

Appendix B: Correspondence

**US 550 South Connection to US 160
SUPPLEMENT to the US Highway 160 from Durango to Bayfield EIS
APPENDIX B: CORRESPONDENCE**

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April 27, 2009	Letter to ACHP from FHWA re: Webb Ranch
November 9, 2009	Letter to SHPO from CDOT re: Eastern Realignment Alternative Eligibility and Effects
November 9, 2009	Letter to Thomas McNeill, Esq. from CDOT re: Eastern Realignment Alternative Eligibility and Effects
November 9, 2009	Letter to Peggy Cooley from CDOT re: Eastern Realignment Alternative Eligibility and Effects
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August 5, 2010	Letter to Daniel Gregory (on behalf of Webb family attorney, Edward Pappas) from CDOT re: Webb Ranch
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August 16, 2010	Response letter from The Hopi Tribe to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects
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September 21, 2010	Letter to Shannon Bennett from CDOT
September 22, 2010	Letter to ACHP from FHWA re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects
September 29, 2010	Response letter from Webb family attorney, Edward Pappas, to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects

**US 550 South Connection to US 160
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Date	Correspondence
October 8, 2010	Response letter from CDOT to Webb family attorney, Edward Pappas, re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects
October 26, 2010	Response letter from Webb family attorney, Edward Pappas, to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects
November 1, 2010	Letter to Shannon Bennett from CDOT re: site forms for Clark Ranch property
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November 9, 2010	Response letter from CDOT to Webb family attorney, Edward Pappas, re: Webb Ranch
December 8, 2010	Follow-up letter to SHPO from CDOT re: Eastern Realignment Alternative, Revised G Modified Alternative, and Revised F Modified Alternative Eligibility and Effects
December 8, 2010	Letter to Webb family attorney, Edward Pappas, from CDOT re: Eastern Realignment Alternative, Revised G Modified Alternative, and Revised F Modified Alternative Eligibility and Effects
December 9, 2010	Letter to Shannon Bennett from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects
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December 16, 2010	Response letter from FHWA to Webb family attorney, Edward Pappas, re: comments
January 4, 2011	Response letter from Pueblo of Laguna to CDOT
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February 8, 2011	Response letter from ACHP to FHWA re: Webb Ranch (Documentation for Finding of Adverse Effect)
February 24, 2011	Western Alternative E-mail File Search Results (from Lisa Schoch)
March 24, 2011	Letter to Willie Taylor (USDOL) from FHWA re: Section 4(f) Evaluation
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March 30, 2011	Letter to Reid Nelson (ACHP) re: Draft MOA and Section 4(f) Evaluation
April 5, 2011	Letter to CDOT from FHWA re: Determination of Need for SEIS
April 7, 2011	Letter to Antonia Clark from FHWA re: Draft Memorandum of Agreement and Draft Section 4(f) Evaluation
April 7, 2011	NRCS coordination re: farmland impacts

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April 14, 2011	Letter to CDOW from CDOT requesting species list
April 15, 2011	Letter to FHWA from Thomas McNeill re: FHWA Response to ACHP February 8, 2011, letter
April 15, 2011	USFWS letter to Kerrie Neet re: T&E/species list
April 21, 2011	Letter to Consulting Parties/ACHP re: US 160 review extension and SEIS announcement
April 26, 2011	Response letter from Pueblo of Laguna to FHWA for SEIS
April 29, 2011	Letter from DOI to FHWA re: comments on the Draft Section 4(f) Evaluation
May 27, 2011	Letter to Robert Stewart (USDIO) re: Draft Section 4(f) Evaluation
May 31, 2011	Letter from ACHP to FHWA re: comments on Draft MOA and Section 4(f) Evaluation
August 15, 2011	Letter to Lynn Woodell (BLM) from John Cater (FHWA) re: cooperating agency update for SEIS
August 15, 2011	Letter to Kara Hellige (USACE) from John Cater (FHWA) re: Corps request for concurrence
August 18, 2011	Additional Section 106 consultation (letter to Edward Nichols, SHPO, from Jane Hann)
August 19, 2011	Additional Section 106 consultation (letter to Shannon Bennett, from Jane Hann)
August 19, 2011	Additional Section 106 consultation (letter to Philip S. Craig, from Jane Hann)
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August 19, 2011	Additional Section 106 consultation (letter to Richard B. Luarkie, Pueblo of Laguna, from Jane Hann)
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August 24, 2011	Additional Section 106 consultation (reply letter from Edward Nichols, SHPO, to Jane Hann)
September 8, 2011	Letter from USACE to John Cater, FHWA re: concurrence points
September 14, 2011	Letter from FHWA to Reid Nelson, ACHP re: eligibility and effect
November 16, 2011	Letter to SHPO from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Peggy Cooley from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670

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Date	Correspondence
November 16, 2011	Letter to Antonia Clark from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Shannon Bennett from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Joel Craig from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Philip S. Craig from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Thomas McNeill from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to Southern Ute Indian Tribe from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
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November 16, 2011	Letter to The Hopi Tribe from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
November 16, 2011	Letter to John M. Cater, FHWA, from Jane Hann, CDOT, re: eligibility and effects determination of archaeological site 5LP6670
	Enclosure for November 16, 2011 Section 106 letters (Site forms: 5LP6670)
November 30, 2011	Concurrence letter from SHPO re: eligibility and effects determination of archaeological site 5LP6670
December 7, 2011	Letter from ACHP to FHWA re: Webb Ranch Section 106 consultation
December 12, 2011	Response letter from The Hopi Tribe to CDOT, re: eligibility and effects determination of archaeological site 5LP6670
March 20, 2012	Letter to The Hopi Tribe from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Pueblo of Laguna from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Southern Ute Indian Tribe from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Thomas McNeill from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Philip Craig from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Joel Craig from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Shannon Bennett from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Peggy Cooley from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Antonia Clark from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Reid Nelson, ACHP, from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
March 20, 2012	Letter to Edward Nichols, SHPO, from John M. Cater, FHWA, soliciting comments on the revisions to the MOA.
May 22, 2012	Response letter from Charlene Dwin Vaughn, ACHP, to John M. Cater, FHWA re: revised draf MOA.
June 8, 2012	Response letter from John M. Cater, FHWA, to Reid Nelson, ACHP, re: tribal consultation information request.
June 13, 2012	Letter to Reid Nelson, ACHP, from John M. Cater, FHWA, transmitting MOA to ACHP for signature.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



January 4, 2008

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

Subject: Additional Determinations of Eligibility and Effect, US 160 Durango to Bayfield
Environmental Impact Statement, La Plata County

Dear Ms. Contiguglia:

This letter and the attached site form constitutes a request for concurrence on eligibility and effects determinations for one historic property associated with the project referenced above. As you may recall from previous submittals, the undertaking involves phased improvements to a 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County. On US Highway 550, the project limits extend 1.2 miles south from US160/US550 intersection.

The Record of Decision (ROD) for this project was signed on November 7, 2006. However, minor design changes to the Preferred Alternative—specifically the new connection between US 160 and US 550—require the reevaluation of impacts to an assortment of environmental resources. The Webb Ranch, located north of and adjacent to County Road 220 east of US 550, was taken into account during the development of alternatives for the EIS process, but was not evaluated as a historic property under Section 106. This submittal includes an eligibility determination for the Webb Ranch (5LP8461) and assesses effects to it based on the Preferred Alternative. Please see the attached aerial photo for information about the project location and alternatives.

Eligibility Determination

Webb Ranch (5LP8461): The Webb Ranch has been determined eligible to the National Register of Historic Places under Criterion C as a representative example of ranch architecture in La Plata County. Please see the site form for additional information.

Effects Determination

The US 160 EIS evaluated a range of alternatives for the US 550/US 160 connection. Two alternatives (1F and 1G Modified) were carried forward to the Final EIS with Alternative 1G Modified selected as the Preferred. A reconfiguration of US 550 at its intersection with US 160 is necessary because the current alignment follows an unacceptable grade that is greater than 6%, with numerous curves on a winter-shaded north facing slope. During project development, it was determined that a recently created natural gas well lies within the alignment for Alternative 1G Modified. Also, an NRHP eligible archaeological site not addressed in the US 160 EIS but identified in the concurrent US 550 Environmental Assessment would also be impacted by the Preferred Alternative. To avoid the gas well and archaeological site the alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of

Ms. Contiguglia
January 4, 2008
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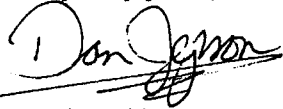
alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of Potential Effects for the original 1G Modified alternative. Shifting of the alignment resulted in avoidance of impacts to the archaeological site and the buildings on the eligible Webb Ranch property without having to relocate the natural gas well. The revised alignment impacts slightly more irrigated farmland (7.20 acres vs. 6.38), less pinion-juniper wildlife habitat (18.26 acres vs. 24.18 acres) and fewer wetlands (0.00 acres vs. 0.06 acres). This alternative also provides for the least fragmentation of the Webb Ranch based on an alignment that skirts the western edge of the mesa and ranch property while keeping the largest portion of the ranch intact.

