, and we
19 feel that this segment of roadway that is going to be a
20 two-lane section is three-quarters of a mile long and
21 will handle the traffic fairly efficiently.

22 It doesn't mean there won't be traffic
23 perceived to be bumper-to-bumper, but we do think it's
24 going to flow fairly well, especially with the
25 improvements made at 75th. That was the bottleneck

1 when we originally started evaluating this corridor,
2 and the improvements out there I think provided an
3 improvement to traffic, both in the morning and
4 afternoon.

5 MR. ROETTAER: My name is Bill
6 Roettaer, R-o-e-t-t-a-e-r. My address is 4507 Mulberry
7 Court. What's the justification for the center turn
8 lane along the entire length of the project? That
9 greatly expands the footprint as far as more
10 right-of-way acquisition, makes a cut through the hill
11 all the more difficult because of the wider
12 right-of-way. So what is the justification for
13 including that center left turn lane throughout the
14 length of the project?

15 MR. CLARK: The point that you brought
16 up over the hill is an excellent example to meet design
17 criteria for the left turn lane at Westview going in
18 the westbound direction and the left turn lane going in
19 the eastbound direction going to Valtec. There's an
20 industrial park on the east side of the hill. To
21 provide the turn lane and then the taper, those almost
22 start to overlap with each other. They don't overlap
23 but they come within several hundred feet of each
24 other, so there really is not enough room to hourglass
25 the roadway in between those turn lane requirements, so

1 that is a really good example.

2 As you move west on the project
3 corridor, there are multiple access points once you get
4 into a more organized setting that require a left turn
5 slot to essentially allow these vehicles to get out of
6 the traffic and allow the through traffic to operate at
7 its highest efficiency. So it is a design criteria
8 requirement.

9 And I guess, just to state here, that
10 this comment period right now, we will be continuing
11 with the open house afterwards, and any of these
12 specific questions, I guess if they're more general in
13 nature and you want to make sure they get in the public
14 record, now is an excellent time to do that, otherwise
15 we'll be happy to answer these questions even after the
16 comment period. So if you'd rather talk about some of
17 your issues, certainly feel free to comment now or make
18 a comment afterwards and we can talk with you or you
19 can make comments to the court reporter afterwards.

20 MS. MUENCH: Lorene Muench, M-u-e-n-c-h.
21 I just want to say that I'm really glad something is
22 going to happen with the center lane going left into
23 Westview because it's pretty dangerous. When you're
24 trying to make a left turn into that subdivision, with
25 a lot of traffic behind you coming at high speeds, you

1 feel like a sitting duck, and there have been a few
2 times when I've had to just keep going in order to
3 avoid having a collision from behind. So I just want
4 to say that that is a great thing in terms of safety.

5 My concern is that if the funding is
6 pulled, then what often happens is the problems that
7 seemed big when there was funding available suddenly
8 aren't taken seriously when the funding source dries
9 up. So if this funding does get pulled, I would like
10 to see some efforts made to make that a safe place,
11 even without four lanes in that area, or center lane in
12 that area.

13 Something to make it very safe or safer
14 than it is now would be to pave the areas beside the
15 shoulders so that it would be easier for people to go
16 around somebody who's trying to make a left turn in
17 that area. Right now someone even has a reflector
18 sign, making it very difficult to go around somebody
19 making a left turn, which really increases the chance
20 of accidents. So I would just like to see safety in
21 mind, even without this project.

22 MR. CLARK: Great comment.

23 MR. CONDON: Bob Condon, 7602 Arapahoe,
24 C-o-n-d-o-n. We already lived through the first phase
25 of this project. We're down there, we could see if it

1 improved north/south traffic and it did. But the
2 east/west traffic, especially the westbound in the
3 morning, there wouldn't really be any improvement until
4 this next phase was done, and, boy, you got out there
5 on 75th, built this huge intersection, basically you're
6 looking at what looks like a commercial intersection
7 but, of course, Boulder County doesn't see it that way.
8 I just don't see this whole rural two-lane thing and
9 all that, why did we have to give up all that we did;
10 and traffic-wise when you go from four to two to four
11 to two, you're just building a racetrack and road rage
12 thing.

13 We see it every day, especially in the
14 afternoon where people come out of a two-lane and
15 accelerate and they've got to get back narrowed down to
16 the bridge. Personally I thought the first project
17 should have gone a little further and not narrowed up
18 right in front of our house, so it's downright scary to
19 make a right turn into our driveway in the afternoon.

20 And in the afternoon, the peak may be at
21 5 o'clock, but anytime after about 2 o'clock, it gets
22 pretty bad, and your traffic is spread out more, so it
23 gets harder and harder to make a left turn across
24 there. When it goes down to two-lane all the way,
25 people will tend to let you in. Now they're looking at

1 that expansion coming west into the two lanes, or even
2 four lanes, they won't even move over a lane to let you
3 in because it's just the psychology of it when you keep
4 going four, two, four, two. I just see that as causing
5 some problems. I don't quite understand what the
6 reason is for that little two-lane section.

7 MR. CLARK: Thanks.

8 MR. HUDDLE: Tim Huddle, 1012 Fox Bridge
9 Court, and I guess I'd like to echo his sentiment as
10 far as when there's two lanes going to one, the road
11 rage that I see every day, everybody has to be in a
12 hurry, everybody's got to be first, nobody wants to let
13 anybody in, and I don't know if that's necessarily --
14 it's probably not a design flaw, it's probably a human
15 condition, but that's something that this should be
16 taken into account, especially going east on the hill,
17 right before Westview, that that's going to be a
18 problem, especially in the winter.

19 And another question I had is how long
20 is the project going to take to complete?

21 MR. CLARK: Thanks for the comment. And
22 for construction, I'm not sure. Two construction
23 seasons, so maybe 18 months or something like that, so
24 it might be a summer and then a winter and then maybe
25 another summer.

1 MR. TENENBAUM: I'm Bruce Tenenbaum,
2 7279 Arapahoe, T-e-n-e-n-b-a-u-m. Just a counterpoint
3 to what I'm hearing here, having lived in this area for
4 many, many years, the improvement at the intersection,
5 from my perspective living close to the intersection,
6 actually made this whole trip into town heading west
7 much better. I've had a five-minute difference when I
8 leave to when I come back. At a quarter of 8:00, it is
9 really packed, 20 till 8:00, it's open. I think that
10 the little bit that has been done so far has a huge
11 impact in improving the accessibility on Arapahoe Road,
12 especially west in the morning. Even though it does
13 still seem busy, it's significantly better than it was
14 prior to the last construction phase.

15 In addition, I like the concept of going
16 to two lane, four lane, two lane -- the other way
17 around -- simply because this will slow down traffic.
18 I think that if it was continued to be four lane, you
19 know, it probably would be a 55-, 60-mile-an-hour
20 freeway. I like the idea of the purpose to slow down.

21 MR. CLARK: Thanks.

22 MR. CONWAY: Tom Conway, C-o-n-w-a-y,
23 4582 Four-Mile Canyon Drive. My office is at 7191
24 Arapahoe. Traffic is a lot better than it was. We
25 don't see the number of accidents that we used to, so

1 it has improved safety somewhat. My question is you're
2 spending all this money on the bridge there. Are you
3 going to accommodate four lanes?

4 MR. CLARK: The turn configuration would
5 allow for a four-lane roadway under the railroad
6 bridge, if that eventuality ever came about.

7 MR. CONWAY: So it's four-lane?

8 MR. CLARK: We're not building a major
9 infrastructure for the railroad. That may need to be
10 reconstructed 20 years down the road.

11 MR. GOSSELIN: We're looking at 30 years
12 for this process here. When we build a structure, we
13 expect it to last about 80 years, so that's why we're
14 going well beyond what this study is looking at when we
15 design and construct a railroad bridge. If we wanted
16 to four-lane it, we have this document that shows it
17 has not been four-laned, we would have to come back and
18 do a similar process as this in the future before we
19 expand that to four lanes, but it's not anticipated in
20 the next 30-year horizon that we're looking at that.

21 MR. SLEEPER: My name is Joe Sleeper,
22 6500 Arapahoe. I'm representing the Boulder Valley
23 School District, and we have several comments because
24 we clearly impact the travel lane in that area. We'll
25 also make several comments and provide those in written

1 form, but we do stage about 150 buses out of there a
2 day, school buses. We also host RTD that comes in
3 there several times during the day and several hundred
4 employees that go in and out during those peak times,
5 so we have some concerns about how that intersection
6 directly in front of us will be configured. Like I
7 said, we'll submit those in written form.

8 The question I have, though, I think
9 this was preferred alternative 3; is that correct, the
10 alternatives?

11 MR. CLARK: I think I've gotten them
12 confused, but I think it's 2.

13 MR. SLEEPER: I did note you had a
14 project budget in there, and I guess my question is,
15 you're a couple years out. Knowing what asphalt is
16 doing right now, what contingencies are in place to
17 either increase the funding because demands during the
18 construction period or what contingencies do you have
19 to justify the project accordingly? Do you have parts
20 of the project that you will scale back as a result of
21 budget cuts, or do you hope to meet that budget?

22 MR. GOSSELIN: At this time our goal is
23 to build what we show. If the escalating costs get
24 beyond what we can deal with, then at that point we
25 would think about cutting it back slightly; but until

1 we have a design for the full build so we can get costs
2 for that, we can't start cutting things out. So we
3 will be looking at doing it in concrete instead of
4 asphalt because of the escalating asphalt costs, but
5 that's something that we have to get through this
6 process before we get into final design and start
7 looking at those kinds of issues.

8 MR. ROETTAER: Bill Roettaer again.
9 You indicated the final design speed for this hasn't
10 been determined; is that correct?

11 MR. CLARK: We are currently doing some
12 early preliminary design, which has increased the next
13 step past what you see on the table, and we are looking
14 at a 45-mile-per-hour design speed. The 75th
15 intersection was a 45-mile-per-hour design speed. To
16 the west in front of the school is 45 miles per hour.
17 At one point in the study we were considering 55 miles
18 per hour over the hill. So it would be a consistent
19 45 miles per hour through the whole length of the
20 corridor.

21 MR. ROETTAER: I think that the
22 residents and the businesses along this stretch will be
23 very concerned about higher speed limits and everything
24 like that. Just the fact that you're widening the
25 roadway will encourage drivers to speed up, so I think

1 you need to do everything you can to design the roadway
2 so that speeds are limited to 45 miles per hour
3 maximum.

4 MR. CLARK: Thanks.

5 MR. MARCUCCI: Any more comments?

6 MR. McLENNON: Just a quick question. I
7 was wondering how much extra traffic flow are you
8 looking at from the Park-n-Ride for the Fast-Trax going
9 in there at 63rd and Arapahoe? Are you expecting a lot
10 of stuff -- I mean, people coming in from the east --

11 MR. MARCUCCI: First off, can we get
12 your name?

13 MR. McLENNON: My name's Scott McLennon.
14 I've got a shop at 7183 Arapahoe.

15 MR. GOSSELIN: We looked at kind a
16 sensitivity analysis at the Park-n-Ride. Right now the
17 plan for a Fast-Trax does not have a funded Park-n-Ride
18 there. Actually, we have representatives from
19 Fast-Trax here.

20 MR. McLENNON: Or a station.

21 MR. GOSSELIN: Right now it is not
22 funded, so we cannot assume that it will be there, but
23 we did look at it and see what it did to us. It had a
24 minor impact for our overall numbers.

25 Mr. McLENNON: So you don't think

1 there's going to be much flow from the east to get to
2 that station?

3 MR. GOSSELIN: More from the west.

4 MS. McAFEE: Actually, what the document
5 says, I just looked it up, it said a 800-space
6 Park-n-Ride and 75 percent of the patrons to and from
7 the west. So that was our best guess.

8 MR. GOSSELIN: The best guess was that
9 anybody that lives to the east and they're trying to go
10 to Denver, they'd rather travel towards Denver to get
11 on the train, which would be at the Louisville stop.

12 MR. McLENNON: If there was an easier
13 path, it would attract a little more attention.

14 MR. MARCUCCI: All right. Any more
15 questions or comments? If not, I would like to thank
16 you all for coming out. We'll continue the open-house
17 format now where we can continue to address any more
18 specific questions you have.

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PUBLIC COMMENTS

COMMENT 1: I would like to see them continue the two lanes going east past Westview Drive to the crest of the hill, then merge them into the one lane, as opposed to them merging them into one lane right at Westview, which is where I turn all the time off of Westview.

COMMENT 2: I'm the owner of Boulder Door and Millwork at 6655 Arapahoe, and I would like to make sure that they do not insert a raised median in front of our driveway so that traffic can still turn left into our facility and we can still turn left out of our facility.

COMMENT 3: This is Marcia and Jim Hoffmeister. We live in the Park Lake subdivision, and I want to tell CDOT that 75th to 95th is a death trap. For bicyclists the siding is barely a foot wide, and now with the increased gas costs, more people are bicycling to work and they go at peak traffic hours and traffic has to move out to get around them and it is a death trap. I'm amazed that nobody's been killed.

1 COMMENT 4: I'm Bruce Tenenbaum, at 7279
2 Arapahoe. I do want to say that Gray and this whole
3 team have worked with me for the last several years,
4 including CDOT right-of-way people, and have recognized
5 the majority of the concerns that I've had in a very
6 professional manner and have dealt with it in their
7 design, and I'm very appreciative and it's wonderful
8 what they're doing.

9 The only little concern I want to bring
10 up that I see at this point is there is a potential for
11 a large concrete or masonry retaining wall on the north
12 side of Arapahoe directly across from my home,
13 potentially very high, and I'm afraid that it could
14 have the impact of creating an amphitheater effect on
15 the noise coming out of my property. I would like some
16 awareness to be put to that issue on the final design.

17
18 COMMENT 5: I'm Jim Hoffmeister. The
19 only thing I have is that I would be concerned about
20 the cost benefit of this change. My bias is that
21 unless it's four-lane, there's no way it can handle the
22 increased volume of traffic, and it will probably take
23 two or three years to complete this. At what cost, I
24 don't know at the moment. By that time, the
25 developments east of us, east of 287 on Arapahoe, will

1 continue to expand and the volume is going to
2 dramatically increase again, so we probably won't be
3 any better off three years from now than we are now
4 because we haven't made it four-lane, we've made it
5 three-lane, and it's not even an effective turning
6 lane.

7 So I'm wondering what's the cost benefit
8 of what we're doing. We've lived in Park Lake for 30
9 years, so we've been seeing this increased traffic and
10 fighting that volume over the time period, so we think
11 CDOT and the County Commissioners, we'll say this in
12 other places too, should look at the cost benefit of
13 what they're doing. And that's it.

14
15 COMMENT 6: My name is Joe Kent. We own
16 the property at 6551 Arapahoe, and a bunch of comments.
17 One, we own the north side of the street. We have
18 trees that line Arapahoe, two sets of trees, Russian
19 olives and green ash. They were put in as a sight
20 barrier, and they're not for landscaping purposes,
21 they're for sight barrier purposes. We have
22 semitrailers on the property. Boulder County would
23 prefer us to have the semitrailers covered and not
24 seen. The trees today are about 8 feet tall. The
25 sight barrier is perfect. It appears you will be

1 taking all the trees. We don't want that. We want to
2 save the trees, and I'm not sure you can.

3 So I guess the next comment is if you're
4 going to take the trees, we'd like you to put them
5 back. Again, it's not as a landscaping purpose. It's
6 as a sight barrier.

7 Second thing, you're at the light where
8 our property is, it's a one-lane highway with a left
9 turn lane in the school district and a right turn
10 lane -- or there is no right turn lane, it's a straight
11 through lane and turn lane. We are going to be
12 decelerating semitrailers at that point to turn onto
13 our property and we'll be blocking traffic.

14 That's the two comments. Please keep us
15 informed of what's going on. We've signed in.

16 The public hearing was concluded at
17 6:30 p.m.

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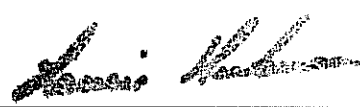
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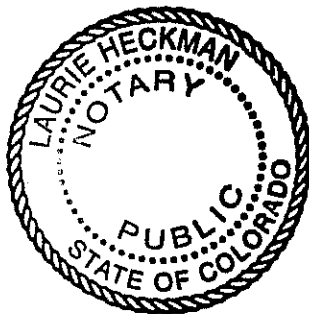
STATE OF COLORADO)
) ss
COUNTY OF JEFFERSON)

I, Laurie Heckman, Notary Public of the State of Colorado, duly appointed to report the above public hearing, do hereby certify that said hearing and comments were stenographically reported by me at the time and place heretofore set forth, and was reduced to typewritten form under my supervision as per the foregoing;

That the foregoing is a true and correct transcript of my shorthand notes then and there taken;

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of July 2008.