The Preferred Alternative will intersect the Webb Ranch property to the east of the current US 550 alignment. The enclosed plan sheet provides a visual representation of the existing US 550 alignment and the proposed US 550 realignment, noted as the "Proposed Modification." Although the alternative avoids the buildings on the Webb Ranch, the highway realignment extends through the historic boundary of the ranch and introduces a new visual element to the setting. CDOT has determined that the project results in an *adverse effect* to the entire Webb Ranch property. We believe the best form of mitigation for this adverse effect involves the preparation of Level II Documentation as established by your office in Form 1595, and we request your comments on the proposed mitigation.

We request your concurrence with the determinations of eligibility and effect outlined 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. These materials have also been submitted to the La Plata County Historical Society for review; once we receive their comments we will forward them to you.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Jennifer Olander at (303) 757-9758.

Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: site form, location map, plan sheet, photographs

cc: Paul Jankowski, Region 5
File

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



January 4, 2008

Ms. Mary Jane Hood
La Plata County Historical Society
P.O. Box 3384
Durango, CO 81302

Subject: Additional Determinations of Eligibility and Effect, US 160 Durango to Bayfield
Environmental Impact Statement, La Plata County

Dear Ms. Hood:

This letter and the attached materials constitutes a request for comments on eligibility and effects determinations for one historic property associated with the project referenced above. The undertaking involves phased improvements to a 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County. On US Highway 550, the project limits extend 1.2 miles south from US 160/US 550 intersection.

The Record of Decision (ROD) for this project was signed on November 7, 2006. However, minor design changes to the Preferred Alternative—specifically the new connection between US 160 and US 550—require the reevaluation of impacts to an assortment of environmental resources. The Webb Ranch, located north of and adjacent to County Road 220 east of US 550, was taken into account during the development of alternatives for the EIS process, but was not evaluated as a historic property under Section 106 of the National Historic Preservation Act. This submittal includes an eligibility determination for the Webb Ranch (5LP8461) and assesses effects to it based on the Preferred Alternative. Please see the attached aerial photo for information about the project location and alternatives.

Eligibility Determination

Webb Ranch (5LP8461): The Webb Ranch has been determined eligible to the National Register of Historic Places under Criterion C as a representative example of ranch architecture in La Plata County. Please see the site form for additional information.

Effects Determination

The US 160 EIS evaluated a range of alternatives for the US 550/US 160 connection. Two alternatives (1F and 1G Modified) were carried forward to the Final EIS with Alternative 1G Modified selected as the Preferred. A reconfiguration of US 550 at its intersection with US 160 is necessary because the current alignment follows an unacceptable grade that is greater than 6%, with numerous curves on a winter-shaded north facing slope. During project development, it was determined that a recently created natural gas well lies within the alignment for Alternative 1G Modified. Also, an NRHP eligible archaeological site not addressed in the US 160 EIS but identified in the concurrent US 550 Environmental Assessment would also be impacted by the Preferred Alternative. To avoid the gas well and archaeological site the alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of


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Potential Effects for the original 1G Modified alternative. Shifting of the alignment resulted in avoidance of impacts to the archaeological site and the buildings on the eligible Webb Ranch property without having to relocate the natural gas well. The revised alignment impacts slightly more irrigated farmland (7.20 acres vs. 6.38), less pinion-juniper wildlife habitat (18.26 acres vs. 24.18 acres) and fewer wetlands (0.00 acres vs. 0.06 acres). This alternative also provides for the least fragmentation of the Webb Ranch based on an alignment that skirts the western edge of the mesa and ranch property while keeping the largest portion of the ranch intact.

The Preferred Alternative will intersect the Webb Ranch property to the east of the current US 550 alignment. The enclosed plan sheet provides a visual representation of the existing US 550 alignment and the proposed US 550 realignment, noted as the "Proposed Modification." Although the alternative avoids the buildings on the Webb Ranch, the highway realignment extends through the historic boundary of the ranch and introduces a new visual element to the setting. CDOT has determined that the project results in an *adverse effect* to the entire Webb Ranch property. We believe the best form of mitigation for this adverse effect involves the preparation of Level II Documentation as established by the Colorado Office of Archaeology and Historic Preservation.


As a local historical society with a potential interest in this historic resource, we welcome your comments regarding the Section 106 determinations. Should you elect to respond we request that you do so within 30 days of receipt of this letter. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Jennifer Olander at (303) 757-9758.


Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: site form, location map, photographs

cc: Paul Jankowski, Region 5
File



 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

January 14, 2008

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: US 160 Durango to Bayfield Environmental Impact Statement, La Plata County.
(CHS #33425)

Dear Mr. Beckham:

Thank you for your correspondence dated January 4, 2008 and received by our office on January 8, 2008 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we concur with the finding that resource 5LP.8461/Webb Ranch is eligible for the National Register of Historic Places. After review of the Assessment of Adverse Effect, we concur with the finding of *adverse effect* for the proposed undertaking. We agree that OAHP Level II documentation would be appropriate for this resource, and we look forward to continued consultation on the Memorandum of Agreement.

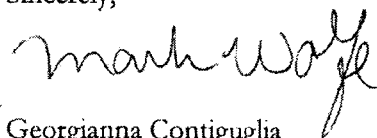
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

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. Also, the 30-day review period under Section 106 begins when our office receives your correspondence, not on the date of the correspondence.

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



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

Colorado Federal Aid Division

April 27, 2009

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

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Attn: Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004

Dear Mr. Nelson:

Subject: US Highway 160 from Durango to Bayfield Project, La Plata County, Colorado

As part of our consultation under Section 106 of the National Historic Preservation Act, I write to update you on the status of work to avoid impacts to the historic Webb Ranch, which was determined to be eligible for the National Register of Historic Places (NRHP) after completion of the "Final Environmental Impact Statement/Final Section 4(f) Evaluation For US Highway 160 From Durango To Bayfield" (US 160 FEIS) published in 2006.

As you know, the historic Webb Ranch is also subject to Section 4(f) of the Department of Transportation Act of 1966. Under this provision, the Federal Highway Administration (FHWA) may not approve the use of a property protected by Section 4(f) unless there is no feasible and prudent avoidance alternative and the action includes all possible planning to minimize harm to the property. FHWA and the Colorado Department of Transportation (CDOT) are currently analyzing whether a feasible and prudent avoidance alternative exists for the US 550/160 connection which avoids harm to Section 4(f) resources, including the historic Webb Ranch. If no such alternative exists, FHWA and CDOT must choose the alternative that causes the least harm in light of the preservation purposes of Section 4(f).

A Section 4(f) evaluation must discuss the impacts on Section 4(f) resources for each alternative. For this project, this allows a comparison among those alternatives advanced for consideration in the US 160 FEIS as well as with any other alternatives that avoid or minimize the use of Section 4(f) resources. The forthcoming Section 4(f) Evaluation will provide valuable information on avoidance opportunities that can be used in the Section 106 process. Therefore, I am writing to advise you that FHWA has preliminarily determined the alignments to be considered in our on-going Section 4(f) analysis.

In reviewing the information we have on this area, we have identified alignments designed to avoid the Webb Ranch that will be subject to further study. It is important to emphasize that the exact locations of these alignments may change as we gather more information. For example, an alignment may be shifted to avoid sensitive resources, such as important wildlife habitat, as we learn more about the potential impacts of an alignment. In addition, if other

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properties that are protected under Section 106 and/or Section 4(f) are found along the new alignments, those alignments may be altered or new alternatives may emerge.

Once again cautioning that we may revise or refine these alignments as we learn more, the following alternatives will be considered (see the attached figure):

Alternative G Modified: Alternative G Modified was one of two alternatives for a US 160/US 550 (south) connection that was advanced for consideration in the EIS. The evaluation will therefore consider Alternative G Modified, as well as a revision of this alignment that avoids a gas well within the original Alternative G Modified alignment (Revised Alternative G Modified). These alternatives would be east of the existing US 550 alignment, located along the western edge of the Florida Mesa and would connect to US 160 approximately 0.6 mile east of the existing US 160/US 550 (south) intersection at a new interchange that is currently under construction. They would cross through the historic Webb Ranch. Please note that due to the scale of the figure, Alternative G Modified and Revised Alternative G Modified are indicated by a single line, although the alignments differ slightly.

Alternative F Modified: This alternative was advanced for consideration in the EIS and the evaluation will address its impacts on Section 4(f) resources. As noted above, this allows comparison among the alternatives advanced in the EIS and against any other alternatives that avoid or minimize use of the Section 4(f) resources. Alternative F Modified would cross the Florida Mesa through the Webb Ranch and connect to US 160 at the proposed interchange at CR 233 (west), approximately 1.5 miles east of the existing US 160/US 550 (south) intersection.

Current US 550 alignment: The alternatives along the current US 550 alignment (Preliminary Alternative A and Feasibility Alternative 1B in the EIS) were not advanced for detailed consideration during the EIS process due to constructability and other problems. The current alignment will be reviewed in light of new information, including proposals submitted by attorney Thomas McNeill on behalf of Webb Ranch owners. In particular, in an October 28, 2008 letter to me, Mr. McNeill provided seven design alternatives that are variations on the existing US 550 alignment. We will consider whether the design variations suggested by Mr. McNeill, or other designs of US 550 generally along its current alignment, can lead to a feasible and prudent avoidance alternative.

Eastern Realignment Alternative: We will consider an alternative that avoids the historic Webb Ranch by realigning US 550 to the east of the ranch. This is similar to Alternative S.1, suggested by Mr. McNeill in his October 28, 2008 letter to me. This alternative would cross the Florida Mesa to the east of the Webb Ranch, connecting to US 160 at the proposed interchange at CR 233 (west), approximately 1.5 miles east of the existing US 160/US 550 (south) intersection. However, as we learn more about the area, this alternative will likely be refined so as to result in an optimal alignment that avoids impacts to sensitive resources, which can include other historic resources, wildlife areas, wetlands, or community resources.

Western Realignment Alternative: We will consider an alternative that avoids the historic Webb Ranch by taking a route west of the ranch and the existing US 550 alignment. This alternative is similar to Alternative S.2 suggested by Mr. McNeill in his October 28, 2008 letter. This alternative begins much further south on US 550, and would travel north across the

Animus River valley to connect with US 160 approximately 0.5 miles west of the existing US 160/US 550 (south) intersection. Due to the configuration of the Animus River, this alternative requires two crossings of the river, and will likely involve coordination with the U.S. Army Corps of Engineers to determine the most acceptable alignment in this area.

FHWA and CDOT will be reviewing the information prepared during the EIS process for Alternatives A, 1B, G Modified, Revised G Modified, and F Modified, and updating the information as necessary. For the Eastern and Western Realignment Alternatives, new environmental reviews and studies (historic, archeological, wetlands, wildlife, etc) are needed. Gathering and analyzing this information will be a lengthy process; therefore we anticipate that the Section 4(f) Evaluation will be completed no earlier than late next year.

As the Advisory Council on Historic Preservation (ACHP) noted in its January 30, 2009 letter to me, it is important that the ACHP, State Historic Preservation Officer (SHPO) and other consulting parties have an opportunity to offer comments and suggestions on the alternatives intended to avoid historic properties or minimize harm. At this time, we are forwarding information on our preliminary determination of the alternatives to be analyzed in the Section 4(f) Evaluation. I am forwarding the same packet of information to the consultation parties, including the Webb Ranch owners as well as Indian Tribes who may attach religious or cultural importance to historic resources in the project area. We once again emphasize that we are in the early stage of work on the Section 4(f) Evaluation and these alternatives may be revised or refined as we proceed with the evaluation.

We note that the eligibility of properties for the NRHP is an important consideration under both Section 4(f) and Section 106. In keeping with the ACHP's regulations, consulting parties may wish to review and offer input on eligibility and other determinations made pursuant Section 106 of the National Historic Preservation Act. We expect that studies by CDOT this year will lead to a report outlining proposed determinations with regard to the National Register for Historic Places that will be circulated to the SHPO, ACHP and consulting parties for review and comment.

We look forward to working with your office, the SHPO and consulting parties as we move forward with the Section 4(f) Evaluation and Section 106 process.

Sincerely,

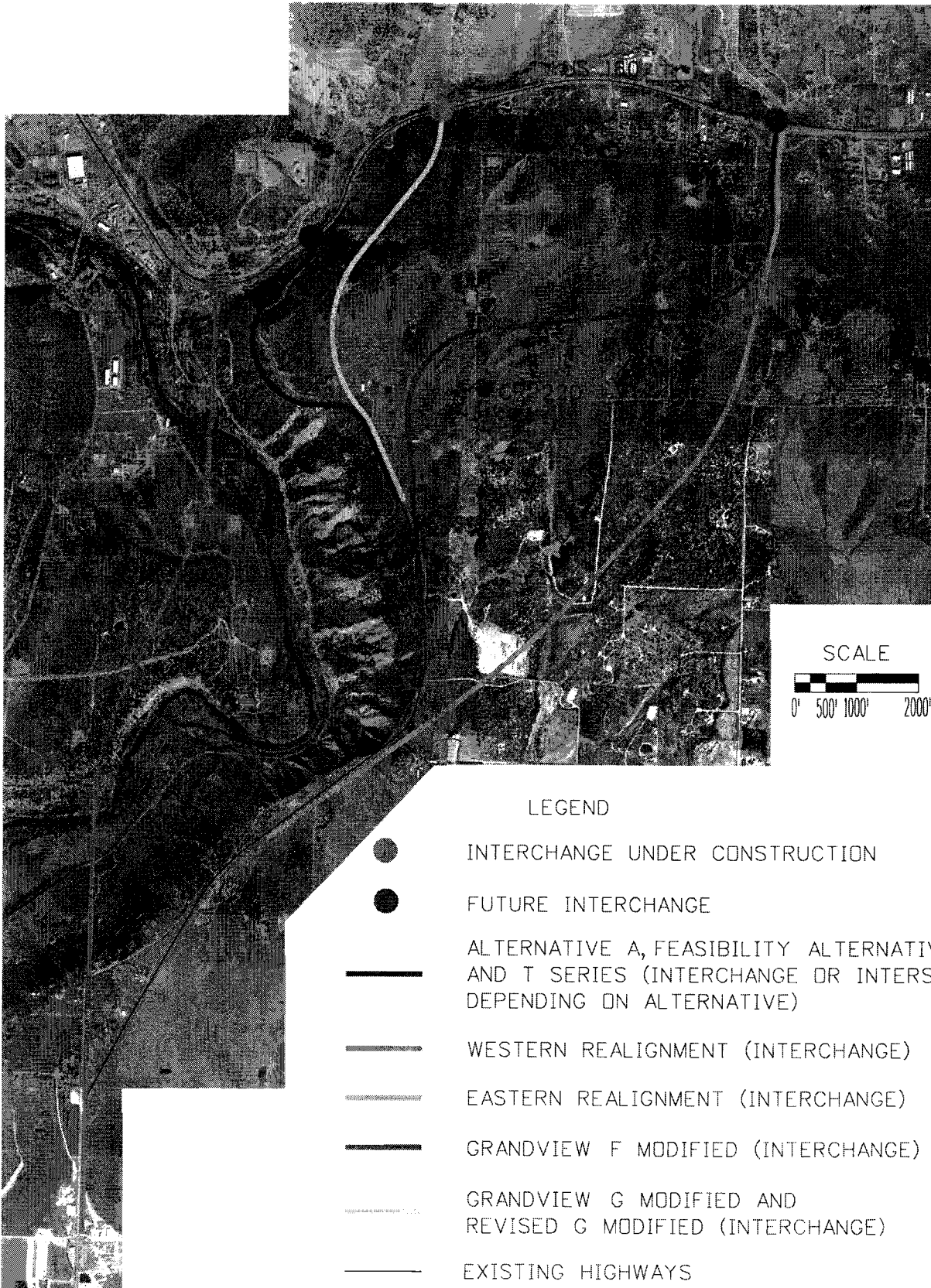


Karla S. Petty, P.E.
Division Administrator

Enclosure

cc w/enclosure:

Ms. Christine M. Johnson, FHWA
Ms. Maryann Blouin, FHWA
Ms. MaryAnn Nabor, FHWA
Mr. Richard Reynolds, CDOT
Ms. Kerrie Neet, CDOT
Mr. Dan Jepson, CDOT
Mr. Eric Meyer, State of Colorado Office of the Attorney General
Mr. Edward C. Nichols, SHPO
Mr. Thomas G. McNeill, Dickinson Wright PLLC
Ms. Mary Felter, The Hopi Tribe
Mr. Leigh Kuwanwisiwma, The Hopi Tribe
Mr. John Antonio, Sr., Pueblo of Laguna
Mr. Bob Mooney, Pueblo of Laguna
Mr. Matthew Box, Southern Ute Indian Tribe
Mr. Neil Cloud, Southern Ute Indian Tribe



LEGEND

- INTERCHANGE UNDER CONSTRUCTION
- FUTURE INTERCHANGE
- ALTERNATIVE A, FEASIBILITY ALTERNATIVE 1B, AND T SERIES (INTERCHANGE OR INTERSECTION DEPENDING ON ALTERNATIVE)
- WESTERN REALIGNMENT (INTERCHANGE)
- EASTERN REALIGNMENT (INTERCHANGE)
- GRANDVIEW F MODIFIED (INTERCHANGE)
- GRANDVIEW G MODIFIED AND REVISED G MODIFIED (INTERCHANGE)
- EXISTING HIGHWAYS

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Mr. Edward C. Nichols
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County

Dear Mr. Nichols:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with your office regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted the survey and associated archival research, and authored the enclosed report. Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites and Isolated Finds			
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric:</i> Eligible <i>Historic:</i> Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.