Laurie Heckman, RPR
Notary Public
My Commission expires:
September 1, 2008



Appendix C – Agency Comments

- A1 – City of Lafayette
- A2 – Boulder Valley School District
- A3 – City of Boulder and Boulder County
- A4 – Naropa University
- A5 – Boulder Valley School District
- A6 – Denver Regional Council of Governments
- A7 – United States Department of the Interior
- A8 – United States Environmental Protection Agency

From: Douglas Short [douglass@cityoflafayette.com]
Sent: Monday, June 23, 2008 8:25 AM
To: A. Gray Clark
Cc: Marcucci, Daniel; Parr, Carol; Gosselin, Mark
Subject: RE: SH7 - Cherryvale to 75th
...just for the record my vote is for 4-lanes the entire section from Cherryvale to 75th.....but I am but a lowly Public Works Director...so what do I know!!

From: A. Gray Clark [mailto:gclark@MULLERENG.COM]
Sent: Monday, June 23, 2008 8:13 AM
To: Douglas Short
Cc: Marcucci, Daniel; Parr, Carol; Gosselin, Mark
Subject: RE: SH7 - Cherryvale to 75th

Doug,

The preferred alternative includes 4 lanes on the west end of the project and transitions to a two-lane section over the Legion Park hill (between Westview Drive and the BNSF Railroad Overpass).

Please let me know if you have any further questions.

Thanks,

Gray

A. Gray Clark, P.E.
*Transportation Project Manager
Muller Engineering Company, Inc.
777 S. Wadsworth Blvd.
Suite 4-100
Lakewood, CO. 80226
303 988-4939 phone
303 988-4969 fax*

From: Douglas Short [mailto:douglass@cityoflafayette.com]
Sent: Friday, June 20, 2008 1:33 PM
To: A. Gray Clark
Subject: SH7 - Cherryvale to 75th

Is the preferred alternative to extend SH7 with 4 lanes (two in each direction) from Cherryvale to 75th...??

Doug Short
Public Works Director
City of Lafayette

From: Jim Blankenship [jim@jlbcivil.com]

Sent: Monday, June 30, 2008 3:49 PM

To: A. Gray Clark

Subject: EA Comment

Hi Gary,

I am representing Boulder Valley School District for their site on Arapahoe Road. We are planning for some adjustments to the parking and circulation on their site and was wondering if you forward the contact information for the surveyor who prepared the base maps for the CDOT project. We are looking for someone to help with surveying on this site and would like to talk to them.

Thanks

Jim Blankenship, P.E.

JLB Engineering Consultants

743 Pear Court

Louisville, Colorado 80027

jim@jlbcivil.com

303-604-1634



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July 18, 2008

Mark Gosselin, CDOT – Region 4
Colorado Department of Transportation
1420 2nd Street
Greeley, CO 80631

RE: City of Boulder and Boulder County's comments on the Arapahoe from Cherryvale to 75th Street Project and the associated Environmental Assessment

Dear Mark,

Staff from the City of Boulder and Boulder County appreciates the opportunity to provide comments on the Arapahoe from Cherryvale to 75th Street Project. Our staff has enjoyed working with you for the many years that this project has been under discussion and we share your desire to bring the planning stage of the project to completion.

Thank you for meeting with Stephany Westhusin and Mike Sweeney recently to discuss the project. Given your conversation it appears there is a good opportunity for agreement to advance components of the project that would meet the needs of CDOT, Boulder County and the City of Boulder. The City of Boulder and Boulder County have reviewed and conferred with each other regarding the environmental assessment for the Arapahoe project from east of Cherryvale to west of 75th Street. The city and the county have the following comments:

- We are supportive and grateful for several components of the project. Specifically, we are supportive of the inclusion of a sidewalk on the south side of Arapahoe, from Cherryvale to Westview and a multi-use path on the north side of Arapahoe, from Cherryvale to 75th Street. In addition, we are supportive of the inclusion of bicycle lanes or shoulders along the entire length of the project; and for the inclusion of several transit stop improvements. We are also supportive of the proposal to limit the cross-section of Arapahoe to three lanes between Westview and the railroad bridge. We believe that CDOT has made very good project decisions in each of these areas.

A3-1

- We support the design of this section of roadway, using no greater than a 45 mph design speed. Along those lines, we would encourage CDOT to consider using narrower lane widths, more consistent with other Boulder area facilities. In particular, we would recommend 11 foot travel lanes, and 10 foot turn lanes. We would question whether

there is a need for 16 foot center turn lanes anywhere in the project. We believe that narrowing lanes can provide additional room for a detached sidewalk or a narrower cross-section, both of which would be beneficial to pedestrians.

- A3-2**

 - We understand the need for efficiency improvements at the 63rd Street and the BVSD intersections. We would like CDOT to build two lanes in each direction with the second lane designated as a right turn, acceleration/deceleration and queue jump lane. We are willing to discuss agreeing to a defined trigger (i.e. level of service) at which point this designated outside lane could be re-stripped as a full service lane. We need to investigate what type of documentation and approval is needed from the local governments, such as a memorandum of understanding approved by Council and the Commissioners.
- A3-3**

 - We do not advocate adding queue jump lanes to the current recommended 5-lane cross section at the intersections.
- A3-4**

 - We would like CDOT to construct the additional turn lanes from 63rd Street to 75th Street only in locations which justify the additional lanes based on high turning traffic volumes or high number of correctable accidents – and not build continuous left and/or right turn lanes.
- A3-5**

 - We would like CDOT to evaluate where to start the 3rd lane going westbound from the 63rd Street intersection – preferably keeping the start of the three lane section where it is today and transitioning from two lanes through 63rd to three lanes where it exists today.
- A3-6**

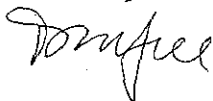
 - We are concerned about the proposal to attach both the sidewalk and multi-use path on Arapahoe between Cherryvale and Westview. Arapahoe is an arterial roadway with a speed limit of 45 mph. We would like CDOT to consider detaching the sidewalk on the south side of the roadway, and if possible, detaching the multi-use path on the north side of the roadway.
- A3-7**

 - With agreement on these items we request that we pursue an agreement with the Denver Regional Council of Governments (DRCOG) regarding how the city of Boulder's federal funds associated with this project can be used effectively without penalizing the city for project delays.

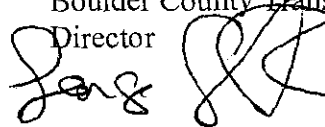
Thank you for considering our requests. We would be glad to discuss our comments in person with you if you would like.

Sincerely,

Tracy Winfree
COB Director of Public Works
For Transportation



George Gerstle
Boulder County Transportation
Director



Cc: Robert Garcia, Regional Transportation Director, CDOT Region 4
Stephany Westhusin, City of Boulder
Michael Gardner-Sweeney, City of Boulder

Naropa University
2130 Arapahoe Ave.
Boulder, CO 80302

July 22, 2008

Re: SH 7 Environmental Assessment
6287 Arapahoe Rd – Naropa University Campus

To: Robert Hayes, CDOT
Gray Clark, Muller Engineering

Gentlemen,

On behalf of Naropa University, I thank you again for your outstanding cooperation in sharing with me the details of the environmental assessment (EA) regarding the widening of Arapahoe Road. In general, Naropa University supports the project as we believe it is the correct improvement for traffic conditions on east Arapahoe and specifically at the intersection of 63rd street and Arapahoe Road. However, it does create significant problems for us that I will detail below.

Naropa University is a primary employer in Boulder and an important educational and cultural contributor to the city, county and surrounding towns. In total, we employ approximately 400 faculty and staff with a student body presently of over 1,100. As a contemplative university, our specialty is offering students the opportunity to focus their study on intellect and intuition – both the inner and outer experiences of being human. Thus, though our classes are sometimes tumultuous, disturbance from the environment, most of the time, can be distracting to both students and faculty.

As you know, a Naropa campus sits at the northwest corner of the intersection of 63rd street and Arapahoe Rd. This campus will be considerably impacted by the project. We believe CDOT ought to consider strongly the fact that one of our campuses sits squarely in the project zone and the impact of the development on our campus and its inhabitants.

Additionally, the campus at 63rd street is not a “satellite campus” as stipulated in the EA. It is a significant property representing one of our three campuses. Specifically it is the heart and soul of our visual and performing arts departments as well as the home of our Extended Studies division. University plans call for the build-out of this campus, at the very least, on the existing 5.5 acres. The inclusion of our yoga, t’ai-chi and aikido classes will likely occur in the near future. Our plans may include all aspects associated with a functioning university including student housing and dormitories. Also, the expansion of the parking lots, which will be required for development of this property, needs to be considered. Naropa’s future calls for substantial growth of this campus.

With the above in mind, I would like to add to the EA public comments and concerns as well as request that considerable attention be brought to the following:

- A4-1**
 - One overall disturbing factor in the EA is that a university campus, an important institution to the City and County of Boulder will be affected by the construction and completed project, yet gets little mention or attention in the assessment.
- A4-2**
 - As mentioned above, we believe Naropa University at 6287 Arapahoe Road should be added to Table 3-27 in regard to “Foreseeable Future Development”.
- A4-3**
 - The EA states that 22, 400 square feet of our property falls into the “area of acquisition”. Representing about 10% of our campus, this is concerning.
- A4-4**
 - Due to the alleged historic gas station, the widening of Arapahoe Road, east and west, will dip south near the intersection of 63rd street. Not given any attention is that similarly, due to the location of the gas station, 63rd street heading north from Arapahoe is projected to be moved extensively to the west. The plan, from all indications, intrudes largely on our eastern border. 63rd street will then encroach on our classroom building, raising noise, carbon monoxide and visual concerns.
- A4-5**
 - Classrooms, studios, windows and many roof top units of our heating and air conditioning system run parallel to 63rd street.
- A4-6**
 - The moving of 63rd street to the west will also likely require the destruction of trees along our eastern border.
- A4-7**
 - The widening of 63rd to the west might intrude on existing parking spaces that cannot be lost.
- A4-8**
 - It is unlikely the university will agree to an increase in the right of way associated with the purchase of our land along the eastern border of our property.
- A4-9**
 - The university was not used as a site for noise testing during the EA and thus, if appropriate, has not been considered for a noise abatement structure. Obtrusive noise is a concern to a classroom environment. “According to CDOT guidelines, the ‘feasibility and reasonableness’ of mitigation needs to be considered for all locations that are projected to experience noise impacts.”
- A4-10**
 - Numerous trees parallel Arapahoe Road on Naropa’s southern border. One of especial interest in an old, very large cottonwood tree, which sits close to the intersection to 63rd street. It is not clear from the engineer’s drawings if this and other trees are endangered by the project.

Considering the shift in 63rd street to the west, curb and gutter work, the 12-foot wide multi-use sidewalk, the water quality pond, the widening of 63rd street, the westbound acceleration lane servicing 63rd street and required RTD bus stop with its associated cement pad, **some or all of these trees are likely in jeopardy.**

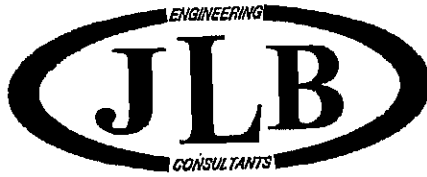
- A4-10** • Naropa University frowns upon the possible destruction of these trees.
- The size and location of the water detention pond along our borders is concerning but not overwhelming. Specifics of this proposed water quality structure need to be examined and brought to acceptable university understanding.. We would like to be certain that details related to the location, size, maintenance of and impact on pedestrian circulation are addressed.
- A4-11**
- The EA states, “Because there are very few residential land uses in the study area, adverse impacts on persons of advanced age or with disabilities are not anticipated”. In fact, Naropa University does have among its ranks individuals in both above categories and attention does need to be brought forth in attending to their needs.
- A4-12**

Let me close by reiterating Naropa University’s general support for this project along with our hope that it can be accomplished in ways that are less disruptive to the human and natural environment of our 63rd street campus. We look forward to the coming discussions and negotiations..

Sincerely,

|

Sandy Goldman
Vice President of Operations



Professional Engineers
Civil Engineering

July 24, 2008

Comments to Arapahoe Road (S.H. 7) – Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation

Comments prepared by Boulder Valley School District, 6500 E. Arapahoe Road, Boulder,
Colorado

Mr. Gray Clark
Muller Engineering Company
Suite 4-100
777 South Wadsworth Blvd.
Lakewood, Colorado 80226
Fax: 303-988-4969

- 1.) The BVSD has concerns pertaining to construction level traffic control and movements with relationship to site access for the BVSD. The BVSD bus barn which serves this portion of the school district area is located on the site and is subject to heavy vehicle movements relying on current configurations and signal timing. The BVSD transportation department is tasked to schedule buses based on expected normal traffic movements to allow for collection of children for school and for return trips home. The BVSD requests that traffic movements with respect to buses and daily operations be maintained insofar as practical and any adjustments to the signals, lanes or traffic flow and that notice be provided to the BVSD a minimum of 10 working days in advance, if not longer.
- 2.) There are several existing trees along the current boundary of the BVSD parking area which fronts the current right of way for SH7. While it is acknowledged that the road selected cannot be built without removing said trees, the BVSD is concerned that the root structure of these trees extends under the existing pavement and removal of trees and subsequent decay of larger roots could cause damage to the parking lot. In conjunction with this, the existing parking lot does slope to the curb line where these trees were located as such the BVSD is concerned that normal traffic loadings from parked vehicles will be accommodated with any temporary construction means or methods to build the improvements along this reach without having to close down the parking lot.
- 3.) The BVSD utilizes the current configuration of the access at the stop light, at times exceeding the capacity of intersection. At a minimum, the BVSD requests this intersection geometry be studied for the actual conditions during the operating day and that the intersection, highway approaches and turn lanes, site approaches, and signalization timing be appropriated accordingly. The BVSD would like to note that bus traffic is very heavy in the morning hours, coinciding with the morning rush hour, and during the later afternoon, perhaps ending just before the afternoon rush on

A5-1

A5-2

A5-3

S.H. 7 – Boulder Valley School District Comments
July 24, 2008

Page 2

typical days. Additionally, the BVSD experiences high traffic volumes daily from visitors and commercial deliveries. BVSD desires to be involved with and be able to comment on the final design of this intersection. It should be noted that this access is also utilized extensively by RTD for several routes. There is an existing bus stop on the BVSD property that is heavily utilized.

- 4.) The BVSD has installed fiber optics systems on property that need to remain in service. Any activities requiring these systems be relocated shall be coordinate with the BVSD to minimize outages, if any are permitted. Other utility connections, such as water systems, may also need relocation and the BVSD requires that notice be provided in advance of any necessary outages. The BVSD may require an alternate source of feed for any utility normally in service that would be taken out of service as a result of construction. This BVSD location provided centralized data processing and security for the entire district and it's operation is critical to the daily operation of the schools in the District.

A5-4

Respectfully Submitted,
JLB Engineering Consultants
For and On Behalf of Boulder Valley School District



James Blankenship, P.E.
Project Manager

From: Fred Sandal
Sent: Friday, July 25, 2008 8:09 AM
To: 'Gray Clark (gclark@mullereng.com)'
Cc: Steve Cook; Steve Rudy
Subject: Comments on the SH 7 Environmental Assessment

DRCOG has reviewed the State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment and has the following observations and comments:

A6-1

P 1-4: Not sure what guidance you will receive from FHWA, but throughout the document is reference to 2030 MVRTP, even though 2035 MVRTP was adopted in December 2007. (We think it is fine that you modeled 2030.)

A6-2

P 1-4: You should mention that the project is included in the Fiscally Constrained 2035 Regional Transportation Plan.

A6-3

P 3-30: There are a couple of references to "forecasting from DRCOG." The document should be consistent with previous pages that refer to "using" the DRCOG model.

A6-4

P 3-30: You may want to clarify statements such as "the model forecasts SH 7 at capacity in 2030." For what time(s)? What duration?

A6-5

P 3-32: Do you have the data to back up statements in the first four paragraphs (data, numbers, charts, etc.) and should it be included in the document?