Schaeferhoff/Cowan Ranch (5LP9306): The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the Section 106 consulting parties (including tribal governments) identified for the undertaking. We will notify you of any responses received from these individuals and groups.

We request your concurrence with the site eligibility determinations outlined above and in the enclosed report, and also with the effects determinations described herein and illustrated in the report. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,

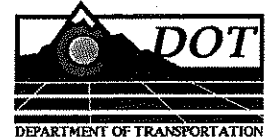

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Mr. Thomas G. McNeill, Esq.
Dickinson Wright PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-3425

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. McNeill:

Enclosed is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As the attorney for the Webb Family, the members of which are considered a consulting party for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
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5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric: Eligible Historic: Not Eligible</i>
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246-5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

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Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

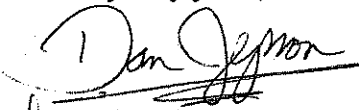
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Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

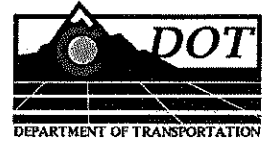
Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Ms. Cooley:

Enclosed is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting party for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

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Area of Potential Effects

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those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

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5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites and Isolated Finds			
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246-5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.


Schaeferhoff/Cowan Ranch (5LP9306): The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

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



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Mr. Ben Nuvamsa, Chairman
The Hopi Tribe
Attn: Mr. Leigh Kuwanwisiwma, Culture Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Nuvamsa:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites and Isolated Finds			
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric:</i> Eligible <i>Historic:</i> Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

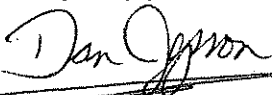
Schaeferhoff/Cowan Ranch (5LP9306): The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

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



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Mr. John Antonio, Sr., Governor
Pueblo of Laguna
c/o Laguna Pueblo Tribal Council
P.O. Box 194
Laguna, NM 87026

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Antonio:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
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5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites and Isolated Finds			
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5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
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5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric:</i> Eligible <i>Historic:</i> Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
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5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
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5LP9246-5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

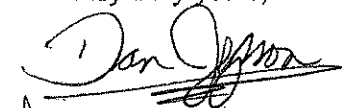
Schaeferhoff/Cowan Ranch (5LP9306): The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



Brad Beckham, Manager
Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

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



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9281



November 9, 2009

Mr. Matthew Box, Chairman
Southern Ute Indian Tribe
Attn: Mr. Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Box:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites and Isolated Finds			
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric: Eligible Historic: Not Eligible</i>
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

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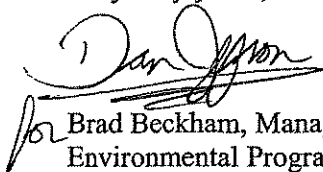
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This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

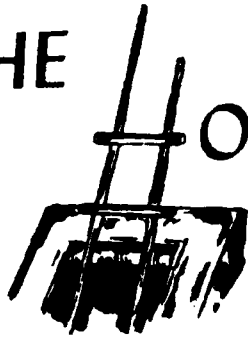
Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5)
S. Gibson (FHWA)

THE HOPI TRIBE



CHAIRMAN

VICE-CHAIRMAN

November 23, 2009

Brad Beckham, Manager, Environmental Programs Branch
Attention: Dan Jepson, Senior Staff Archaeologist
State of Colorado, Department of Transportation, Environmental Programs Branch
4201 East Arkansas Ave.
Denver, Colorado 80222

Dear Mr. Beckham,

This letter is in response to your correspondence dated November 9, 2009, regarding the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) proposed US Highways 550 and 160 Connection in La Plata County, Colorado. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in southwestern Colorado, and the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties. We consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate CDOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office previously consulted on the US Highway 160 between Durango and Bayfield project. We understand the enclosed cultural resources survey report is for the Eastern Realignment Alternative and a separate report will be submitted for the F Modified Alternative. We have reviewed the enclosed *Cultural Resources Inventory CDOT U.S. Highways 160/550 Connection Alternative Alignments Project: East Alternative* that identifies 8 National Register eligible prehistoric sites, primarily described as artifact scatters, which will be adversely affected if this alternative is implemented.

And therefore, we request continuing consultation to this proposal and look forward to receiving a copy of the cultural resources survey of the F Modified Alternative. If the East Alternative is proposed for construction, or if another alternative is proposed that will adversely affect prehistoric, National Register eligible sites, we request continuing consultation on any proposed treatment plans.


Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

A handwritten signature in black ink, which appears to be "Leigh J. Kuwanwisiwma". The signature is written in a cursive style and is positioned above the typed name and title.

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Colorado State Historic Preservation Office

 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

December 1, 2009

Brad Beckham
Manager
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Shumate Building
Denver, CO 80222

Re: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County. (CHS #33425)

Dear Mr. Beckham:

Thank you for your correspondence dated November 9, 2009 and received by our office on that same date regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we concur with the recommended findings of eligibility for the submitted surveyed resources. We concur that resource 5LP.9306 is significant under National Register Criterion A and C. According to item 40/Period of Significance on the site form, the Period of Significance is from 1900 to 1959, which would incorporate the dates of alternations to the main house/structure 3. Considering that the dates of alterations of the main house are covered under the Period of Significance, why is the main house recommended as not contributing to the overall property's significance under National Register Criterion A and C?

However, staff does not concur with the recommended finding of eligibility for resource 5LP.6666. Although it is clear that this site has integrity issues considering that it is located within a disked pasture and has experienced disking and grazing, our office recommends a finding of need data for the site until additional information can be obtained on the potential depth and integrity of any buried deposits at the site. The original recording provides neither soil depth information nor data on the depth of cultural deposits. The original recording notes a primary assemblage of ceramic fragments, and a small amount of lithic debitage, whereas this most recent recording notes (in addition to ceramic sherds and lithic debitage) 17 manos/mano fragments, three metate fragments, three indeterminate groundstone fragments, and two pieces of adobe, suggesting the presence of a structure.

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.

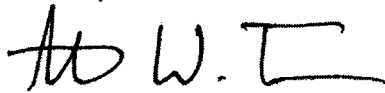
We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other

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 Shina DuVall, our Section 106 Compliance Manager for Archaeology, at 303-866-4678 with any archaeology questions and Amy Pallante, our Section 106 Compliance Manager for the Built Environment, at (303) 866-4678, for any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed W. T.", written over a horizontal line.

Edward C. Nichols
State Historic Preservation Officer



PUEBLO OF LAGUNA

P.O. BOX 194
LAGUNA, NEW MEXICO 87028



Office of:

The Governor
The Secretary
The Treasurer

(505) 552-6598
(505) 552-6654
(505) 552-6655

December 3, 2009

Mr. Brad Beckham
Manager
Environmental Programs Branch
State of Colorado
Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222

Dear Mr. Beckham:

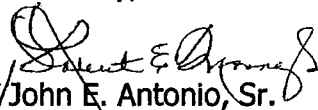
RE: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection
La Plata County, Colorado


The Pueblo of Laguna appreciates your consideration to comment on the possible interest your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely,


for John E. Antonio, Sr.
Governor, Pueblo of Laguna

 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

EASTERN AKT.

December 11, 2009

Brad Beckham
Manager
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Shumate Building
Denver, CO 80222

Re: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County. (CHS #33425)

Dear Mr. Beckham:

On December 9, 2009, staff spoke to Dan Jepson of your office to clarify the eligibility status of resource 5LP.6666. We recommend a finding of needs data for resource 5LP.6666 and continued consultation in regards to the assessment of adverse effect [36 CFR 800.(b)] under Section 106. In regards to the eligibility and assessment of adverse effect for the remaining submitted survey properties, we concur with the recommend findings of eligibility and assessments of adverse effect for those properties.

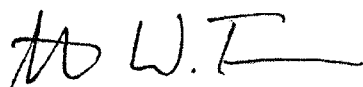
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.


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.

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Sincerely,



 Edward C. Nichols
State Historic Preservation Officer



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

Colorado Division

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
Phone: 720-963-3000

January 25, 2010

Mr. John M. Fowler, Executive Director
Attn: Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

SUBJECT: Determinations of Eligibility and Effects, US Highway 550/US Highway 160
Connection, La Plata County, Colorado

Dear Mr. Fowler:

Enclosed for your review is a copy of the cultural resources survey report for the undertaking referenced above. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement and subsequent Record of Decision specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 160 and 550 south of Durango, the Preferred Alternative for which would necessitate a segment of new highway alignment for US 550. The attached report was submitted to the State Historic Preservation Officer (SHPO) and consulting parties for review in November 2009.

Section 106 consultation regarding the US 160 EIS project occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 160/550 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives. In August 2008, the Advisory Council indicated that it would participate in consultation on this project.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted to SHPO, the consulting parties and your office at a later date once that alignment is comprehensively inventoried. Intensive analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.



Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect effects, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities were recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) was assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which were evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below. The SHPO concurred with these eligibility determinations (with the exception of 5LP6666, which was determined to be a "need data" site) in correspondence dated December 1, 2009.