Thank you for allowing us to comment.

Fred Sandal, AICP

Long Range Transportation Planning Coordinator

Denver Regional Council of Governments

Telephone: 303-480-6731



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



9043.1
PEP/NRM

AUG 7 2008

ER 08/650

Mr. Shaun Cutting
Program Delivery Engineer
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Mr. Cutting:

Thank you for the opportunity to comment on the Draft Environmental Assessment and Section 4(f)/6(f) Evaluation for **SH-7, Cherryvale Road to 75th Street in Boulder County, Colorado**. The Department of the Interior (Department) provides the following comments.

GENERAL COMMENT

Removal of the bald eagle from the list of federally protected, threatened and endangered species became effective August 8, 2007; however, it is still protected by the Bald and Golden Eagle Protection Act (BGEPA – 16 U.S.C. 668) and the Migratory Bird Treaty Act (MBTA – 16 U.S.C. 703). We are in the process of developing a permitting system to authorize the taking of bald eagles under the BGEPA. In the interim, we recommend adhering to the Colorado Division of Wildlife's 2002 "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" to avoid and minimize the likelihood of violating the BGEPA or the MBTA.

SECTION 4(f) COMMENTS

Following our review of the Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources. We acknowledge that you have consulted with the Colorado State Historic Preservation Office, and have prepared a Memorandum of Agreement to minimize adverse effects to historic properties.

A7-1

A7-2

The Department appreciates the opportunity to review this document. If you need further assistance regarding fish and wildlife resource, please contact Tim Modde, FWS, at (303) 236-4253 or, for questions concerning Section 4(f) resources, please contact Roxanne Runkel, NPS, at (303) 969-2377.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie R. Taylor", with a stylized flourish at the end.

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Ms. Pamela A. Hutton
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222

Mr. Robert J. Garcia
Colorado Department of Transportation
1420 2nd Street
Greeley, CO 80634

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 15 2008

Ref: 8EPR-N

Karla S. Petty, PE
Division Administrator, Colorado Division
Federal Highway Administration
12300 W. Dakota Avenue Suite 180
Lakewood, Colorado 80228

Robert J. Garcia, PE
Region 4 Transportation Director
CDOT Region 4, Boulder Residency
1050 Lee Hill Road
Boulder, Colorado 80302

Re: EPA Comments on the Environmental
Assessment (EA) and Draft Section 4(f) Evaluation
for State Highway 7 (Cherryvale Road to 75th
Street) in Boulder County, CO

Dear Ms. Petty and Mr. Garcia:

EPA Region 8 has reviewed the Environmental Assessment (EA) and Draft Section 4(f) Evaluation for State Highway 7 (Cherryvale Road to 75th Street) in Boulder County, CO. This document evaluates the environmental, social and economic impact of the proposed action for State Highway 7 between Cherryvale Road and 75th Street (approximately 2.2 miles). The primary purposes of the improvements are to reduce congestion and enhance safety. The improvements are also intended to improve mobility for multiple modes of transportation. Our review did not raise any issues or concerns with the proposed action, and EPA does not plan to submit comments on this document. If you have any questions, please contact Jody Ostendorf at 303 312-7814.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Svoboda", is written over a horizontal line.

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation



Appendix D – Public Comments

E1 – Rose Mary Highman
F1 – Laurene Facey-Muench
F2 – Bill Roettker
F3 – Bill Boothby, Colorado Tennis Facilities
F4 – James Hoffmeister
F5 – Albert Chapman, Boulder Door & Millwork Co.
F6 – Jason Sweeney
F7 – Marcia Hoffmeister
F8 – Carol Saunders
F9 – Tom Conway
F10 – Anonymous
F11 – Historic Boulder, Inc.

From: Rose Mary Highman [mailto:gsnaps2000@comcast.net]
Sent: Friday, July 25, 2008 10:14 PM
To: A. Gray Clark
Subject: SH7 input from 7/8/2008 meeting

Mr. Clark, Thank you for the public hearing re the above. I appreciate the 6-7' cut at Legion Hill and the 45 mph and the bike and multi-use lanes. This should make the road better while at the same time being practical. I've always loved the view as one drops down into Boulder headed east at Legion Hill and your plan seems to preserve this by not making the road so wide and so fast that all semblance of country is lost.

As with any cut, please consider surfaces that are not conducive to graffiti. I appreciate your efforts to include RTD stops.

Thank you, Rose Mary Highman

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

Here are three ways to comment:

- Please hand in this sheet at the public hearing or mail in or fax it to:
 Gray Clark
 Muller Engineering Company
 Suite 4-100
 777 S. Wadsworth Blvd.
 Lakewood, CO 80226
 Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

I am very happy with the current plans to have a double lanes along Arapahoe near Westview. I would like to site alternatives in case the funding for the project is pulled. When going westward along Arapahoe making a left-hand turn onto Westview - that stretch of road has a steep downhill slope, which makes it dangerous to wait for the eastward traffic to clear before turning since cars coming from behind are often speeding. I would like to see this made safer by at least paving the shoulder so that cars also going westward would be able to go around the turning car, reducing the chance of an accident.

I would also like to see the exit of Westview and Arapahoe widened to make it easier for cars to make both left and right turns simultaneously.

Optional Information:

Name: Laurene Facey-Muench

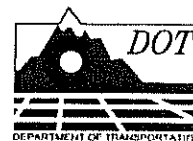
Address: 1242 Meadowlark Dr City, State, Zip: Boulder, CO, 80303

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



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① Center left-turn lane along the entire length of the project is not justified. Additional right-of-way and environmental impacts are not needed if left-turn lanes are included at major intersection only (Cherryvale, 63rd, the entrance at BNSF, Western Drive, Valtec Lane (?) Consolidate driveways to eliminate conflicts with left turns. Minimize ~~road~~ paved surface to minimize environmental impacts!

② Underground overhead lines while re-locating them.

③ Design speed should be 45 mph max. Lane width should be compatible with 45 MPH max!

Optional Information:

Name: BILL ROETTKER

Address: 4507 MULBERRY CT. City, State, Zip: BOULDER 80301

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

Colorado Tennis Facilities (aka Rocky Mountain Tennis Center) owns / operates 6800 Arapahoe (formerly Birch West). We are being annexed to the City of Boulder (Colorado) and are very concerned about the potential loss of parking spaces. Under the proposed layout plus a 10 ft landscape requirement of the City of Boulder, we would lose all of the existing parking spaces in the front row facing Arapahoe (approximately 20 spaces). This would require us to reduce the number of courts and other facilities which would negatively impact our court revenues.

We are opposed to the idea of a dedicated lane because this would further reduce our parking.

We expect a 50/50 ratio of cars approaching our site from the east or west.

Optional Information:

Name: Bill Boothby, BUSINESS MANAGER, COLORADO TENNIS FACILITIES

Address: 6800 ARAPAHOE City, State, Zip: BOULDER CO 80503

Cell 303 394-0446 bill@rockymountaintenniscenter.com

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

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Comments must be received by July 25, 2008.

I have lived in Park Lake Subdivision for 30 years. Traffic congestion at peak travel periods has become a much greater problem. Making the current highway into a 3 lane road will not make any significant difference. An overpass may lead to more accidents because people will inevitably try to use the center lane to pass almost all the time. Traffic is limited on this highway so this will lead to more accidents.

The court commissioners have bought a very flimsy report, a relay, on their thinking. They assume that if a restricted highway is constructed, less people will use the roadway. They misguidedly such a notion is. Look at the traffic volume cited on page 3-29 & 3-28 of the Environmental Assessment report. Traffic is a great deal of traffic. The traffic in peak travel periods is nearly double today. caused by 2001. People will use a roadway whether it is a restricted or not because it is the shortest most direct route to a point. Balcon. The more every development east of 287 will just compound the problem.

The current plan is a ~~no~~ traffic waste of the tax payer's money. Please remember the cost-benefit of the proposed change in the center of the above!

Optional Information:

Name:

James Hoffmann

Address:

2400 Parkview Drive

City, State, Zip:

Boulder, CO, 80302

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

PLEASE DO NOT INSERT A RAISED MEDIAN IN FRONT
OF THE ACCESS TO BOULDER ROAD & MILLWOCK AT
6655 ARAPAHOE ROAD.

ADDITIONALLY, THE CENTER LANE SHOULD CONTINUE
TO OUR ACCESS AT BOULDER ROAD & MILLWOCK.

THE HISTORIC GAS STATION HAS A BEAUTIFUL
STONE FACADE BENEATH IT'S CURRENT WOOD BOARD
EXTERIOR.

Optional Information:

Name: ALBERT CHAPMAN

Address: 1132 WESTVIEW DR City, State, Zip: BOULDER, CO 80303

ALSO: OWNER OF BOULDER ROAD & MILLWOCK CO.

6655 ARAPAHOE RD

BOULDER CO 80312

303 499 5681

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

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Comments must be received by July 25, 2008.

I live on Westview Dr and exit onto Arapahoe daily. Currently the proposal shows 2 lanes traveling east on Arapahoe and merging into 1 lane traveling east at Westview Dr. I believe this will create an already problem of slowing down traffic to a standstill prior to cresting the top of the hill on Arapahoe.

I would like to see the 2 lanes going east on Arapahoe continue to the crest of the hill and then merge into 1 lane. This should allow traffic (especially in winter) to not have to merge as soon and thereby eliminate stopping and spinning out at Westview.

Today there is a turnout going east on Arap for cars turning on Westview. Your proposal today shows a turn lane evolving from a 2 lane into 1. There does not seem to be any improvement.

Lastly, please consider this right turn lane to be used in conjunction with the proposed bike lane thus providing more space for turning right onto Westview.

Optional Information:

Name:

Jason Sweeney

Address:

6599 Stearns Ave

City, State, Zip:

Boulder 80303

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

We live at Park Lake.

① 15th to 95th on Arapahoe is a Death Trap for bicyclists. The siding is a foot or less wide. Now that gas is more expensive more people are bicycling to work at Rush Hour. I am amazed that no one has been killed.

② This Cherryvale to 75th should be 4-lane. The mentality of "don't build it and they won't come" did not work. They come anyway.

③ And what about 15th to 95th - Nearly impossible to get onto Arapahoe at rush hour now.

Optional Information:

Name:

Marije Hoffmeister

Address:

2400 Park Lake Dr. City, State, Zip: Boulder CO 80301

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

Here are three ways to comment:

- Please hand in this sheet at the public hearing or mail in or fax it to:
Gray Clark
Muller Engineering Company
Suite 4-100
777 S. Wadsworth Blvd.
Lakewood, CO 80226
Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

My understanding is that the RR bridge over Arapahoe will be widened to accommodate 4 lanes which seems OK but minimal considering the bike path/multi-use path planned. Seems to me that while this project is underway, the future could be brought to us now & widen the road & underpass more than present planning.

Retain the rural feeling, if that is the goal, by more trees along the road

Thanks for planning the 3rd lane (at least) for turning into & out of Westview Drive.

Will there be an entry onto multi-use path via curbless flat curb (don't know the term) across from Westview Drive? I'm a bicyclist & anticipate using multi-use path to planned train to Longmont and Denver & DIA

Instead of stop lights I am in favor of roundabouts. 75th & 63rd would be good places to incorporate them now. (Also at BVSD building)

I am happy for these changes. May they happen soon!

Optional Information:

Name: CAROL Saunders

Address: 1076 Westview Dr

City, State, Zip: Boulder, CO 80303

JOET

Multi-use path ending at Westview is not long enough. I use my bike to 75th & go north or south (to avoid narrow road east of 75th).

Burying the power lines would be great.

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
 Arapahoe Road (S.H. 7) - Cherryvale to 75th Street
 Environmental Assessment and Draft Section 4(f) Evaluation



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The property at Lot 11 & Lot 12 will have a serious problem with access of 40 to 60 foot semi trailers to both 7183 & 7191 Arapahoe. 7191 HAS TWO ACCESS DOOR WEST & NORTH SIDES your existing PLAN DOES NOT LEAVE ACCESS FOR SEMI-TRAILERS OR U-HAUL TRUCK & TRAILER 30-50 FT LONG. Septic Lines - Cleanouts, Septic Tanks & DISTRIBUTIONS BOXES APPEAR EFFECTED BY THE NATURE/WALKING TRAIL THE WATER RETENTION POND WHICH WAS REQUIRED BY BOULDER COUNTY WILL ALSO BE CUT APPROX BY 1/2 ITS VOLUME. Acquisition of 7165 Arapahoe WOULD REPRESENT A YEARLY LOSS OF APPROX \$34,000 IN RENTAL. LOSS of parking FOR CUSTOMER CARS REPRESENTS APPROX 20-25 SPACES WHICH IS CRITICAL FOR U-HAUL VEHICLES AND DAILY CUSTOMER PARKING AND EMPLOYEE PARKING. ADDITIONAL PARKING WILL BE LOST BECAUSE WE WILL NOT HAVE ENOUGH ROOM TO PULL VEHICLES OUT INTO OR OUT OF THE NORTH SIDE OF 7191 ARAPAHOE LOSS OF TREES WILL RAISE TEMP, NOISE AND TEMPERATURE LEVELS AT 7191 ARAPAHOE. THE HIGHWAY WIDENING WILL ELIMINATE ANY ACCESS OVER

Optional Information:

Name: TOM CONWAY 303.443.1343
 Address: 7191 ARAPAHOE City, State, Zip: Boulder 80303

TO THE EAST END OF THE PROPERTY WHERE WE HAVE APPROX 25 PORSCHE'S STORED.

THE ONLY VIABLE SOLUTION IS A WIDER FRONT ACCESS THAN PLANNED TO ENTER HIGHWAY 7. THE RETENTION POND COULD BE ELIMINATED AND USED AS AN ACCESS TO THE PORSCHE'S STORED ON THE EAST END. WE NEED TO ACCESS THESE VEHICLES APPROX TWICE DAILY.

THE GRADE LEVEL WHERE WE ACCESS HWY 7 WILL HAVE TO BE AS CLOSE AS POSSIBLE TO LEVEL GRADE TO ACCOMMODATE 50-60 FOOT SEMI-TRAILERS.

IT MAY BE POSSIBLY TO UPGRADE ACCESS FROM VALTEC GOING EAST ^{FROM THE NORTHEAST CORNER OF LOT}. A TELEPHONE POLE WOULD HAVE TO BE MOVED AS WILL A WELL HEAD. SOME TYPE OF UNDERGROUND DRAINAGE WILL HAVE TO BE INSTALLED TO ACCOMMODATE WATER FROM ROAD IMPROVEMENT.

I AM MORE THAN WILLING TO DISCUSS THESE ISSUES.

Tom Conway
443.1343 x 3

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

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 Fax 303.988.4969
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Comments must be received by July 25, 2008.

~~XXXXXXXXXX~~ THE STRUCTURE ON THE NORTHEAST CORNER OF VALTEC AND ARAPAHOE SHOULD BE REMOVED. IT BLOCKS THE VISION OF BOTH THOSE COMING OUT FROM VALTEC AND THOSE GOING WEST ON ARAPAHOE.

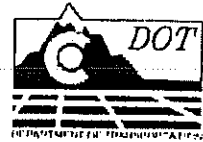
Optional Information:

Name: _____

Address: _____ City, State, Zip: _____

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation



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- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

Historic Boulder thanks you for
realigning Arapahoe Avenue in
order to protect the historic
gas station at 63rd Street.

We realize that this decision
increases the impact on the
properties on the south side of
Arapahoe but when a historic
building is lost, so is
part of our history.

Optional Information:

Name: Historic Boulder, Inc.

Address: 1123 Spruce St. City, State, Zip: Boulder, CO

80302

Appendix E – Section 4(f) Coordination

State Highway 7 (Cherryvale Road to 75th Street) Finding of No Significant Impact and Final Section 4(f) Evaluation
Appendix E - Section 4(f) Coordination

Date	Letter Subject	Author	Recipient	Page #
19-May-08	FHWA Determination of Legal Sufficiency for the Section 4(f)	Sara Purcell	Karla Petty	1
7-Mar-08	Letter notifying SHPO of finding of 4(f) <i>de minimis</i> finding for project	Robert Autabee	Georgiana Contiguglia	2
3-Mar-08	Letter of concurrence on finding of <i>de minimis</i> impact for historic resources	Carol Parr	Karla Petty	4
28-Nov-07	Letter of concurrence on finding of <i>de minimis</i> impact for Cottonwood Ditch and Legion Park	Carol Parr	David Nicol	7
27-Nov-07	Copy of materials sent to FHWA regarding <i>de minimis</i> impact on Cottonwood Ditch and Legion Park	Robert Autabee	Richard Koopmann	17
24-Nov-07	Letter notifying SHPO of finding of <i>de minimis</i> impact for Cottonwood Ditch segment	Brad Beckham	Georgiana Contiguglia	18
26-Apr-07	Letter requesting concurrence on finding of <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	David Nicol	19
25-Apr-07	Letter of notification on <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	Georgiana Contiguglia	21
30-Jan-07	Letter requesting concurrence on finding of <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	David Nicol	22
4-Dec-06	Memorandum of Agreement Letter for Cottonwood Ditch and Burlington Northern Railroad	David Nicol	Advisory Council on Historic Preservation	24
20-Nov-06	Memorandum of Agreement Letter for Cottonwood Ditch and Burlington Northern Railroad	Brad Beckham	FHWA Division Administrator	25
14-Nov-06	Transmittal Letter and MOA for Cottonwood Ditch and Burlington Northern Railroad	Brad Beckham	FHWA Division Administrator	26
24-Jun-06	Letter of concurrence with finding of no adverse effect for Enterprise Ditch	Georgiana Contiguglia	Georgiana Contiguglia	30
31-May-06	Letter requesting concurrence on determination of effect for Enterprise Ditch	Brad Beckham	CDOT Environmental Programs Branch Manager	31
24-Mar-06	Letter of concurrence with finding of <i>adverse effect</i> for Cottonwood Ditch	Georgiana Contiguglia	State Historic Preservation Officer	33
24-Mar-06	Letter of concurrence with finding of no <i>adverse effect</i> for Enterprise Ditch	Georgiana Contiguglia	Brad Beckham	34
15-Aug-05	Letter of concurrence with finding of no <i>adverse effect</i> for historic properties	Georgiana Contiguglia	Brad Beckham	35
12-Aug-05	Letter of concurrence with finding of no <i>adverse effect</i> for Cottonwood Ditch siphon	Georgiana Contiguglia	Brad Beckham	37
4-Aug-05	Letter requesting comment on effects determinations for historic properties	Brad Beckham	Denise Grimm	39
4-Aug-05	Transmittal Letter providing information to SHPO concerning Cottonwood Ditch siphon	Brad Beckham	Georgiana Contiguglia	43
6-Jun-05	Letter requesting information for eligibility of Cottonwood Ditch siphon	Georgiana Contiguglia	Brad Beckham	45
29-Mar-05	Letter of concurrence with findings for historic properties, ditches, and railroad	Georgiana Contiguglia	Brad Beckham	47
24-Mar-05	Letter requesting concurrence concerning historic boundaries and effects determinations	Brad Beckham	Georgiana Contiguglia	49
17-May-05	Letter concerning impacts to Legion Park	Richard Koopmann	Mark Gesseln	53

Memorandum

Office of Chief Counsel

Subject: Legal Sufficiency Comments on May 5, 2008 Revision to
SH 7 (Cherryvale Road to 75th Street) EA/4(f)
Bolder County, Colorado

Date: May 19, 2008

From: Sara Purcell
Legal Counsel
San Francisco, California

In Reply Refer To:
HCC-WE

To: Karla S. Petty, P.E.
Colorado Division Office
Lakewood, Colorado

Attn: Melinda Urban

I am writing to provide comments on my review of the subject EA/4(f) revised in response to my earlier comments submitted on April 15, 2008. In reviewing the revised EA/4(f) I relied on the matrix and the “tracked changes” you e-mailed to me May 8th. I think the May 5, 2008, revised document is well done, but I do have the following few minor comments:

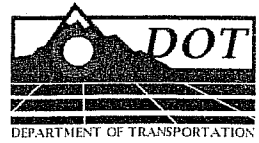
1. In Section 4.1, quoting the new Section 4(f) regulations (p 4-1), the quote should be exact and the section identified. I am not sure where the material quoted comes from, but it might be best to quote the introduction and paragraphs (a) and (b) of 23 CFR § 774.3 and either foot note the section (23 CFR § 774.3 (a) and (b)) or put it after the period at the end of the quote.
2. In Section 4.4, second paragraph (p 4-14), delete “lands that are part of a historic” because this paragraph applies to all 4(f) properties.
3. In Section 4.4.2, in “The following measures..” clause (p 4-18), rewrite it to say “The following measures to avoid, minimize, mitigate and enhance the below-listed 4(f) resources were taken into consideration in making the de minimis finding for project impacts to these historic properties:”
4. In Section 4.4.2, after the discussion of impacts to the DeBacker-Tenenbaum House (p 4-19, the wording is awkward due to the new material. I suggest changing the first sentence by adding an “s” to “finding,” adding “with regard to these six properties” after “no adverse effect” and dropping “s” from “reflects.” I suggest the second sentence be changed by deleting “is the” and “based on this finding, and” and changing “taking” to “takes.”

Once the changes in the above comments are made, I consider the revision of May 5, 2008, to be legally sufficient in accordance with 23 CFR § 774.7 (d). If you disagree with any changes specified in my comments, or you have any questions about them, please give me a call at (415) 744-2644. If the changes are made as indicated, I do not need to see this document again.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170



RECEIVED

MAR 10 2008

March 7, 2008

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Muller Engineering Company, Inc.

SUBJECT: Section 4(f) *De Minimis* Notification, CDOT Project STA 0072-013, State Highway 7
(Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Ms. Contiguglia:

This letter and the attached correspondence constitute notification that FHWA intends to make a 4(f) *de minimis* finding for the project referenced above, which involves four historic resources associated with State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA). These National Register of Historic Places (NRHP)-eligible sites include: the Butler-Smith Property (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL8917); a Gas Station and House (5BL9021) located at 6307 Arapahoe Road; the Harburg House (5BL9024) and the DeBacker-Tenenbaum House (5BL9029). CDOT's Environmental Programs Branch consulted with your staff regarding eligibility and effects for this project in March and August 2005.

Project Effects

Butler-Smith Property (5BL8917): The project will remove vegetation in the CDOT right-of-way between Arapahoe Road and the Butler-Smith house. These improvements are limited to the existing road right-of-way. Construction will also require a 25 square-foot temporary easement for new curbing. Neither action will result in direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the Colorado State Historical Preservation Officer (SHPO) concurred that these activities would result in *no adverse effect*.

Gas Station and House (5BL9021): After the reconstruction of SH 7, the southwest corner of this property will be required for sidewalk, curb and gutter, as there is currently no sidewalk. This triangle-shaped property is paved and has been used as part of the highway. In March 2005, CDOT consulted with the SHPO and it was determined that this triangle does not contribute to overall significance of the property. The project also requires a 400-square-foot temporary easement to construct a private access on the property. The existing access off 63rd Street will be closed and a ten-foot wide and unpaved access will be built to the north. In August 2005, your office concurred that these actions result in *no adverse effect*.

Harburg House (5BL9024): Construction will require various temporary easements resulting from minor improvements to two existing property driveways. The improvements involve asphaltting the drives within the right-of-way. No work will occur on private property across the right-of-way line except for two temporary construction easements totaling 600 square feet. In addition, an existing public road on the west side of the Harburg property requires reconstruction and a temporary easement of 4,450

square feet. Finally, a temporary easement may be needed to reconstruct the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was determined *not eligible* to the NRHP, in consultation with the SHPO, in March 2002. None of the aforementioned temporary easements will directly impact the property or the elements that make the property eligible for listing to the NRHP. In August 2005, your office concurred that these actions would result in *no adverse effect* to 5BL9024.

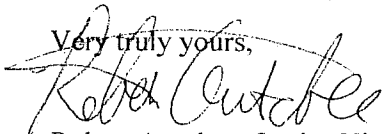
DeBacker-Tenenbaum House (5BL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the property will be temporarily realigned to the east of its existing location. This work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet is necessary to build the fill slope for the railroad shoe-fly alignment, which is also a temporary improvement. These fill slopes will be located partially within the historic property boundary and the limit of the fill may impact some of the landscaping along the property's western boundary. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a temporary 2-foot to 4-foot-long retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. There will be no direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the SHPO concurred that these actions would result in *no adverse effect*.

De Minimis Determination

CDOT's Environmental Programs Branch (EPB) sent your office a request for comment on a revised boundary and effects determination on March 24, 2005. Your office responded on March 29, 2005. EPB followed a request for an effects determination for 5BL8917, 5BL9021, 5BL9024, and 5BL9029 on August 4, 2005. You concurred with CDOT's determinations in a letter dated August 15, 2005. As part of the Section 106 consultation process, the Boulder County Historic Preservation Advisory Board was afforded the opportunity to comment on the eligibility and effects determinations in correspondence dated March 24 and August 4, 2005. Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the letters from March to August 2005 letters for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Region 4 Senior Historian Robert Autobee at (970) 350-2204.

Very truly yours,



Robert Autobee, Senior Historian
CDOT-Region 4 Environmental

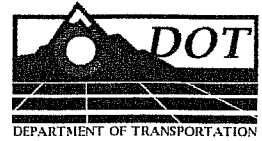
Enclosures: correspondence

cc: Carol Parr, CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170



RECEIVED

MAR 10 2008

March 3, 2008

Ms. Karla S. Petty
FHWA Colorado Division Administrator
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

Muller Engineering Company, Inc.

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, CDOT Project STA 0072-013, State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Ms. Petty:

This letter and the attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for four historic resources associated with the State Highway (SH) 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA) which involves improvements from Cherryvale Road to 75th Street to reduce congestion and enhance safety. These National Register of Historic Places (NRHP)-eligible sites include: the Butler-Smith Property (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL8917); a Gas Station and House (5BL9021) located at 6307 Arapahoe Road; the Harburg House (5BL9024) and the DeBacker-Tenenbaum House (5BL9029).

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Butler-Smith Property (5BL8917): The project will remove vegetation in the CDOT right-of-way between Arapahoe Road and the Butler-Smith house. These improvements are limited to the existing road right-of-way. Construction will also require a 25 square-foot temporary easement for new curbing. Neither action will result in direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the Colorado State Historical Preservation Officer (SHPO) concurred that these activities would result in *no adverse effect*.

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Finally, a temporary easement maybe needed to reconstruct the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was determined *not eligible* to the NRHP, in consultation with the SHPO, in March 2002. None of the aforementioned temporary easements will directly impact the property or the elements that make the property eligible for listing to the NRHP. In August 2005, the SHPO concurred that these actions would result in *no adverse effect* to 5BL9024.

DeBacker-Tenenbaum House (5BL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way to the north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the property will be temporarily realigned to the east of its existing location. This work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet is necessary to build the fill slope for the railroad shoe-fly alignment, which is also a temporary improvement. These fill slopes will be located partially within the historic property boundary and the limit of the fill may impact some of the landscaping along the property's western boundary. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a temporary 2-foot to 4-foot-long retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. There will be no direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the SHPO concurred that these actions would result in *no adverse effect*.

Finding of De Minimis Impact

CDOT consulted with the SHPO regarding eligibility and effects for these sites in correspondence dated August 4, 2005. The SHPO concurred with these determinations on August 15, 2005. On August 4, 2005, CDOT offered the Boulder County Historic Preservation Advisory Board the opportunity to comment on eligibility and effects via letter. CDOT did not receive a response from the Advisory Board to this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and on the attached documentation, the effects of the project on the historic properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below.

Very truly yours,



Carol Parr
CDOT Region 4 Environmental Manager

Enc:

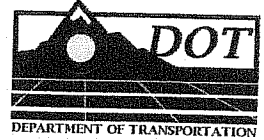
cc: Lisa Schoch, CDOT-EPB
File/CF

I concur: Stephen P. Popul 3/6/08
for Karla S. Petty (date)
Administrator, Colorado Division
Federal Highway Administration

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170



November 28, 2007

RECEIVED

DEC 19 2007

Muller Engineering Company

David A. Nicol, PE
FHWA Colorado Division Administrator
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Findings of Section 4(f) *De Minimis* Impact, (Legion Park and Cottonwood Ditch #2 [5BL4488.3]), Project STA 0072-013, SH 7 (Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Mr. Nicol:

This letter and attached materials constitute a request for review and concurrence on findings of *de minimis* impact for two resources associated with the State Highway (SH) 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA). The sites are the City of Boulder's Legion Park and a segment of the Cottonwood Ditch #2 (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL4488.3). Resulting from an agreement between Federal Highways Administration (FHWA) and the Colorado Department of Transportation's (CDOT) Region 4 Office, we are including in this correspondence both 4(f) *de minimis* findings for your review and signature.

CDOT will implement improvements to a two-mile segment of SH 7 to alleviate current problems with congestion, safety and multi-modal deficiencies. The project corridor is the length of SH 7 from Cherryvale Road in the city of Boulder and east to 75th Street in Boulder County. In the area of Legion Park, the project will widen the existing alignment from two to four lanes, including shoulder improvements for pedestrian and bike users and replace a deteriorating siphon within a 500-foot segment of Cottonwood Ditch #2.

Request for Finding of 4(f) *De Minimis* for Legion Park

Federal and state agencies conducted three group meetings early in the EA process. The official agency with jurisdiction, Boulder County Open Space, attended all three group meetings, project team progress gatherings and public open houses. The following summarizes the project's public involvement from June and November 2004:

- ❖ First EA Public Meeting, June 17, 2004
 - Information Presented
 - Project Background
 - Possible Alternatives
 - Existing Conditions

- Identified All Parks, Open Space, and Recreation Facilities Along Project Corridor
- Public Comments
 - Project team received 29 Comment Sheets Containing 173 Different Responses
 - None of the Comments Specifically Addressed Legion Park
- ❖ Second EA Public Meeting, November 9, 2004
 - Information Presented
 - Project Background
 - Alternatives Evaluation
 - Preferred Alternative (4-Lane)
 - Environmental Impacts
 - Visual Display Identified Specific Impacts to Legion Park – With Cut Slopes Or With A Retaining Wall
 - Photo Simulations Showed View Of Legion Park Before And After Construction – With Cut Slopes Or With A Retaining Wall
 - Public Comments
 - Question to the Public on the comment sheet: In the area of Legion Park and the City of Boulder Open Space (top of hill), both cut slopes and retaining walls are being considered. Cut slopes would require a larger construction impact area affecting more vegetation and trees, while retaining walls would be up to 20-23' tall. Which do you prefer?
 - 43 Responses Preferred Cut Slopes
 - 18 Responses Preferred Retaining Walls
 - Project team received 75 Comment Sheets Containing 293 Responses
 - Four Comments Addressed Retaining Walls
 - Graffiti will be a problem if walls are built (2 comments)
 - Concern about the aesthetics of the wall (1 comment)
 - Concern with sight restrictions and shadows causing icing problems (1 comment)
 - Two requests that cut slopes appear more natural
 - One respondent wanted as many trees saved as possible
- ❖ After the signing of the EA, the project team will conduct a public hearing. At this time, the team will inform those in attendance of the *de minimis* findings and the public will have an opportunity to comment. This meeting has yet to be scheduled.
- ❖ All Public Process Information Is Documented In The EA

Legion Park is a 28-acre mesa overlooking the Hillcrest, Leggett-Owen and Valmont Reservoirs. These reservoirs support the local osprey and eagle populations and provide park visitors the opportunity for raptor watching. Inside the park, Legion Park Trail is a one-mile loop open to hikers, mountain bikers and equestrians. Construction will accommodate a widened roadway; improve access to the primary park; connect the primary entrance to SH 7, and improve safety along the roadway resulting from the removal of a secondary access. The proposed action will impact approximately 0.5 of an acre of Legion Park and project effects on the Section 4(f) resource are limited to alterations to the existing cut slopes inside the park. In the impacted area, there is a landscaped hillside with no formal support of use or activity. In consultation with Boulder County Open Space, the impact from the cut slopes and/or loss of secondary access will not negatively affect any of the activities, attributes, or functions of the park.

Please refer to the enclosed for an illustration of the park and the May 17, 2005 concurrence letter from the Official with Jurisdiction, Boulder County Open Space. After construction, CDOT will return any affected locations to a condition that does not impact the use of the park or diminish its setting. The park will remain open and accessible during the entire project. CDOT believes that this represents the best effort to avoid, minimize, and mitigate impacts to the Section 4(f) resources associated with this project.