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
Newly Recorded Sites			
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Prehistoric:</i> Eligible <i>Historic:</i> Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible

Effects Determinations

The effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified, but no specific design or construction plans associated with this alternative have yet been developed. While we are confident the following effects findings are as accurate as possible, more detailed design may require a reassessment of these determinations in the future. The SHPO concurred with these determinations in correspondence dated December 11, 2009.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative were to be selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and artificial highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Shaferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral will have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, but only a small portion of the lateral located outside the Webb Ranch boundary will be enclosed in a siphon. The lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative, and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, FHWA and CDOT have determined that the Eastern Realignment Alternative will result in *no adverse effect* to the Webb Ranch.

Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2): The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Shaferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its significance. FHWA and CDOT determined that the Eastern Realignment Alternative will have *no adverse effect* on the entire Co-op Ditch.

Schaeferhoff/Cowan Ranch (5LP9306): The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. FHWA and CDOT have determined that this alternative will have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

Craig Ranch (5LP9307): The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. FHWA and CDOT have determined that this alternative will have an *adverse effect* on the Craig Ranch.

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on the report and the eligibility and effect determinations. If you would like to review the site forms or have any questions, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). For general information related to the project, please contact FHWA Environmental Program Manager Stephanie Gibson (720-963-3013; stephanie.gibson@dot.gov).

Sincerely yours,

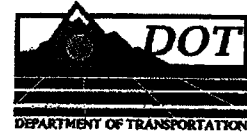
Handwritten signature of Stephanie Gibson in cursive script.

for Karla S. Petty
Division Administrator

Enclosure
Cc: Dan Jepson, CDOT

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 5, 2010

Mr. Daniel A. Gregory
Gregory, Golden and Landeryou
Attorneys at Law
1199 Main Ave. Ste. 213
Durango, CO 81301

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Mr. Gregory:

As a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided the Webb Family (via attorney Thomas McNeill) with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review and distribution are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (SLP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
Revised F Modified Alternative Inventory			
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (SLP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (SLP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (SLP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (SLP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (SLP9585-5LP9590) and one previously recorded site was re-evaluated (SLP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (SLP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (SLP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch (SLP9307)**, the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

Mr. Gregory
August 6, 2010
Page 4

On the Clark property (SLP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (SLP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, SLP9307, SLP9310 and SLP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (SLP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (SLP2223 and SLP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on SLP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including three tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



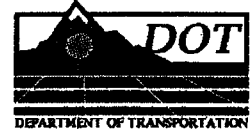
Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 6, 2010

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Cooley:

As a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review is a copy of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was

the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations			
Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
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5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
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5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch (Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based

largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the **Clark property** (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall **Webb Ranch** (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

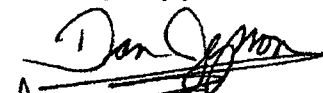
Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including three tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Nect (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

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



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



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

August 6, 2010

Mr. Matthew Box, Chairman
Southern Ute Indian Tribe
Attn: Mr. Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Box:

As a consulting tribe for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
Revised F Modified Alternative Inventory			
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the Craig Ranch (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the Clark property (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

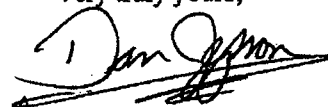
Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including two additional tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


For Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
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U.S. Department
of Transportation
**Federal Highway
Administration**



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

August 6, 2010

Mr. Leroy Shingoitewa, Chairman
The Hopi Tribe
Attn: Mr. Leigh Kuwanwisiwma, Culture Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Shingoitewa:

As a consulting tribe for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
Revised F Modified Alternative Inventory			
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the Craig Ranch (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the Clark property (SLP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (SLP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, SLP9307, SLP9310 and SLP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

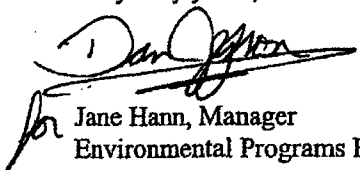
Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (SLP9588-SLP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (SLP2223 and SLP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on SLP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

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Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
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U.S. Department
of Transportation
**Federal Highway
Administration**



Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

August 6, 2010

Mr. John Antonio Sr., Governor
Pueblo of Laguna
c/o Laguna Pueblo Tribal Council
P.O. Box 194
Laguna, NM 87026

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Antonio:

As a consulting tribe for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

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- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Culture/Period	NRHP Recommendation
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Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the Craig Ranch (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

Mr. Antonio
August 6, 2010
Page 4

On the Clark property (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative


Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including two additional tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 6, 2010

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1560 Broadway, Ste. 400
Denver, CO 80202

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County (CHS #33425)

Dear Mr. Nichols:

In correspondence dated November 9, 2009, we submitted eligibility and effects determinations for an alternative alignment (the East Alternative) specific to the project referenced above. As noted in that letter, additional alternatives are under consideration to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review is a copy of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of National Register of Historic Places (NRHP) eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas

to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
Revised F Modified Alternative Inventory			
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch (Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based

largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with your office in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities was collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, you disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the Clark property (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative


Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the Section 106 consulting parties (including three tribal governments) identified for the undertaking. We will notify you of any responses received from these individuals and groups.

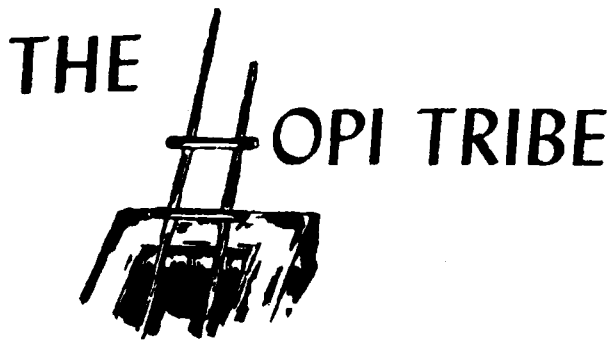
We request your concurrence with the site eligibility determinations outlined above and in the enclosed report, and also with the effects determinations described herein and illustrated in the report. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures: Report and site forms
Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)



Leroy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

August 16, 2010

Jane Hann, Manager, Environmental Programs Branch
Attention, Dan Jepson, Archaeologist
State of Colorado, Department of Transportation, Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222

Re: US Highway 550 and 160 Connection, La Plata County
Additional Determinations of Eligibility and Effects, Revised F and G Modified Alternatives

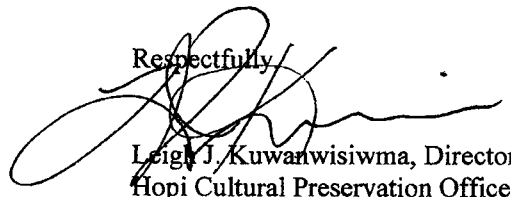
Dear Ms. Hann,

Thank you for your correspondence dated August 6, 2010, with an enclosed cultural resources survey report and site forms regarding the US Highway 550 and 160 Connection, Revised F and G Modified Alternatives. The Hopi Tribe claims cultural affiliation to the Ancestral Puebloan prehistoric cultural groups in Colorado. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate the Colorado Department of Transportation's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office responded to the November, 2009, correspondence regarding the East Alternative. We have now reviewed the enclosed cultural resources survey report that identifies 6 National Register eligible prehistoric sites in the Revised F Modified Alternative, and 4 National Register eligible prehistoric sites in the Revised G Modified Alternative. We understand that either of these alternatives will result in adverse effects to prehistoric structures.

Therefore, if either of these alternatives are implemented, we request ongoing consultation including being provided with copies of any proposed treatment plans for review and comment. We also request an opportunity to review and comment on the preliminary and draft data recovery reports. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Colorado State Historic Preservation Office



August 25, 2010

Jane Hann
Environmental Programs Branch
Department of Transportation
4201 E. Arkansas Ave.
Shumate Building
Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado (CHS #33425)

Dear Ms. Hann,

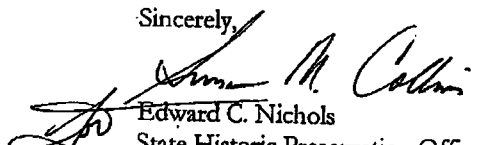
Thank you for your correspondence dated August 6, 2010 (received by our office on August 6, 2010; additional revised documentation received on August 20, 2010) and the documentation provided regarding the subject project.