On April 26, 2005, CDOT and Boulder County Open Space met to discuss the cut slope and access change impacts to Legion Park. In May 2005, Boulder County Open Space sent CDOT a letter outlining the impacts to the Park and the County's concurrence that the project would not negatively impact park resources. Attached is a copy of the concurrence letter from Boulder County Open Space dated May 17, 2005.

Based on these actions and correspondence, and taking into consideration the harm minimization measures that have been incorporated into the proposed action as documented in this Section 4(f) Evaluation in Section 4.5 of the Environmental Assessment, it is recommended that the proposed action would have *de minimis* impacts and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Please refer to page five with the heading: Finding of 4(f) de minimis for Legion Park for a complete compliance summary.

Request for Finding of 4(f) De Minimis for Cottonwood Ditch #2 (5BL4488.3)

The following description of the effects to a segment of the Cottonwood Ditch # 2 (5BL4488.3) and attached materials constitute a request for concurrence on a finding of *de minimis* impact for the project referenced above. The Cottonwood Ditch #2 is a historic resource within the State Highway 7 EA project area. Segment 5BL4488.3 was initially determined *eligible* under National Register of Historic Places (NRHP) Criterion A on March 29, 2005.

Project Effects

- 1) Improvements to SH 7 require the construction of a temporary bridge to carry the Burlington Northern railroad over the Cottonwood Ditch #2. CDOT will remove the bridge upon the project's completion.
- 2) CDOT will also construct a permanent bridge to replace the existing railroad bridge over the ditch. The proposed bridge will be similar in configuration to the existing bridge (approximately a 15-foot span vs. the existing 12-foot span). The introduction of the new bridge will not alter the resource's current alignment or change the ditch's existing surface or materials.

Because the construction of the two bridges will not impact this segment or the entire eligible Cottonwood Ditch # 2, CDOT has determined that the project will result in *no adverse effect* to the entire ditch. Please see the attached graphic referencing this element of the SH 7 project.

Finding of De Minimis Impact

CDOT initially consulted with the SHPO regarding eligibility and effects for this sites in correspondence dated March 24, 2005. The SHPO concurred with our findings of eligibility and effects by letter on March 29, 2005. CDOT's Environmental Programs Branch submitted additional information regarding effects

for 5BL4888.3 in a letter dated March 13, 2006 and the SHPO concurred with those findings on March 24, 2006. CDOT offered Boulder County Historic Preservation Advisory Board the opportunity to comment on eligibility and effects via letter dated March 24, 2005. We did not receive a response from the Commission to these requests within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

CDOT believes that this documentation is sufficient to demonstrate compliance with Section 4(f) *de minimis* requirements and ask that you find as such for both resources. If you concur with this finding for Legion Park, please sign at the concurrence line on page five of this document and for the finding on Cottonwood Ditch #2, please sign the concurrence line on page six.

Sincerely,



Carol Parr
CDOT Region Environmental Manager

Enc: Legion Park Attachments:
Legion Park location map
Parks and Open Space Concurrence Letter dated May 17, 2005
Map showing Preferred Alternative and impacts to Legion Park

Cottonwood Ditch #2 Attachments:
Section 106 correspondence
Site forms
Plan sheets

cc: Lisa Schoch, CDOT-EPB
File/CF

Finding of 4(f) de minimis for Legion Park

The Federal Highway Administration hereby finds that:

- CDOT has consulted with the Official(s) with Jurisdiction on the uses and impacts to the non-historic Section 4(f) resource from the proposed State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment, CDOT Project Number STA 0072-013.
- The public has been given an opportunity to provide input.
- The Official(s) with Jurisdiction concurred that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). The FHWA finds that the project will have *de minimis* impacts on the non-historic Section 4(f) resources for the purposes of Section 6009 of SAFETEA-LU [to be codified at 23 U.S.C § 138(b) and 49 U.S.C § 303(d)].

Therefore, all Section 4(f) requirements, as they relate to these uses, have been met.

I concur: _____

DN

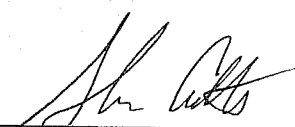
David A. Nicol, PE
Administrator, Colorado Division
Federal Highway Administration

12/11/07
Date

Finding of 4(f) de minimis for a segment of Cottonwood Ditch # 2 (5BL4488.3)

Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the property noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

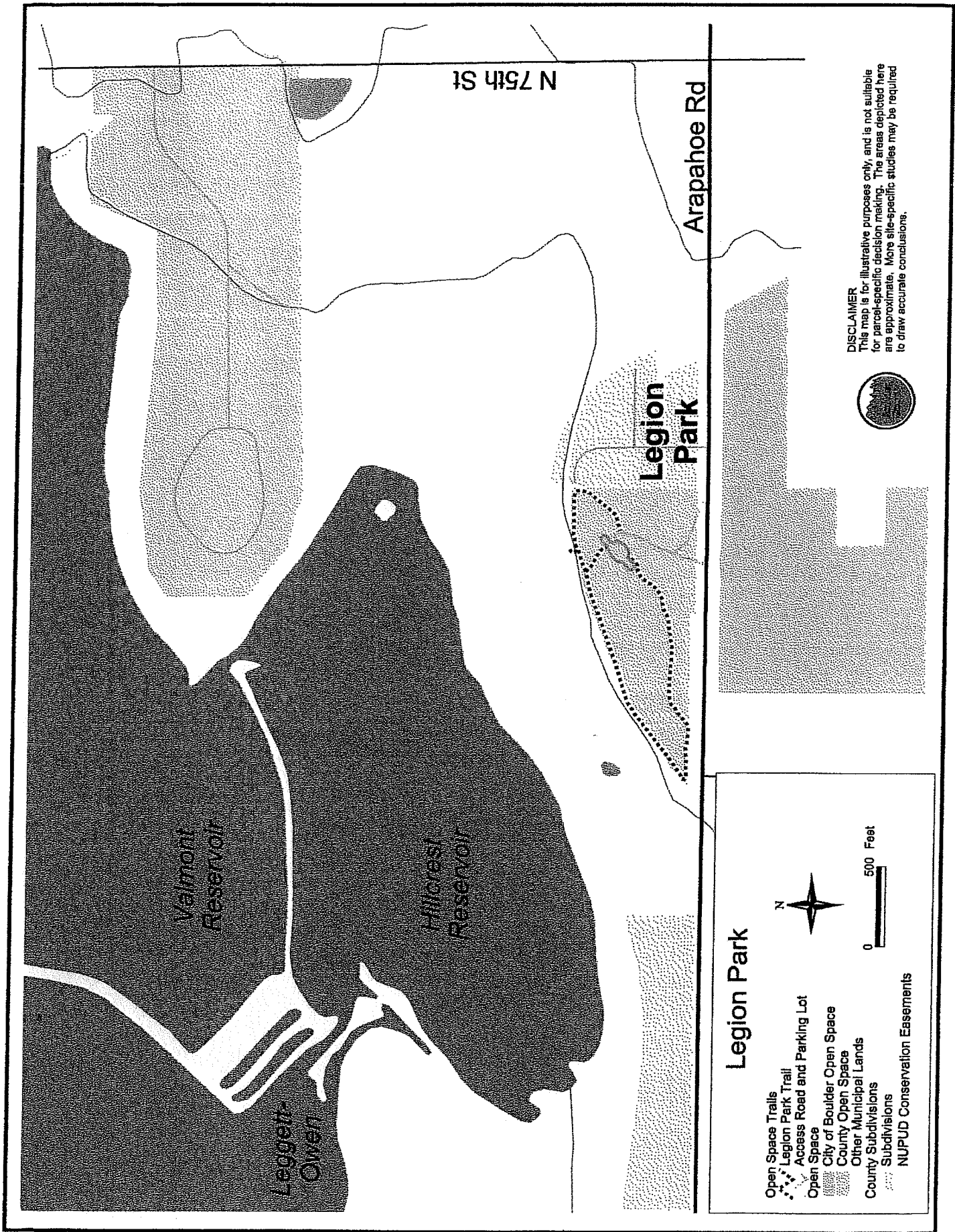
I concur: _____

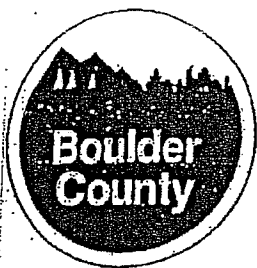

For David A. Nicol, PE
Administrator, Colorado Division
Federal Highway Administration

12/11/07

Date

LEGION PARK ATTACHMENTS





Post Office Box 471 • Boulder, Colorado 80306

Parks and Open Space Department

5201 St. Vrain Road • Longmont, Colorado 80503 • (303) 678-6200 • Fax: (303) 678-6180
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235 • Event Line: (303) 441-3927

PROJECT: STA 0072-013
LOCATION: SH 7 EA
CODE: 14802

May 17, 2005

Colorado Department of Transportation
1050 Lee Hill Road
Boulder, CO 80302
Attn: Mark Gosselin

Dear Mr. Gosselin,

This letter concerns impacts to Legion Park with regard to proposed road improvements associated with the State Highway 7 (SH 7) Environmental Assessment. The Boulder County Parks and Open Space Department agrees that the proposed road improvements will not have an adverse impact on the use of Legion Park, and that the project meets the criteria for temporary occupancy as outlined in the Section 4(f) regulations. An agreement between the Colorado Department of Transportation (CDOT) and Boulder County with regard to the following is currently in negotiation.

1. According to CDOT the project will require approximately one year to construct. The time required for the construction of the main access and removal of the secondary access will take less than one month. The duration of construction of the cut slopes along SH 7 will take approximately two months. The cut slopes are a result of the lowering of the hill adjacent to Legion Park and are not related to the construction of the Legion Park access. This work will take place under temporary easements and the ownership of Legion Park will not change. We consider the scope of work to be minor in nature and magnitude. The main access will require minor improvements to re-connect to SH 7. The secondary access will be removed to improve safety. The cut slopes are considered minor and will not change the use of the park in any way.
2. The project will not have any adverse impacts to Legion Park and the park will remain open during construction activities.
3. The affected portion of the Legion Park property will be returned to a condition that will not impact the use of the park or diminish the park setting.

Sincerely,

Richard Koopmann
Resource Planning Manager

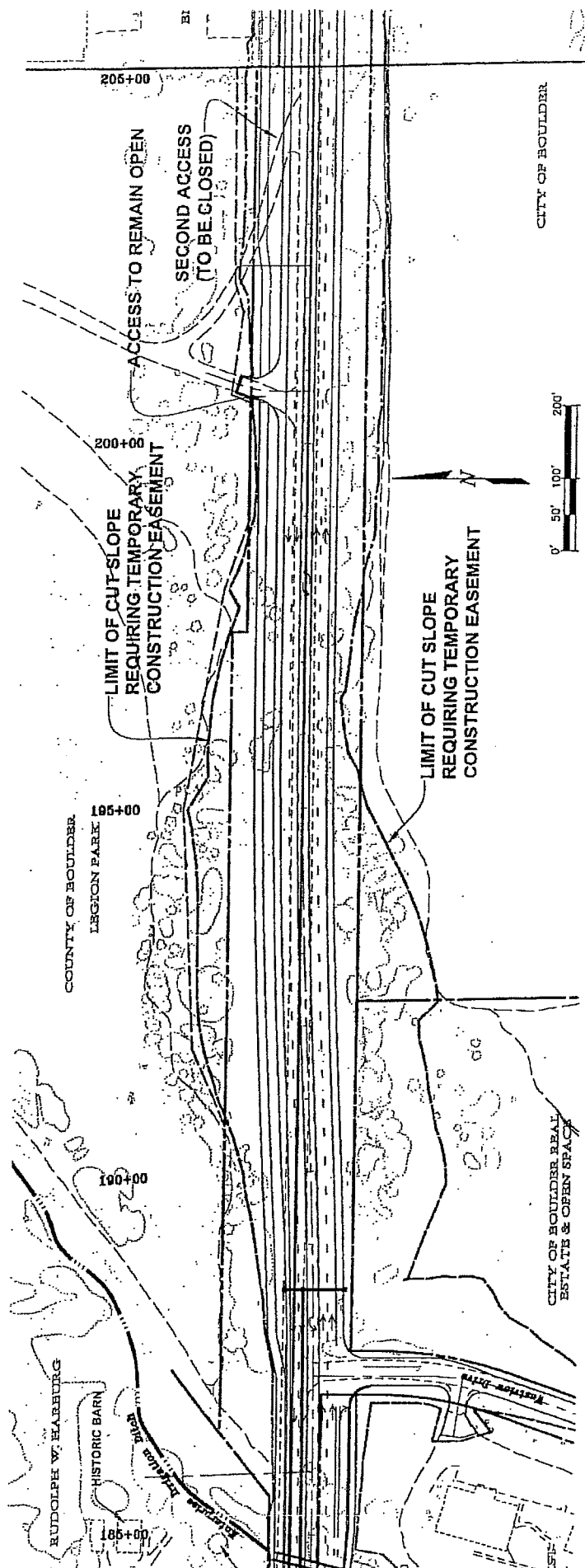
Cc.

Ron Stewart: County Open Space
Carol Parr, CDOT - R4Environmental
Lisa Schoch, CDOT
Gray Clark, Müller Engineering
File

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

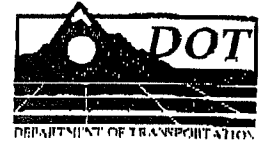
Will Toor
County Commissioner



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 E. Arkansas Ave.
Shumate Bldg.
Denver, CO 80222
(303)757-9281



November 27, 2007

Mr. Richard Koopman
Resource Planning Division Manager
Boulder County Parks & Open Space
5201 St. Vrain Road
Longmont, CO 80503

SUBJECT: Notification of Section 4(f) De Minimis for Cottonwood Ditch #2 Segment 5BL4488.3,
CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Mr. Koopman:

Enclosed are materials submitted to the Federal Highway Administration (FHWA) -- Colorado Division notifying that office of a Section 4(f) *De Minimis* for a segment of the Cottonwood Ditch #2 (Colorado Office of Archaeology and Historic Preservation Site No. 5BL4488.3) and the City of Boulder's Legion Park. This correspondence is sent to you as a consulting party for the State Highway 7 Environment Assessment.

If you have questions or require additional information, please contact me at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian
CDOT-Region 4

Enclosures

cc: Carol Parr CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
Shumate Building
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



November 2, 2007

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Notification of Section 4(f) *De Minimis* for Cottonwood Ditch #2 Segment 5BL4488.3,
CDOT Project STA 0072-013, State Highway 7 Environmental Assessment (CHS
#448019)

Dear Ms. Contiguglia:

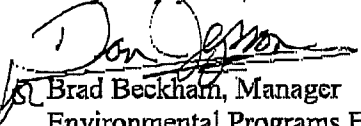
This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Cottonwood Ditch #2 (5BL4488.3) associated with the Environmental Assessment referenced above.

CDOT initially consulted with your office regarding 5BL4488.3 in correspondence dated March 24, 2005. That letter included descriptions of effects to this segment and one other (5BL4488.2). On March 29, 2005 you determined 5BL4488.3 was *eligible* for the National Register of Historic Places (NRHP) and the project would result in an *adverse effect* to the segment. On March 13, 2006, CDOT submitted additional information and a clarification of effects for both segments. Based on the revised description of effects, you concurred with our finding of *no adverse effect* to 5BL4488.3 in correspondence dated March 24, 2006.

Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the letters from March 2005 and March 2006 for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Region 4 Senior Historian Robert Autobee at (970) 350-2204.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

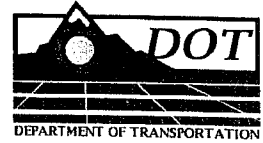
Enclosures: March 24, 2005 letter from CDOT to SHPO
March 29, 2005 SHPO response
March 13, 2006 letter from CDOT to SHPO
March 24, 2006 SHPO response

cc: Carol Parr, CDOT Region 4/Lisa Schoch, CDOT-EPB
P/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
Shumate Building
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



April 26, 2007

RECEIVED

MAY 30 2007

Muller Engineering Company, Inc.

Mr. David A. Nicol, PE
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

Dear Mr. Nicol,

RE: Finding of Section 4(f) *De Minimis* Impact, Enterprise Ditch Segment 5BL4164.2,
Project STA 0072-013, State Highway 7 Environmental Assessment, Boulder County,
SA 14802

This letter and attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to State Highway 7 (SH 7) from Cherryvale Road to 75th to reduce congestion and enhance safety. The Enterprise Ditch (5BL4164) is within the project area and is eligible to the National Register of Historic Places under Criterion A for its association with the agricultural/irrigation history in Boulder County. We recently requested your review of a *de minimis* finding for segment 5BL4164.4 of this ditch.

Project Effects

The project will involve the replacement of a concrete box culvert that currently carries segment 5BL4164.2 of the Enterprise Ditch under State Highway 7, and will include minor realignment of approximately 200 feet of the ditch on the south side of SH 7. The segment that will be impacted was determined to have a low degree of integrity due to changes in setting. Please see the attached Exhibit 3, which shows the planned impacts to the ditch segment.

Finding of *De Minimis* Impact

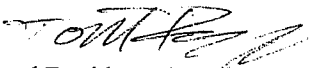
CDOT consulted with the SHPO regarding eligibility and effects to this ditch segment in correspondence dated August 4, 2005. At that time, CDOT determined that the project would result in *no historic properties affected*, but in their response dated August 15, 2005, SHPO determined that the entire Enterprise Ditch is NRHP-eligible, and the project will result in *no adverse effect* to the ditch. The SHPO was notified of the intent to make a *de minimis* finding for this segment of ditch in correspondence dated April 25, 2007. The Boulder County Landmark Preservation Advisory Board was afforded an opportunity to comment on the Section 106 findings in August 2005 and was also notified of the intent to make a *de minimis* finding for this historic resource in correspondence dated April 25, 2007. Boulder County did not provide any comments on the Section 106 determinations. Copies of the Section 106 correspondence are attached for your review.

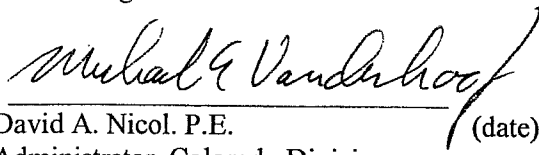
Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is

obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below.

Sincerely,

for 
Brad Beckham, Manager
Environmental Programs Branch

I concur,  5.2.07
for David A. Nicol, P.E. (date)
Administrator, Colorado Division
Federal Highway Administration

Enclosures:

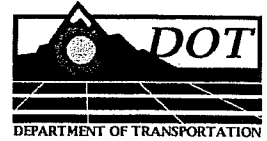
Section 106 correspondence
Site form for 5BL4164.2
Exhibit 3

cc: Carol Parr, Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
Shumate Building
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



April 25, 2007

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Notification of Section 4(f) De Minimis, Enterprise Ditch Segment 5BL4164.2, CDOT
Project STA 0072-013, State Highway 7 Environmental Assessment (CHS #44809)

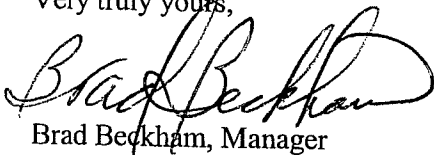
Dear Ms. Contiguglia:

This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Enterprise Ditch (5BL4164.2) associated with the Environmental Assessment referenced above.

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated August 4, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected* with regard to the ditch. In correspondence dated August 15, 2005, you determined that the *entire* Enterprise Ditch is National Register-eligible and that the project would result in *no adverse effect* to the ditch. Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the August 2005 letters for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

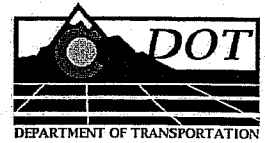
Enclosure: August 5, 2005 (Letter from CDOT to SHPO)
August 15, 2005 (Response, SHPO to CDOT)

cc: Carol Parr, CDOT Region 4
F/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



January 30, 2007

Mr. David A. Nicol, PE
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, Project STA 0072-0013, State Highway 7
Environmental Assessment, Boulder County

Dear Mr. Nicol:

This letter and the attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to State Highway 7 from Cherryvale Road to North 75th Street to reduce congestion and enhance safety. In August 2005, the entire Enterprise Ditch (5BL4164) was found eligible to the National Register of Historic Places under Criterion A for its significant association with the agricultural/irrigation history in Boulder County.

Project Effects

A 1,000-foot segment of the ditch (5BL4164.4) crosses under the Burlington Northern and Santa Fe (BNSF) Railroad in an existing siphon pipe. In order to construct a new BNSF railroad bridge over State Highway 7, a temporary railroad alignment is necessary approximately 25 feet east of the current road alignment. The temporary railroad alignment will require part of the ditch to be placed in a 100-foot long pipe. CDOT will remove the pipe and restore the open ditch after removal of the temporary rail grade alignment. The railroad will remain on its current alignment.

Since CDOT will restore this 1,000-foot segment to its original function and appearance, we have determined that these improvements will result in *no adverse effect* to the entire ditch. Please refer to the enclosed plan sheet for additional information.

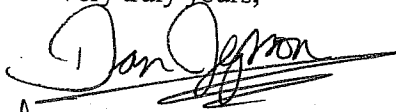
Finding of De Minimis Impact

CDOT initially consulted with the SHPO regarding eligibility and effects for this ditch in correspondence dated March 24, 2005. At that time, we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected*. The SHPO concurred with these determinations in correspondence dated March 29, 2005, but in subsequent correspondence dated August 12, 2005, the SHPO revised that decision and determined that the entire Enterprise Ditch is NRHP-eligible. On May 31, 2006, Boulder County's Land Use Department/Historic Preservation Advisory Board was offered the opportunity to comment on eligibility and effects to the Enterprise Ditch via letter. We did not receive a response from the Committee to this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and in the attached documentation, the effects of the proposed improvements noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below.

Very truly yours,

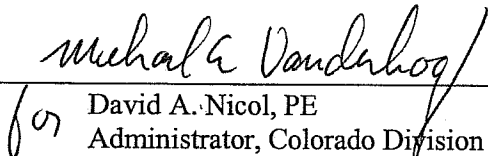


for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Section 106 correspondence
Site form for 5BL4164.4
Project plans

cc: Carol Parr, Region 4
File/CF

I concur:

for 
David A. Nicol, PE
Administrator, Colorado Division
Federal Highway Administration

2/22/07

Date



U.S. Department
of Transportation

**Federal Highway
Administration**

RECEIVED

MAR 28 2007

Muller Engineering Company, Inc.

12300 W. Dakota Ave., Ste. 180
Lakewood, CO 80228

December 4, 2006

REC'D DEC 07 2006

Colorado Federal Aid Division

Ms. Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Ms. Legard:

Subject: Memorandum of Agreement, Colorado Department of Transportation Project
STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County, CO

Transmitted herewith is the fully executed Memorandum of Agreement (MOA) for the Colorado Department of Transportation (CDOT) project referenced above. The Federal Highway Administration (FHWA) and Colorado State Historic Preservation Officer (SHPO) have agreed that the proposed project will have an Adverse Effect on two historic properties: the Cottonwood Ditch # 2 (5BL4488/5BL4488.2) and the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5) in Boulder County. CDOT is a participant in this agreement as an invited signatory.

In accordance with the process set forth in the Council regulations, Section 800.6(b)(1)(iv), mitigation measures and measures considered to avoid or minimize the undertaking's adverse effects have been agreed upon with the SHPO and are outlined in the MOA. There have been no substantive revisions or additions to the documentation previously provided to the Council, nor additional views expressed by the public concerning this project.

If you have questions, please contact CDOT Assistant Staff Historian Robert Autobee at (303) 757-9758.

Sincerely yours,

Melinda Castillo

for David A. Nicol, P.E.
Division Administrator

Enclosure: Copy of MOA for ACHP files

cc: Thomas E. Norton, CDOT Executive Director

Attn: R. Autobee, CDOT Environmental Programs (w/original MOA)

Karla Harding, CDOT Region 4 Director ✓

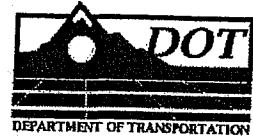
Attn: S. Elmquist, CDOT Region 4 Env. Manager



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011



November 20, 2006

Mr. David Nicol, P.E.
Division Administrator
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

RE: CDOT Project STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County,
(SA 14802)

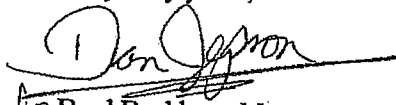
Dear Mr. Nicol:

Enclosed for your signature is the Memorandum of Agreement (MOA) between FHWA and the State Historic Preservation Officer (SHPO) for the project referenced above, which will adversely affect two historic properties: the Cottonwood Ditch #2 (5BL4488/5BL4488.2) and the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5).

CDOT has signed the MOA as an invited signatory. Once you have affixed your signature in the designated location, please forward a **copy** of the executed document to Carol Legard at the Advisory Council on Historic Preservation (Council) for filing. A draft transmittal letter to the Council is enclosed on CD. The Council was notified of the adverse effect to this historic property on July 18, 2006, but elected not to participate in consultation in correspondence dated October 20, 2006.

Please send the **original fully executed** MOA and a copy of all of your correspondence with the Council to CDOT Senior Staff Historian Lisa Schoch for our files. If you have questions or require additional information, please contact Ms. Schoch at (303) 512-4258.

Very truly yours,

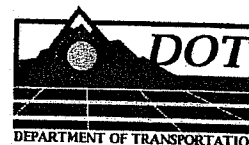

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (Original MOA for signature)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
Shumate Building
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



November 14, 2006

Ms. Georgiana Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Memorandum of Agreement for Signature, Project STA 0072-0013, State Highway 7
Environmental Assessment, Boulder County (CHS #44809)

Dear Ms. Contiguglia:


Enclosed for your signature is one copy of the original Memorandum of Agreement (MOA) for the transportation undertaking referenced above. The project will adversely affect two historic properties, the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5) and the Cottonwood Ditch #2 (5BL4488/5BL4488.2).

The irrigation ditch and railroad will be recorded prior to construction so that there will be a permanent record of their present appearance and history. Recordation shall consist of Level II documentation as determined in consultation with your staff, and established in OAHP form #1595, *Historical Resource Documentation: Standards for Level I, II, and III Documentation*.

Please sign and return the document to CDOT Senior Staff Historian Lisa Schoch at the address on this letterhead. The document was modeled after a sample MOA provided by your office and uses standard language agreed upon by our respective agencies.

This procedure is consistent with the process outlined in the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800. You will receive a copy of the original document when fully executed. If you have questions or require additional information, please contact Ms. Schoch at (303) 512-4258.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Original copy of signed MOA

cc: Carol Parr, CDOT Region 4
F/CF

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER
REGARDING STATE HIGHWAY 7 ENVIRONMENTAL ASSESSMENT**

**COLORADO DEPARTMENT OF TRANSPORTATION
PROJECT STA 0072-0013, BOULDER COUNTY**

WHEREAS, the Federal Highway Administration (FHWA) has determined that Project STA 0072-0013 will have an adverse effect on the Cottonwood Ditch #2 (5BL4488/5BL4488.2) and the Colorado-Southern Burlington Northern Railroad (5BL400/5BL400.5) both of which are eligible to the National Register of Historic Places. FHWA has consulted with the Colorado State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, FHWA has consulted with the Colorado Department of Transportation (CDOT) regarding the effects of the undertaking on historic properties and has invited CDOT to sign this MOA as an invited signatory; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation, and the Council has elected not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the historic properties that will be affected by the MOA are:

Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5): The entire railroad is considered eligible under National Register Criterion A for its association with the history of rail transportation in Boulder County. A 2500-foot segment of the railroad was evaluated for this project and was found to retain sufficient integrity to support the overall eligibility of the railroad.

Cottonwood Ditch #2 (5BL4488/5BL4488.2): The entire 3-mile ditch is considered eligible to the National Register under Criterion A for its importance in the history of agricultural development in Boulder County. The segment of the ditch in the project area has sufficient integrity to support the overall eligibility of the ditch.

NOW, THEREFORE, FHWA and the Colorado SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. MITIGATION

The irrigation ditch and railroad will be recorded prior to construction so that a permanent record exists of their history and present appearance. This will include historic research and documentation.

A. ARCHIVAL DOCUMENTATION

CDOT shall ensure that the ditch and railroad are documented in accordance with the guidance for

Level II documentation found in Office of Archaeology and Historic Preservation (OAHP) Form #1595, *Historical Resource Documentation: Standards for Level I, II, and III Documentation*. CDOT shall consult with the SHPO to determine the appropriate Level II recordation measures.

1) CDOT shall ensure that all documentation activities will be performed or directly supervised by architects, historians, photographers and/or other professionals meeting the minimum qualifications in their field as specified in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A).

2) CDOT shall provide originals of all records resulting from the documentation to the SHPO and a local library or archive designated by the SHPO.

II. DURATION

This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation IV below.

III. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, FHWA shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and/or objections received in FHWA's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation V, below.

IV. DISPUTE RESOLUTION

Should any party to this agreement object at any time to actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines, within 30 days, that such objection(s) cannot be resolved, FHWA will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by FHWA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching its decision, FHWA will take into account all comments regarding the dispute from the parties to the MOA.

C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in

writing before implementing that portion of the Undertaking subject to dispute under this stipulation. FHWA's decision will be final.

V. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation VI, below.

VI. TERMINATION

If the MOA is not amended following the consultation set out in Stipulation IV above, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FHWA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR 800.6(c)(1) or request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by FHWA and Colorado SHPO and the submission of documentation and filing of this document with the Council pursuant to 36 CFR 800.6(b)(1)(iv) prior to FHWA's approval of this undertaking, and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

Federal Highway Administration

Michael E. Vandenberg
for David Nicol, P.E., Division Administrator

12/4/06

Date

Colorado State Historic Preservation Officer

Georgianna Contiguglia
Georgianna Contiguglia, SHPO

Nov. 15, 2006

Date

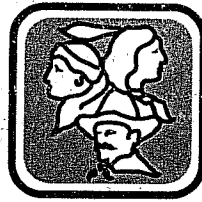
INVITED SIGNATORY:

Colorado Department of Transportation

Tom Norton
for Tom Norton, Executive Director

11/9/06

Date



COLORADO
HISTORICAL
SOCIETY

RECEIVED

MAY 03 2007

Muller Engineering Company, Inc.

June The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137
March 24, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, SH 7, Enterprise Ditch Segment 5BL.4164.4. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated May 31, 2006 and received by our office on June 2, 2006 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the determination of *no adverse effect* under Section 106 of the National Historic Preservation Act for the Enterprise Ditch/5BL.4164. We acknowledge the *de minimis* notification under Section 4(f) of the Department of Transportation Act for this project.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

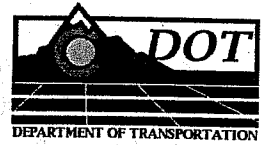
Georgianna Contiguglia
State Historic Preservation Officer

0005 HIL

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



RECEIVED

JUN 19 2006

May 31, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Muller Engineering Company, Inc.

SUBJECT: Revised Determination of Effect, Enterprise Ditch Segment 5BL4164.4, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Contiguglia:

This letter and the attached materials constitute the request for concurrence on a determination of effect for a segment of the Enterprise Ditch (5BL4164.4) associated with the Environmental Assessment referenced above.

Consultation Background

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated March 24, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected*. You concurred with these determinations in correspondence dated March 29, 2005, but in subsequent correspondence dated August 15, 2005, you determined that the *entire* Enterprise Ditch is National Register-eligible. Because the eligibility status of the entire ditch changed, and since our original correspondence regarding this segment of ditch did not provide a detailed description of effects, we are providing that additional information and a revised effects determination in this submittal.

EFFECTS DETERMINATION

Enterprise Ditch (5BL4164.4): This segment of the ditch crosses under the BNSF railroad in an existing siphon pipe. In order to construct a new BNSF railroad bridge over State Highway 7, a temporary railroad alignment would be required 25 feet to the east of the current alignment. The effects to the railroad were described in a letter to you dated March 24, 2005. The temporary BNSF alignment will require part of the Enterprise Ditch to be placed in approximately 100 feet of temporary pipe. The temporary pipe will be removed and the open ditch restored when the temporary railroad alignment is removed. The ultimate railroad alignment will remain on its current alignment. Please see the attached plan sheet for more information. Because the ditch segment will be restored to its original function and appearance and because it has already been determined that this segment lacks integrity, CDOT has determined that these improvements will result in *no adverse effect* to the entire ditch.