Following our review of the documentation provided, we provide the following comments:

- We concur with your determination that the following sites are **eligible** for the National Register of Historic Places (NRHP): 5LP8461, 5LP9307, 5LP9308, 5LP9309, 5LP9310, 5LP9581, 5LP9582, 5LP9583, 5LP9584, 5LP2223, 5LP9587, 5LP9588, 5LP9589, and 5LP9590.
- We concur with your determination that the following sites are **not eligible** for the NRHP: 5LP6666, 5LP9585, and 5LP9586.
- We concur with your determination that the following isolated finds are **not eligible** for the NRHP: 5LP9311, 5LP9312, and 5LP9313.
- Regarding the determination of effect, we concur that a finding of **adverse effect** is appropriate for the Revised F Modified Alternative as would impact all nine sites located completely or partially within the area of potential effects (APE).
- We further concur that a finding of **adverse effect** is appropriate for the Revised G Modified Alternative, specifically with regard to the three archaeological that would be directly impacted by construction (5LP9588, 5LP9589, and 5LP9590) and the Webb Ranch (5LP8561). Assuming as the documentation suggests that final design could ensure complete avoidance of sites 5LP2223 and 5LP9587, we conditionally concur that a finding of **no historic properties affected** is appropriate with specific regard to these two sites and the Revised G Modified Alternative.

Thank you for the opportunity to comment. We look forward to continued consultation on the US Highway 550 and 160 Connection project. If we may be of further assistance please contact Shina duVall, Section 106 Compliance Manager, at (303) 866-4674 or shina.duvall@chs.state.co.us or Amy Pallante, Section 106 Compliance Manager, at (303) 866-4678 or amy.pallante@chs.state.co.us.

Sincerely,


Edward C. Nichols
State Historic Preservation Officer
ECN/SAD

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



September 21, 2010

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango CO 81301

SUBJECT: Solicitation for Consulting Party Status, US Highways 550 and 160 Connection, La Plata County

Dear Mr. Bennett:

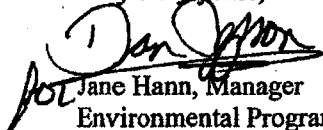
Per your request, in late August you were sent the historic properties survey report specific to two alignment alternatives presently being studied by the Colorado Department of Transportation (CDOT) as a possible new connection between US Highways 550 and 160 south of Durango. As you are aware from review of that document, your property bordering County Road 220—referenced as the Clark Ranch and assigned site number 5LP9310—is located along the “Revised F Modified Alternative.” The ranch has been determined eligible for inclusion on the National Register of Historic Places as a significant historic resource, an assessment with which the State Historic Preservation Officer concurred.

The US 550/160 project is sponsored by the Federal Highway Administration (FHWA) and therefore constitutes a federal undertaking requiring compliance with Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), and its implementing regulations (36 CFR 800). As a potentially impacted and/or interested local landowner, FHWA and CDOT would like to formally offer you the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f) of the regulation. Two documents are enclosed that provide information about the Section 106 process and the role of consulting parties; in particular, please refer to pp. 15-16 of the *Citizen's Guide to Section 106 Review* for a succinct summary of consulting parties in the historic preservation compliance process.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Dan Jepson, CDOT Senior Staff Archaeologist, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation.

If you require additional information or have questions, please contact Mr. Jepson at (303) 757-9631 or via Email at daniel.jepson@dot.state.co.us, or FHWA Environmental Program Manager Stephanie Gibson at (720) 963-3013 or stephanie.gibson@dot.gov.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)



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

Colorado Division
September 22, 2010

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. John M. Fowler
Office of the Executive Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004
Attn: Ms. Carol Legard, FHWA Liaison

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F
Modified and Revised G Modified Alternatives, US Highway 550 and
160 Connection, La Plata County, Colorado

Dear Mr. Fowler:

Enclosed for your review is a copy of the cultural resources survey report for two proposed alternative alignments specific to the Colorado Department of Transportation (CDOT) undertaking referenced above. In correspondence dated January 25, 2010, the Federal Highway Administration (FHWA) forwarded you a report documenting the results of the survey conducted for the Eastern Realignment Alternative related to this project. (Please note that the previous report, as well as the document enclosed herewith, refers to that alignment as the "East Alternative;" however, both titles denote the same alignment.) The attached document presents the results of the Revised F Modified and Revised G Modified Alternatives pedestrian inventory, as well as determinations of site eligibility; effects are discussed in this letter. The report was submitted to the Colorado State Historic Preservation Officer (SHPO) and consulting parties for review in August 2010. Please refer to the January 2010 letter for additional background on the US Highway 550/160 Connection project.

As noted in the earlier correspondence, intensive analysis of the environmental impacts of these three alternatives, as well as other alternatives that are not undergoing this level of study, will result in the selection of a Preferred Alternative for the project as part of FHWA's National Environmental Policy Act (NEPA) obligations. Refer to Figure 2 in the enclosed report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried Eastern Realignment Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;



- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of National Register of Historic Places (NRHP) eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and Eastern Realignment Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the Revised G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary (5LP8461) appears on a separate attachment.

Eligibility Determinations

A summary of the site eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed Eastern Realignment Alternative), is not included in the table.

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
Revised F Modified Alternative Inventory			
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
Revised G Modified Alternative Site Documentation			
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch (Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially NRHP eligible in December 2009 subsequent to the Eastern Realignment Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the Eastern Realignment Alternative survey in 2009. However, you disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test

excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the **Clark property** (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall **Webb Ranch** (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures.

As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.


Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to that described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on the report as well as the eligibility and effects determinations. If you would like to review the site forms or have any questions, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). For general information related to the project, please contact FHWA Environmental Program Manager Stephanie Gibson at 720-963-3013; or by e-mail, stephanie.gibson@dot.gov.

Sincerely yours,


for Douglas Bennett, P.E.
Acting Division Administrator

Enclosures:

Report

Map of Webb Ranch site boundary

cc: Dan Jepson, CDOT



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EDWARD H. PAPPAS
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September 29, 2010

Jane Hann, Manager
Environment Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Shumate Building
Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Hann:

We have received your letter of August 5, 2010 addressed to our co-counsel Daniel Gregory and its enclosed report concerning the survey of the Revised F Modified and Revised G Modified Alternatives as conducted by Alpine Archaeological Consultants (under subcontract to Centennial Archaeology).

In connection with CDOT/FHWA's continuing administrative proceedings under Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act, on behalf of our clients, the owners of Webb Ranch, we plan to submit written comments no later than October 21, 2010. We note your request for submission of comments within 30 days of receipt of your August 5 letter. Please immediately notify us in writing if the additional response time would cause you, CDOT or FHWA to decline to consider, or to disregard, our comments.

In the meantime, we would like additional information concerning the cultural resource reports, studies or surveys conducted with respect to other alternatives for a new connection between U.S. 160 and 550 (south of Durango) which remain under consideration by CDOT and FHWA. In your letter of August 5, you reference material sent to my partner in November 2009 concerning the East Alternative. Would you please provide us with any subsequent correspondence or documentation concerning any Effects Determinations made in relation as to the properties in the path of the East Alignment. By Effects Determinations, we mean analysis or comment such as the Effects Determinations section of your August 5 letter, at pages 3 and 4.

In addition, we note in the first paragraph of your August 5 letter that "additional alternatives are being studied..." Would you please identify each such alternative -- in addition to the East, Revised F Modified and Revised G Modified Alternatives -- and please provide us with any cultural resource reports, studies and surveys and Effects Determinations prepared for such additional alternatives. We request those materials as counsel to consulting parties under

C O U N S E L O R S A T L A W

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Jane Hann, Manager
September 29, 2010
Page 2

Section 106 of NHPA. Please advise if you would like us to submit a more formal request for these documents, under the Colorado Open Records Act, § 24-72-201, et seq.

Very truly yours,



Edward H. Pappas

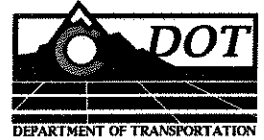
EHP/lm

cc: Kerrie Neet (CDOT Region 5)
Stephanie Gibson (FHWA)
Daniel A. Gregory, Esq.
Thomas G. McNeill, Esq.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



(Sent via Email 10/8/10 without attachments, and via USPS 10/8/10 with attachments)

October 8, 2010

Mr. Edward H. Pappas
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-5092

SUBJECT: Section 106 Consultation, US Highway 550/160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I am in receipt of your letter dated September 29, 2010 regarding determinations of historic properties eligibility and effects for two alternative alignments proposed by the Colorado Department of Transportation for the project referenced above. You inquired about the timing for submission of more formal written comments and also requested additional information related to other alignment alternatives being considered by CDOT and the Federal Highway Administration (FHWA).

As a consulting party for the project under Section 106 of the National Historic Preservation Act (as amended), the Webb Ranch is provided the opportunity to submit comments to the agencies regarding a variety of issues related to the compliance process, but specifically the eligibility of and effects to historic properties relevant to the undertaking. As codified in the rules and procedures implementing the Section 106 regulations (36 CFR §800.5(c)(1)), "the agency official may proceed after the close of the 30 day review period if the SHPO...has agreed with the finding or has not provided a response, *and no consulting party has objected* [emphasis added]." CDOT submitted site eligibility and effects determinations to the Colorado SHPO for the Revised F Modified and Revised G Modified Alternatives in a letter dated August 6, 2010; the SHPO concurred with all findings in correspondence dated August 25, 2010. CDOT did not receive written objections from any consulting party, including the Webb Ranch, within the 30 day comment period. You may submit comments specific to historic properties at any time; objections to our findings will be considered but may be disregarded, however, at the discretion of the lead federal agency (FHWA).