NOTIFICATION OF SECTION 4(F) DE MINIMIS DETERMINATION

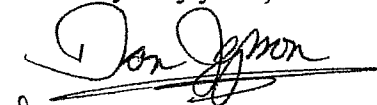
The project has been determined to have *no adverse effect* on the Enterprise Ditch (5BL4164/5BL4164.4). Based on this finding, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this historic property. Your written concurrence on the *no adverse effect* finding as outlined above will be

evidence that consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. § 138(b)(2)(B) and (C), and 49 U.S.C. § 303(d)(2)(B) and (C), are satisfied.

This revised effects determination and the *de minimis* notification have also been forwarded to the Boulder County Historic Preservation Advisory Board for review. Once we receive their comments, we will forward them to you.

We request your concurrence with the revised determination of effect outlined herein and acknowledgment of the *de minimis* notification. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

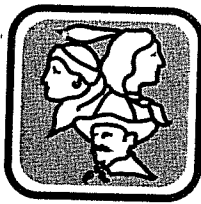
Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Plan Sheet

cc: ~~Carol Parr, CDOT Region 4~~
F/CF/RF



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

March 24, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, SH 7, Cottonwood Ditch #25BL.4488.2/5BL.4883.3
(CHS #448019)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the finding of *adverse effect* under Section 106 of the National Historic Preservation Act (Section 106) for resource 5BL.4488.2/segment of Cottonwood Ditch #2, and the finding of *no adverse effect* under Section 106 for resource 5BL.4488.3/segment of Cottonwood Ditch #2.

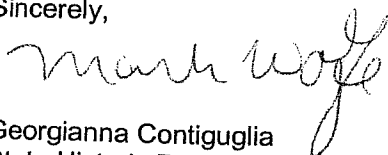
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

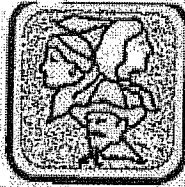
Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for 

Georgianna Contiguglia
State Historic Preservation Officer



COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

March 24, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, SH 7, Enterprise Ditch Segment 5BL 4164.4 (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated May 31, 2006 and received by our office on June 2, 2006 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the determination of *no adverse effect* under Section 106 of the National Historic Preservation Act for the Enterprise Ditch/5BL 4164. We acknowledge the *de minimis* notification under Section 4(f) of the Department of Transportation Act for this project.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

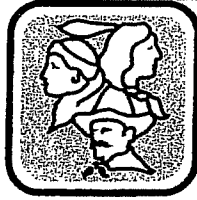
We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

August 15, 2005

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted additional information, we concur with the revised boundary for resource 5BL.8917/Butler-Smith Property.

After review of the finding of effects, we concur with the finding of no adverse effect for the properties listed below.

- 5BL.8917/Butler-Smith Property
- 5BL.9021/Gas Station and House
- 5BL.9024/Harburg House
- 5BL.9029/DeBacker-Tenenbaum House

As a result of your revised information, our office has conducted additional research regarding resource 5BL.4164.2/Enterprise Ditch. According to a report titled *Cultural Resource Inventory of the Sombrero Marsh, City of Boulder Open Space* (dated March 1, 2000; BL.LG.R115), the Enterprise Ditch is significant because of its association with the development of water storage and irrigation in Boulder County. In another report titled *Cultural Resources of City of Boulder Open Space* (dated March 2001; BL.LG.R125), the Enterprise Ditch, which began in 1865, was found to be eligible under National Register Criteria A for its significant association with the agricultural/irrigation history in Boulder County.

After review of the above information and survey forms on file associated with resource 5BL.4164/Enterprise Ditch, we recommend that the entire ditch is eligible for the National Register of Historic Places under National Register Criteria A for its significant association with the irrigation/agricultural history of Boulder County. Also, we reviewed your submitted information regarding the segment 5BL.4164.2 and concur that the segment has a low degree of integrity, as stated in your cover letter. Therefore, in our opinion, we recommend that the proposed project would result in a finding of *no adverse effect* for the entire Enterprise Ditch.

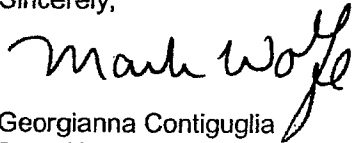
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

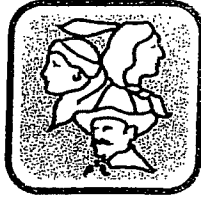
Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,



for Georgianna Contiguglia
State Historic Preservation Officer



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

August 12, 2005

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted additional information, we concur that the period of significance for resource 5BL.4488.2 is from 1863 to 1955. The siphon was constructed during the period of significance and it helped to maintain the use and function of an important ditch that played a significant role in the agricultural development of this area of Boulder County. Siphons were often added after the original period of construction for a ditch or canal but within the period of significance. According to the draft *Irrigation and Water Supply Ditches and Canals in Colorado* by Michael Holleran (April 14, 2005), siphons are identified as significant associated property types of a ditch or canal. Therefore, in our opinion, we continue to concur with the original 2002 assessment from Survey Form 5BL.4488.2 that the segment (resource 5BL.4488.2) supports the overall eligibility of the Cottonwood Ditch #2/resource 5BL.4488 under National Register Criterion A in the area of agriculture.

In our opinion, the replacement of the existing siphon with a new siphon will result in a finding of *no adverse effect* (36 CFR 800.5(b)). The siphon is one element of many that support the overall eligibility of the National Register-eligible Cottonwood Ditch #2. It also appears from the construction drawings that the proposed siphon will be close in size to the existing siphon. While the removal and replacement of the siphon would lessen the integrity of the Cottonwood Ditch #2, it would not significantly diminish the qualities, such as its historic association to the agricultural history of the area, that make the resource eligible for the National Register.

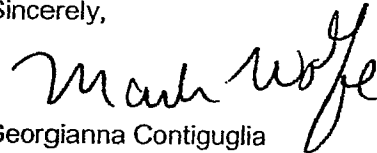
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

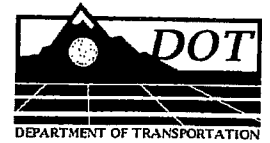
Sincerely,

for 
Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



August 4, 2005

Ms. Denise Grimm
Boulder County
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Section 106 Issues, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Grimm:

This letter and the attached materials constitute CDOT's request for comment on a revised boundary and effects determinations for historic properties associated with the Environmental Assessment (EA) referenced above. We consulted with you regarding a number of Section 106-related issues in correspondence dated March 24, 2005. This submittal includes the following elements:

- Revised boundary information for the Butler-Smith property (5BL8917)
- Effects determinations for additional properties in project APE

REVISED HISTORIC BOUNDARY, BUTLER-SMITH PROPERTY

5BL8917, Butler-Smith Property: The Butler-Smith house, initially surveyed for the Arapahoe Road feasibility study, was determined eligible under Criterion C as an excellent example of an 1880s farmhouse with clapboard siding and a Victorian front porch. At the time of the survey in 2001, the historic boundary was defined as the extent of the legal ownership boundary, which included a barn to the south of the main house and a house and two garages on an adjoining property, also to the south. At that time, the house and garages to the south were determined to be non-contributing, but the barn was determined to be contributing. The original boundary also included a pasture to the west.

In March 2005, FHWA and CDOT proposed amending the boundary of the property so that it included only the historic house and barn, and some of the landscaping around the house and barn that includes the driveway from Cherryvale Road. The house to the south and the two garages do not convey the significance of the property and have been excluded from the boundary. Your office and the State Historic Preservation Officer (SHPO) requested that we address whether the agricultural field/pasture to the west is part of the historic boundary. We have determined that the agricultural field/pasture to the west *is indeed* part of the historic boundary. This change is reflected in the revised architectural inventory form and on the attached aerial photo of the property.

EFFECTS DETERMINATIONS

The following information describes effects to the National Register-eligible properties in the APE that were not addressed in our submittal of March 24, 2005. All of these effects are based on the Preferred Alternative identified in the EA (Alternative 2), which involves the widening of SH 7 (Arapahoe Road)

between Cherryvale Road and 75th Street to incorporate additional turn lanes, shoulders, and in some locations additional through lanes. The project will have two through lanes in each direction between Cherryvale Road and the Boulder Valley School District (BVSD) entrance, and one lane in each direction from the BVSD entrance to 75th Street. There will be two through lanes in each direction through the 75th Street intersection. Bike lanes and sidewalks are also included for the entire project. The project will require the replacement of the existing BNSF railroad bridge over SH7.

5BL8917, Butler-Smith Property: The road in this area is already a 4-lane facility, and the only improvements will involve defining the right turn lane and curb and gutter. Additional vegetation will be removed in the right-of-way between Arapahoe Road and the house. All improvements will be limited to the existing road right-of-way (ROW). There will be no direct impacts to the house or barn. A 25 square-foot temporary easement for construction of the curb return may be required. Although the roadway widening will move toward the property, the improvements will remain within the existing right-of-way and there will be no difference in the elevation or grade of the road that would cause visual impacts that would diminish the qualities that make this property eligible to the National Register. The proposed improvements will also not result in any noise increases that will alter the significance of this property. Please see Exhibit 1 for more information. FHWA and CDOT have determined that the project will result in *no adverse effect* to the Butler-Smith property.

5BL9021, Gas Station and House: When Arapahoe Road is reconstructed, the southwest corner of this property will be required for sidewalk and curb and gutter, as there is currently no sidewalk. This triangle of property is presently paved and has been used as part of the highway. In consultation with your staff in March 2005, it was determined that this triangle of property does not contribute to the overall significance of the property.

There will be no direct impacts to the elements of the property within the historic boundary. The sidewalk will be closer than the existing edge of pavement in the areas within CDOT right-of-way, but the visual effect of a closer sidewalk will not diminish the qualities that make this property significant. A curb cut from 63rd Street will be installed on the existing roadway right-of-way. In addition, a 400-square-foot temporary construction easement will be required to construct a private access on this property. The existing access off 63rd will be closed and a new access—about 10 feet wide and unpaved—will be built to the north. Please see Exhibit 2 for more information.

Some tree removal may be required for construction, but these trees are on public right-of-way; two large pine trees close to the house that may be part of the setting of the property will remain in place. For the preferred alternative the road will be widened to the south, so the project improvements will actually be farther away from this property and the roadway elevation will not change. As such there will be no visual alterations that will affect the historic property. CDOT has determined that there will be no noise increases associated with the project, and consequently no issue related to increased noise at and near this property. We have determined that the project will result in *no adverse effect* to 5BL9021.

5BL9024, Harburg House: For the preferred alternative, there will be minor improvements to two existing property driveways, which will involve asphaltting the drives within the ROW. No work will be undertaken on private property across the ROW line except for two temporary construction easements (600 square feet) required to complete the work. No vegetation will be removed.

An existing public road on the west side of the Harburg property will require reconstruction and a temporary easement (4450 square feet) on the property will be required to complete the work. This roadway appears to be within the boundary of the historic property. In addition, the project will involve

the replacement of the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was initially determined *not eligible* to the NRHP in March 2002, in consultation with your office. It was evaluated as a separate linear resource and was not recorded as a feature of the eligible Harburg property. The work to replace the headwall and wingwalls will occur within existing CDOT right-of-way for the preferred alternative. A temporary easement on the Harburg property may be required to remove the existing headwall and wingwalls and to construct the new headwall and wingwalls but this will not involve any permanent impacts to the Harburg property. Please see Exhibit 3 for more information.

As indicated above, because the road is being widened to the south, the improvements will actually be farther away from this property. The noise study for the project indicates that there is only a minimal change in noise levels from the existing noise levels to the modeled levels associated with the built project. CDOT has determined that this change in noise levels will not diminish the qualities that make this property historically significant. The roadway widening will move the alignment south of the property and the roadway elevation will remain the same, so there are no changes to the visual setting of the roadway that will diminish the qualities that make this historic property significant. As noted above, there will be no noise increases associated with the project, and therefore no issue related to increased noise at and near this property.

CDOT has determined that the improvements outlined above will not diminish the qualities of significance of this property, and the project will thus result in *no adverse effect* to 5BL9024.

5BL9029, DeBacker-Tenenbaum House: When Arapahoe Road is widened a retaining wall may be constructed along a portion of the road ROW north of the DeBacker-Tenenbaum property, but will not directly impact the landscaping or buildings on the property. The BNSF railroad, located west of the property, will be temporarily realigned so it is east of its existing location, but this work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet will be required to build the fill slope for the railroad shoe-fly alignment, which is a temporary improvement. These fill slopes will be located partially within the historic property boundary, and the limit of the fill may impact some of the landscaping along the west boundary of the property. With the exception of a single juniper bush, the vegetation impacted by the toe of slope is not part of the original plantings that contribute to the property's significance. A temporary retaining wall will be built to protect the juniper bush that is part of the original planting. The retaining wall will be removed after construction is complete. Please see Exhibit 4 for a visual representation of this historic property and the planned work.

There will be some slight increases in noise levels in this area once the project is built. Increases between existing future modeled noise levels for the preferred alternative range between 1.4 and 1.9 decibels, which is not a significant increase to the human ear and will not diminish the qualities that make this property eligible to the National Register.

Although there will be some temporary visual effects associated with the construction of the project, the permanent improvements—the retaining wall, realignment of the railroad, fill slopes, and impacts to vegetation—will not introduce a visual element that will diminish the qualities that make this property significant. CDOT has determined that the project will result in *no adverse effect* to 5BL9029.

5BL4164.2, Enterprise Ditch: The project will involve the replacement of the concrete box culvert that currently carries the Enterprise Ditch under SH 7, and will include minor realignment of approximately 200 feet of the ditch on the south side of SH 7. The segment that will be impacted was determined to have a low degree of integrity due to changes in setting. At the time of the original evaluation in 2001,

the *entire* seven-mile ditch was found *field not eligible* due to diminished integrity, but no official determination has been made. Based on the field determination, CDOT has determined that the proposed work will result in *no historic properties affected*.

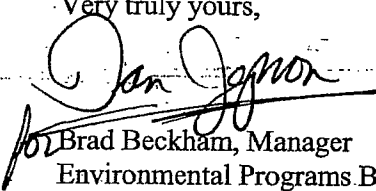
Several other properties were identified as State Register-eligible or eligible for local landmark designation in the 2002 Section 106 consultation. These include the Arapahoe School (5BL409) and Goodview Hill/Veteran's Memorial park (5BL516). Because these are not National Register-eligible properties, we did not evaluate potential project impacts on them.

We request your comment on the boundary revisions and effects determinations described herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have also sent this request to the SHPO for compliance purposes. We will forward their response to you once we hear from them. We have also attached for your files the SHPO's recent response regarding this project.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

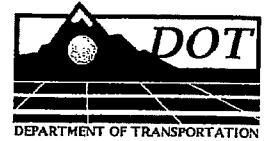
Enclosures: Site Form for 5BL8917
Exhibits 1-4

cc: Mike Vanderhoof, FHWA
Carol Parr, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark/Lisa Powell, Muller Engineering Company

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



August 4, 2005

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Additional Information Submittal, Cottonwood Ditch #2 (5BL4488.2); CDOT Project STA 0072-010, State Highway 7, Cherryvale Road to 75th Street, Boulder County

Dear Ms. Contiguglia:

This transmittal is in response to your letter of July 6, 2005, in which you requested additional information regarding a siphon associated with segment 5BL4488.2 of the Cottonwood Ditch #2, which is within the limits of the intersection reconstruction project referenced above.

Your questions and our responses are outlined as follows:

1) What information is the 1931 date based on?

The 1931 date of the siphon is based on information from the Level II documentation for the Cottonwood Ditch #2, which was approved by your office in 2003. The ca. 1920s date of the siphon that appears in the original inventory form came from 2001 interviews with Dick Gilbert, Cottonwood Ditch #2 secretary, and Robert Carlson, Boulder County Water Commissioner. None of the historical records of the ditch company are available to researchers, and this therefore limits reliable sources for ditch history.

2) Did the construction of the 1931 siphon continue the ditch's use as a significant irrigation ditch in Boulder County?

In 1931 the construction of a railroad bridge impacted the ditch where it intersects Arapahoe Road (SH 7), approximately a quarter of a mile west of the 75th Street intersection. Because the railroad crossing west of the ditch was dangerous, a bridge across Arapahoe Road was constructed and excavation was necessary to carry the roadway beneath it. Cottonwood Ditch #2 is about 200 feet east of the railroad tracks, so the excavation to lower the road also required the lowering of the ditch in this area. A siphon was installed to continue the flow of the ditch. This work did impact a small portion of the open character of the ditch, but not its historic function. The construction of the 1931 siphon allowed the ditch to function as it did historically and still does today.