You also requested additional documentation concerning cultural resource reports, studies or surveys conducted for other US 550/160 alternatives under consideration. As of this date you are in possession of all reports and directly associated materials for the three alternatives intensively studied for historic properties, including the Eastern Realignment Alternative (previously referenced as the "East Alternative"), the Revised F Modified Alternative, and the Revised G Modified Alternative. You asked for correspondence and/or documentation of effects determinations for the Eastern Realignment Alternative; copies of letters in that regard exchanged with the Colorado SHPO and other consulting parties are enclosed.

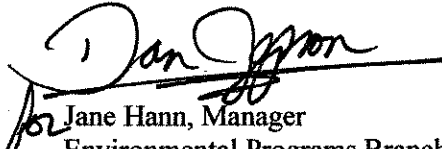
Other alternatives CDOT and FHWA are considering are the Western Realignment, and alternatives along the existing US 550 alignment including Revised Preliminary Alternative A, an alternative with a partial interchange at the existing US 550/US 160 intersection, and an alternative with an at-grade intersection.

Mr. Pappas
October 8, 2010
Page 2

These alignments are described in a letter from FHWA to the Advisory Council on Historic Preservation dated April 27, 2009, which is attached for reference. For the Western Realignment Alternative—which parallels the existing US 550 alignment in the Animas River basin to the west—a search was conducted in May 2009 of the site files housed at the Colorado Office of Archaeology and Historic Preservation. The results of that research, in addition to internal CDOT Emails related to that topic, are also included herewith. Similar research was not conducted for Revised Preliminary Alternative A and other alternatives along the current US 550 alignment because that portion of the corridor was surveyed for historic properties during a 1995 CDOT project unrelated to the present undertaking, and therefore those results are known. A copy of that report was provided to you during an earlier Colorado Open Records Act Request; however, if you would like an additional copy, please let us know.

If you have questions regarding any information contained herein, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@dot.state.co.us. Thank you for your continued participation as a Section 106 consulting party for the US 550/160 Connection project.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures: Eastern Realignment Alternative Section 106 correspondence
Western Realignment Alternative file search results and correspondence
April 27, 2009 FHWA letter to ACHP

cc: K. Neet (CDOT Region 5)
E. Meyer (Colorado Attorney General's Office)
L. Tannenbaum (Colorado Attorney General's Office)



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October 26, 2010

Jane Hann, Manager
Environment Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Shumate Building
Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Hann:

As indicated in my letter of September 29, 2010, we have received your letter of August 5, 2010 addressed to our co-counsel Daniel Gregory (which he received by overnight courier on August 12, 2010) and its enclosed report concerning the survey of the Revised F Modified and Revised G Modified Alternatives as conducted by Alpine Archaeological Consultants under subcontract to Centennial Archaeology (the "Alpine Report"). We also have received your letter dated October 8, 2010 and its enclosures.

At the outset of our comments, we are constrained to note a certain capricious variance between your two letters with respect to the time frame in which to submit comments concerning your August 5, 2010 letter and the Alpine Report. In the August 5 letter, you indicated that our comments "are welcomed," and as to timing you stated:

If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter.

But your October 8, 2010 response to my September 29 letter belies that cordial invitation to comment. The lengthy second paragraph of your October 8 letter articulates a much more formalistic position, citing 36 CFR § 800.5(c)(1) (not cited in your first letter) and suggesting that FHWA could now properly exercise discretion to disregard "objections to [CDOT's] findings" which the owners of Webb Ranch submit after the expiration of "the 30 day comment period."

In any event, we submit the following observations for consideration by CDOT and FHWA with respect to the continuing administrative proceedings conducted under both Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act of 1966.

C O U N S E L O R S A T L A W

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
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Jane Hann, Manager
 October 26, 2010
 Page 2

The Alpine Report (pp. 10-11) confirms that the entirety of Webb Ranch (5LP 8461) is eligible for listing on the National Register of Historic Places ("NRHP"). We concur in that determination. However, the table set forth on page 2 of your August 5 letter inaccurately establishes the date of that determination as 2009. In fact, CDOT and SHPO made that determination in January/February 2008. We would like the record corrected to reflect that fact.

The Alpine Report (pp. 11-15) purports to confirm the NRHP eligibility of the "historic Craig Ranch complex" (now designated 5LP 9307) with reference to the September 2009 report prepared by Alpine employee Jack E. Pfertsh. We reserve the right to further comment upon the historical designations conferred upon Craig Ranch and the Schaeferhoff/Cowan Ranch (5LP 9306), the timing of those determinations and CDOT's motivation with respect thereto.

Apart from its discussion of Webb Ranch and Craig Ranch, the Alpine Report concludes that there exist five prehistoric sites (including two Ancestral Puebloan habitation sites, 5LP 2223 and 5LP 9590) in the immediate vicinity of the Revised G Modified and seven prehistoric sites (including two additional Ancestral Puebloan habitation sites, 5LP 9584 and 5LP 9309) in the immediate vicinity of Revised F Modified. We concur with the determination that each of these 12 sites is NRHP eligible.

It is important to note, however, that Alpine's recitation of the procedural history with respect to discovery of these prehistoric sites is incomplete and inaccurate. *See, e.g.,* "Abstract," p. (iii); "Previous Work and Expected Results," p. 7. CDOT and/or its retained consultants conducted cultural resource surveys and pedestrian surveys on Webb Ranch in 1988, 1995, 1998-99, 2002 and 2007. *See, our letter to Karla S. Petty (FHWA), dated October 15, 2008, and copied to three key CDOT employees. Following the completion of these surveys, on November 6, 2007, CDOT issued its Record of Decision, closing its administrative proceedings and establishing G Modified (not then "Revised"), which if constructed would bisect and destroy Webb Ranch, as CDOT's sole preferred alternative.*¹

In these six previous surveys, CDOT entirely missed 11 of the 12 NRHP eligible prehistoric sites described in the Alpine Report.² In fact, in its report (p. 7), Alpine specifically

¹ As noted above, nearly three months later, CDOT determined that the entirety of Webb Ranch is NRHP eligible, causing CDOT to scramble to backfill to create a quasi "administrative record" concerning Webb Ranch as an historical property protected by Section 4(f) of the Department of Transportation Act, but which attempts to conceal that CDOT had not engaged in *any* investigation, study, planning or development of prudent and feasible alternatives directly designed to avoid or minimize harm to Webb Ranch as required by Section 4(f). CDOT previously has provided the owners of Webb Ranch with extensive documentation of its post-ROD efforts in this regard. The record also makes clear that CDOT and SHPO conferred the historical designation upon Webb Ranch several months before CDOT commenced construction of the new bridge, ramps and associated elements at the base of Farmington Hill on U.S. 160.

² In 2000, CDOT identified site 5LP 2223, located on Webb Ranch, and determined that is NRHP eligible.

Jane Hann, Manager
October 26, 2010
Page 3

notes that in 2002 CDOT's consultant, URS Corporation, failed to identify at least four prehistoric sites in the path of Revised F Modified. Alpine implies that in Summer, 2009 its employee, Jack Pfertsh, identified several of the prehistoric sites during his survey of the East Alternative alignment.³

In reality, the identification of the extensive and important prehistoric sites located on and near Webb Ranch properly must be attributed to Stratified Environmental & Archaeological Services, LLC ("SEAS") and its principal, Doug Loebig. Retained by the owners of Webb Ranch, SEAS identified eight prehistoric sites located on Webb Ranch in the path of [Revised] G Modified. SEAS detailed its findings in a seventeen page report issued in July, 2008. Thereafter, during field work conducted on April 2-3, 2009, SEAS identified two additional prehistoric sites located on Webb Ranch in the path of [Revised] F Modified. SEAS detailed its findings in this regard in its April, 2009 Report (13 pages). The owners of Webb Ranch provided both SEAS Reports to CDOT. For your convenience, we have enclosed copies. The Alpine Report refers to the SEAS reports, but downplays them as "two informal inventories."

Based in part upon SEAS' July 2008 report, in October, 2008 CDOT formally reopened the administrative proceedings. Thereafter, in its scope of work, CDOT specifically directed Centennial Archaeology to conduct a thorough investigation of SEAS's sites and findings, which Centennial subcontracted to Alpine. In point of fact, Alpine's July, 2010 Report has authenticated and validated, and even expanded upon, SEAS's findings.

Site 5LP 9590 – originally designated SEAS 108-08-10 – is an extremely significant prehistoric site. It covers nearly 15 acres and occupies a portion of Webb Ranch, state land owned by CDOT and lands administered by the Bureau of Land Management, all in the immediate area in which Revised G Modified would connect to U.S. 160 and the elements of the bridge and ramps which CDOT already has constructed. The site includes more than seven hundred artifacts and seven distinct features. Alpine has opined that prolonged site habitation and varied activities at this location is likely, extending over at least two prehistoric periods, Basketmaker III/Pueblo I (AD 500-900) and Pueblo II (AD 900-1150); and Loebig has opined that elements of the late Archaic to Basketmaker II period (BC 800 to AD 400) may also be present. Alpine Report, pp. 52-56; SEAS July 2008 Report, pp. 8-10.