3) What is the period of significance for the ditch?

The period of significance is 1863 to 1955.


4) Why is the 1931 siphon no longer part of the history of the ditch?

We do not dispute that the siphon is part of the *history* of the ditch—it has clearly been a feature of the ditch since 1931 and was constructed during the period of significance. However, we do not believe that this underground pipe conveys the *feeling and association* of this open earth-lined irrigation feature. The physical integrity of the pipe is poor; it is cracked, leaking, and in need of replacement. Furthermore, construction of the siphon required the entire ditch to be lowered in this area. For these reasons, we do not believe that the segment of ditch that runs through the siphon—and the physical structure of the siphon proper—contribute to the overall significance of the ditch.

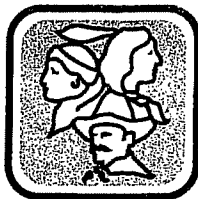
We have also determined that the proposed work to replace the siphon, as described in our letter of July 1 2005, will result in *no adverse effect* to this historic irrigation feature.

We request your concurrence with the determinations of eligibility and effect outlined above. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303)512-4258.

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

cc: Mike Vanderhoof, FHWA
Carol Parr, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering Company
Denise Grimm, Boulder County Historic Preservation Advisory Board



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

July 6, 2005

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-010, Cottonwood Ditch #2 (5BL.4488.2) State Highway 7 from Cherryvale Road to 75th Street, Boulder County CO. (CHS #44809)

Dear Mr. Beckham,

Thank you for your submission dated July 1, 2005 and received by our office on that same date regarding the above-mentioned project.

After review of the submitted information, we are unable to concur with the finding of not eligible for resource 5BL.4488.2. According to your cover letter, the original documentation for the resource 5BL.4488.2 stated that the siphon dated to the 1920s and was part of the history of the ditch. The Re-evaluation Form states that, "In 1931, to eliminate the dangerous railroad crossing on Arapahoe Rd. just west of the ditch, the road was lowered to pass under a new railroad bridge. The ditch was put into a siphon to go under the lowered road." The survey form also records the date of the siphon as 1931 and states that the siphon no longer contributes to the significance of the ditch, which is under Criterion A. What information is the 1931 date based on? Why is the 1931 siphon no longer a part of the history of the ditch? Did the construction of the 1931 siphon continue the ditch's use as a significant irrigation ditch for Boulder County (National Register Criterion A)?

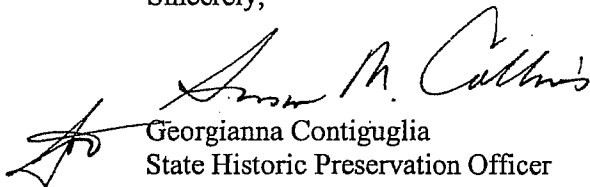
In order to understand whether or not the siphon contributes to the ditch, it is our opinion that the period of significance of the ditch needs to be addressed. On the original August 2001 survey form, the siphon with a construction date of c.1920 was considered contributing to the Cottonwood Ditch #2, but no period of significance was addressed. The form appears to use the date of construction of the ditch and the 50-year cut-off date for the period of significance. We recommend further consultation regarding the period of significance to determine whether or not the 1931 siphon contributes to the ditch. The methodology would be same in determining the significance and integrity of alterations or additions to a historic house during its period of significance.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,



Georgianna Contiguglia
State Historic Preservation Officer



COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

March 29, 2005

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your correspondence dated March 24, 2005 and received by our office on that same date regarding the above-mentioned project.

After review of the submitted information, we concur with the proposed boundary adjustment for resource 5BL.9021/Gas Station and House. We are not able to complete our review of the boundary adjustment for resource 5BL.8917/Butler-Smith House. The original survey form completed in 2001 does not include photographs of the buildings south of the main residence and described as non-contributing. Please submit photographs to aid in reviewing the historic integrity of the properties. The proposed western edge of the boundary, as illustrated in the attached map of the Re-Evaluation Form, shows the boundary line running through a historic tree. In reviewing the pictures from the 2001 survey form, the trees in this area appear to be mature trees associated with the historic landscaping. The boundary justification explains that the properties to the south should be excluded because they do not have historic integrity. However, the justification does not address the western boundary line or why the agricultural field to the west should be excluded. If the field was historically associated with the house and still retains integrity, it should be included within the property boundary.

We concur with the finding of eligible for the National Register of Historic Places (NRHP) for resource 5BL.9021/Gas Station and House; resource 5BL.400.5/Colorado Southern-Burlington Northern Railroad segment; and resource 5BL.4488.3/Cottonwood Ditch #2 segment. We also concur with the finding of not eligible for the NRHP for resource 5BL.9617/7195 Arapahoe Road and resource 5BL.4164.4/Enterprise Ditch.

After review of the effect determinations, we concur with the finding of *adverse effect* under Section 106 for resource 5BL.400.5/Colorado Southern Burlington Northern Railroad segment and resource 5BL.4488.3/Cottonwood Ditch #2. We also concur with the finding of *no historic*

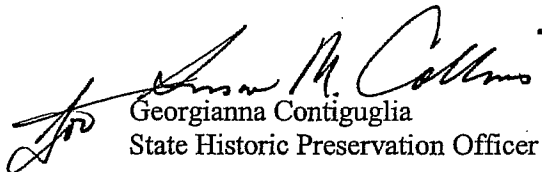
properties affected under Section 106 for resource 5BL.4164/Enterprise Ditch and resource 5BL.9617/7195 Arapahoe Road.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

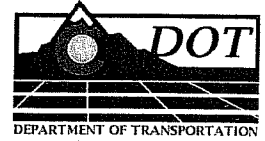
Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



March 24, 2005

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Determinations of Eligibility and Effect and Historic Property Boundary Revisions
CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Contiguglia:

This letter and the attached materials constitute CDOT's request for concurrence on proposed historic boundary revisions and on determinations of eligibility and effect for historic properties associated with the Environmental Assessment referenced above. As you are aware, SH 7 is a principal east-west arterial roadway serving as a commuter and intra-regional facility for the communities of Lafayette, Louisville, Erie and Boulder as well as other communities east. CDOT, Boulder County, the City of Boulder and other local jurisdictions have identified SH 7 as an important regional arterial roadway. Population and employment growth in the City of Boulder and suburban areas east in Boulder County has brought increases in traffic along the SH 7 corridor.

Project Background

The historic properties identified for this project were initially identified in September 2001. These resources were surveyed as part of a feasibility study that was conducted by CDOT for the Arapahoe Road corridor between Cherryvale Road and North 75th Street. This feasibility study identified improvements to the 75th Street intersection as the highest priority. During the design phase of the intersection improvements, we consulted with your office about these resources in correspondence dated February 19, 2002, in which we provided the history survey report and our Determinations of Eligibility and Effect for the intersection improvements. Your office was also a signatory to the Memorandum of Agreement that outlined mitigation measures for a segment of the Cottonwood Ditch #2 in the project area. Our office also consulted about determinations of effect in additional correspondence in September and December 2003.

With the exception of the newly recorded resources provided in this submittal (see below), the historic properties associated with the current EA were evaluated as part of the survey report for the feasibility study. Complete effects determinations for this EA project area will be forwarded to you at a later date. This preliminary submittal includes the following elements:

- Revised historic boundary for Butler-Smith House (5BL8917)
- Revised historic boundary for Gas Station and House (5BL9021)
- Eligibility determination for new segment of Cottonwood Ditch #2 (5BL4488.3)
- Eligibility determination for Colorado Southern-Burlington Northern RR segment (5BL400.5)
- Eligibility determination for Enterprise Ditch (5BL4614.4)

- Eligibility determination for 7195 Arapahoe Road (5BL9617)
- Effects determination for Colorado Southern Burlington Northern RR segment (5BL400.5)
- Effect determinations for Cottonwood Ditch #2 (5BL4488.3)
- Effect determinations for Enterprise Ditch (5BL4614.4) and property at 7195 Arapahoe (5BL9617)

REVISED HISTORIC BOUNDARIES

Butler-Smith House (5BL8917): The Butler Smith House, initially surveyed for the Arapahoe Road feasibility study, was determined eligible under Criterion C as an excellent example of an 1880s farmhouse with clapboard siding and a Victorian front porch. At the time of the survey in 2001, the historic boundary was defined as the extent of the legal ownership boundary, which included a barn to the south of the main house and a house and two garages on an adjoining property, also to the south. At that time, the house to the south was determined to be non-contributing, but the barn was determined to be contributing. The original boundary also included a pasture to the west. FHWA and CDOT propose amending the boundary of the property so that it only includes the historic house and barn, and some of the landscaping around the house and barn that includes the driveway from Cherryvale Road. The house to the south and the two garages do not convey the significance of the property and have been excluded from the boundary. Please refer to the site form and revised boundary map for additional information.

Gas Station and House (5BL9021): The Gas Station and associated house were also initially surveyed for the Arapahoe Road feasibility study, and assigned site number 5BL8919. The property was determined eligible in 2001 under Criterion C for possessing distinctive characteristics of a type, method, and period of construction from the 1920s to 1950s in rural Boulder County. In the initial survey, the historic property boundary was defined as the extent of the legal boundaries. Since then, it has been determined that in the southwest corner of the property a small 20ft x 20ft triangle-shaped area is currently paved and is part of the existing roadway. This triangle shaped area is no longer part of the property setting and does not convey the historical significance of the property. FHWA and CDOT propose the revision of the historic property to exclude this triangular piece of the property. Please see the revised historic boundary as depicted on the sketch map attached to the site form. Also refer to the attached aerial photo, which shows the property and the triangle-shaped area in relation to the existing road right-of-way.

ELIGIBILITY DETERMINATIONS

Cottonwood Ditch #2 (5BL4488.3): The entire 3-mile Cottonwood Ditch #2 (5BL4488) is considered eligible to the National Register of Historic Places (NRHP) under Criteria A. As part of the original survey for the intersection project, segment 5BL4488.2 was found officially eligible in March 2002. This new segment (5BL4488.3) is approximately 1500 feet in length and starts on the south side of Arapahoe Road and follows the north, east and south property lines of the Tenenbaum property until it reaches the Colorado Southern - Burlington Northern railroad line southwest of the property. The ditch crosses under the railroad and extends southwest parallel to the railroad for a short distance. This segment of ditch was found to retain sufficient integrity to contribute to the overall significance of the entire ditch.

Colorado Southern-Burlington Northern RR segment (5BL400.5): A 200-foot segment of the Colorado Southern Burlington Northern Railroad segment was also initially surveyed in 2001 for the Arapahoe Road feasibility study. This segment has been extended to include 2500 feet of the railroad both north and south of Arapahoe Road. The new segment is eligible under Criterion A for its association with the history of rail transportation in Boulder County. Please refer to the attached Reevaluation form and photo.

Enterprise Ditch (SBL4164.4): The Enterprise Ditch is a newly recorded resource; a 1000-foot segment of the ditch was evaluated for this project. The rural setting of this segment has been compromised by light industrial development and the ditch has been piped where it runs through these industrial properties. For these reasons, this segment does not retain sufficient integrity and is considered *not eligible*. Please see the attached site form and photos for more information about the eligibility of this resource.

7195 Arapahoe Road (SBL9617): This property consists of a main residential building and some associated outbuildings. The main house was built in 1930 and its integrity has been compromised by numerous modifications, for which there are no known dates. It does not retain the integrity to qualify for eligibility to the National Register under any of the NRHP Criteria and has been determined *not eligible*. Please refer to the attached site form and photographs for more information.

EFFECTS DETERMINATIONS

Colorado Southern Burlington Northern RR segment (SBL400.5): The preferred alternative involves the construction of a temporary alignment offset 25 feet to the east of the existing alignment and the construction of a bridge along this alignment over SH 7 (see the BNSF Alternative graphic). This temporary alignment is required so that the new, longer bridge over State Highway 7 can be constructed while train operations can continue on the temporary alignment. The ultimate railroad alignment will follow the existing alignment. The following features are part of this alternative:

- To construct the temporary alignment, approximately 500 feet of the existing railroad track will be temporarily impacted along the southern curve and approximately 600 feet of existing track will be temporarily impacted along the northern curve (see A on the attached graphic).
- The widening of State Highway 7 will require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment will ultimately be on the future bridge structure over State Highway 7 (please see B on the attached graphic).
- A temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch (C on the attached graphic). This temporary bridge can be removed following the project.

FHWA and CDOT have determined that the permanent impact to 25 to 35 feet of the railroad segment will result in an *adverse effect* to the historic Colorado Southern Burlington Northern RR segment (SBL400.5) because that portion of the railroad will be removed.

Cottonwood Ditch #2 (SBL4488.3): As noted above, for the preferred alternative a temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch #2 (C on the attached graphic). This temporary bridge will be removed following the project. In addition, a permanent bridge will be required to replace the existing railroad bridge over the Cottonwood Ditch #2. The proposed bridge will be similar in configuration to the existing bridge (approximately 15-foot span vs. existing 12-foot span), and will not alter the current alignment of the ditch and the ditch will retain its natural earth bottom.

The Cottonwood Ditch #2 currently crosses SH 7 just east of the Colorado Southern Burlington Northern railroad bridge in an inverted siphon pipe. This existing structure will be replaced with a new inverted siphon. In order to accommodate the SH 7 improvements, the inlet end of the siphon pipe (south end) will be located at the existing inlet end and the north end of the siphon pipe will be located approximately

20 feet north of the existing outlet end of the siphon pipe. This 20-foot portion of the existing open ditch will be piped. FHWA and CDOT have determined that this will result in an *adverse effect* to this eligible irrigation ditch.

Enterprise Ditch (5BL4164.4) and 7195 Arapahoe Road (5BL9617)

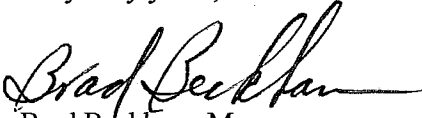
Neither of these resources is NRHP-eligible, and as such the project will result in *no historic properties affected*.

We hereby request your concurrence with the determinations of eligibility and effect, and the boundary revisions described herein within 30 days of receipt. Given your past reviews of this project corridor, we would appreciate an expedited review. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have also sent this request to the Boulder County Historic Preservation Advisory Board for review and comment. We will forward their response to you once we hear from them.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosures

Site Forms for 5BL400.5, 5BL4488.3, 5BL4614.4, 5BL8917, 5BL9021, 5BL9617
Graphic—BNSF Alternative
Aerial photo—Gas Station and ROW

cc: Carol Parr, CDOT Region 4
Helen Peiker, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering Company



Parks and Open Space Department

5201 St. Vrain Road • Longmont, Colorado 80503 • (303) 678-6200 • Fax: (303) 678-6180
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235 • Event Line: (303) 441-3927

PROJECT: STA 0072-013
LOCATION: SH 7 EA
CODE: 14802

May 17, 2005

Colorado Department of Transportation
1050 Lee Hill Road
Boulder, CO 80302
Attn: Mark Gosselin

Dear Mr. Gosselin,

This letter concerns impacts to Legion Park with regard to proposed road improvements associated with the State Highway 7 (SH 7) Environmental Assessment. The Boulder County Parks and Open Space Department agrees that the proposed road improvements will not have an adverse impact on the use of Legion Park, and that the project meets the criteria for temporary occupancy as outlined in the Section 4(f) regulations. An agreement between the Colorado Department of Transportation (CDOT) and Boulder County with regard to the following is currently in negotiation.

1. According to CDOT the project will require approximately one year to construct. The time required for the construction of the main access and removal of the secondary access will take less than one month. The duration of construction of the cut slopes along SH 7 will take approximately two months. The cut slopes are a result of the lowering of the hill adjacent to Legion Park and are not related to the construction of the Legion Park access. This work will take place under temporary easements and the ownership of Legion Park will not change. We consider the scope of work to be minor in nature and magnitude. The main access will require minor improvements to re-connect to SH 7. The secondary access will be removed to improve safety. The cut slopes are considered minor and will not change the use of the park in any way.
2. The project will not have any adverse impacts to Legion Park and the park will remain open during construction activities.
3. The affected portion of the Legion Park property will be returned to a condition that will not impact the use of the park or diminish the park setting.

Sincerely,

Richard Koopmann
Resource Planning Manager

Cc.

Ron Stewart: County Open Space
Carol Parr, CDOT – R4Environmental
Lisa Schoch, CDOT
Gray Clark, Muller Engineering
File