Alpine acknowledges that 5LP 9590 is an important find, but in our view Alpine understates the significance of the site, particularly with respect to the Pueblo II elements. Alpine states: "Sites dating to the Pueblo II period are not well documented in the Animas River drainage, because it appears that by this period, populations favored a shift westward." Alpine Report, p. 57, citing, *Colorado Prehistory: A Context for the Southern Colorado River Basin*, Mark D. Varien, W.D. Lipe and R.H. Wilshusen (1999). But SEAS goes further, opining that:

³ By letter to Ms. Petty and Richard Reynolds dated October 28, 2008, counsel for the owners of Webb Ranch submitted nine alternatives, including what has now become CDOT's East Alternative, for the relocation of U.S. 550 between U.S. 160 and County Road 220 which would avoid Webb Ranch altogether.

Jane Hann, Manager
October 26, 2010
Page 4

"The site possesses unique data potential given the probable multi-component nature of the site and an extremely rare instance of a Pueblo II period occupation in the Animas River drainage." SEAS July 2008 Report, p. 10. SEAS concludes that the site possesses "high research value." *Id.*

The preliminary investigations of site 5LP 9590 indicate evidence of occupation over a period of more than 1000 years. There exists a "high potential" for buried intact subsurface cultural deposits. Further investigation and analysis could and should cause a re-evaluation of previous conclusions, or assumptions, that the ancient indigenous population migrated westward out of the Animas River valley during the Pueblo II period (AD 900-1150). *See also*, site 5LP 9309, discussed below.⁴

Alpine also has confirmed the existence of two Ancestral Puebloan habitation sites which would be impacted by Revised F Modified. Site 5LP 9484, located on Webb Ranch, evidences a large prehistoric artifact scatter, with possible prehistoric habitation structures, covering more than 14 acres. SEAS April 2009 Report, pp. 3-9, Alpine July, 2010 Report, pp. 32-39. SEAS first identified a portion of the site (approximately 6 acres) on April 2-3, 2009 and denoted it SEAS site 09-21-01. SEAS and Alpine have identified the period of habitation as Basketmaker III to Pueblo I (AD 500-900). Alpine opines that much of the site demonstrates a high degree of integrity and that there exists a likely potential to produce intact subsurface cultural deposits. Alpine Report, p. 39. Please also note that this site contains an additional important *historical* element – an early turn of the 20th Century homestead that is one of the earliest examples of a ranch in this part of Colorado.

Alpine also identified site 5LP 9309, not located on Webb Ranch, which is relatively small (comprising approximately 3,000 square meters, or ¾ of an acre) but is highly significant. The site contains four habitation structures, a thermal feature and ceramic artifacts dating to the Pueblo II period (AD 900-1150). Again, Pueblo II artifacts are extremely rare in the Animas River drainage, and it is highly significant that there are two Pueblo II sites located on this portion of Florida Mesa.

Each of the four Ancestral Puebloan habitation sites, 5LP 2223, 9590, 9484 and 9309, are highly significant. Each requires additional investigation – including through the use of ground penetrating radar and excavation to exacting archaeological standards – followed by in depth *in situ* evaluation and analysis. Each site offers a probability of recovery of subsurface cultural deposits and the examination of prehistoric habitation structures; and there exists a possibility human remains may be found at one or more of these four sites.

⁴ In this letter, we do not further discuss site 5LP 2223, located in the southwestern corner of Webb Ranch. That site has been the object of considerable evaluation, and now re-evaluation (Alpine Report, pp. 40-46). The site is large (more than 9 acres) with clear evidence of architectural remains, and a "high potential to yield information important to Basketmaker III/Pueblo I prehistory." This site clearly requires further investigation, evaluation and analysis.

Jane Hann, Manager
October 26, 2010
Page 5

Alpine also has determined significance in eight other prehistoric sites, which are comprised of artifact scatters and are NRHP eligible. At this time, we do not offer commentary on these sites beyond that which is contained in the Alpine Report and the two SEAS Reports.

Please note that the owners of Webb Ranch hereby invoke their rights under Colorado law to require CDOT and its cultural resource consultant(s) to conduct all further examination of artifacts on site at Webb Ranch (without removal therefrom) and that the owners shall retain all ownership and possessory rights in such artifacts.

The preliminary investigations conducted by SEAS and Alpine, and your letters of August 5 and October 8, 2010, raise the following questions which we now submit to you for written response:

1. Has CDOT submitted the Alpine Report to FHWA for review and comment? If so, please provide copies of the correspondence between CDOT and FHWA.

2. Has CDOT formulated written plans for further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible? If so, please provide those written plans to us so that we may offer comment on them.

3. Has CDOT submitted such written plans to SHPO for review, comment and approval? If so, please provide copies of the correspondence between CDOT and SHPO.

4. What federal and state law, and regulations, does CDOT acknowledge as governing the further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible?

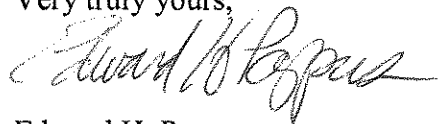
5. Although it has not acquired the land upon which the 12 prehistoric sites are located and such land is not presently Indian Land, does CDOT intend to proceed in compliance with the Archaeological Resource Protection Act of 1979, 16 U.S.C. §§ 470aa, *et seq.*, and the regulations promulgated thereunder?

6. By copy of this letter, we ask Ms. Petty, Ms. Gibson and Ms. Blouin whether FHWA intends to disregard this letter by invoking 36 CFR § 800.5(c)(1). If so, we would like a written statement of the reasons for such disregard, including whether and to what extent FHWA claims that it has sustained legal "prejudice" by the submission of these comments on this date.

Jane Hann, Manager
October 26, 2010
Page 6

We look forward to your written response to these questions, and FHWA's response to Question no. 6, and to any written response which you may wish to offer to the balance of this letter.

Very truly yours,



Edward H. Pappas

EHP/lm

cc: Edward C. Nichols, Colorado Historical Society
President and CEO and SHPO, with enclosures
Kerrie Neet (CDOT Region 5), without enclosures
Karla Petty (FHWA), with enclosures
Stephanie Gibson (FHWA), without enclosures
Douglas Loebig, without enclosures
Larry Tannenbaum, Esq., without enclosures
Eric Meyer, Esq., without enclosures
Marianne Blouin, Esq., without enclosures
Daniel A. Gregory, Esq., without enclosures
Thomas G. McNeill, Esq., without enclosures

DETROIT 47919-2 1180216v4

C o u n s e l o r s A t L a w

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
BLOOMFIELD HILLS ANN ARBOR LANSING GRAND RAPIDS

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
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Denver, Colorado 80222
(303) 757-9281



November 1, 2010

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango CO 81301


SUBJECT: Documentation of Historic and Archaeological Sites, US Highways 550 and 160
Connection, La Plata County

Dear Mr. Bennett:

In late September 2010 you spoke by telephone to CDOT Senior Staff Archaeologist Dan Jepson regarding our letter of September 21, wherein CDOT and the Federal Highway Administration invited you to be a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act. During that phone call you indicated a desire to be a consulting party and also asked for copies of site forms pertaining to historic and archaeological sites located on your property. Per that request, enclosed are forms for the Clark Ranch proper (SLP9310), two prehistoric archaeological sites (SLP9308 and SLP9309), and two isolated finds (SLP9311 and SLP9312).

If you have questions regarding any of the enclosed information, please contact Mr. Jepson at (303) 757-9631 or via Email at daniel.jepson@dot.state.co.us.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures (5 site and isolated find forms)

cc: K. Neet (CDOT Region 5)
S. Gibson (FHWA)

Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

November 7, 2010

State of Colorado
Department of Transportation
Environmental Programs Branch
Shumante Building
Denver Colorado 80222

C/O Dan Jepson

Dear Dan:

I received your letter dated November 1, 2010. Sorry for the delay in responding to our conversation in late September 2010. Antonia Clark and myself would like to be a consulting party for the project, Documentation of Historic and Archaeological sites, US 550 and 160 connection, La Plata County.

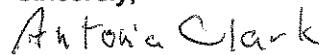
Please contact me if you have any questions. The easiest number to reach me at is 970-749-1094 or shannondog@mindspring.com

Sincerely,



Shannon Bennett
455 Pinnacle View DR.
Durango, CO 81301

Sincerely,

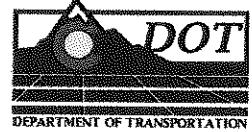


Antonia Clark
P.O. Box 2329
Durango, CO 81303

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
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(303) 757-9281



November 9, 2010

Mr. Edward H. Pappas
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-5092

SUBJECT: Continued Section 106 Consultation, US Highway 550/160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I received your letter dated October 26, 2010, which addresses issues related to site eligibility and effects determinations for the project referenced above. Our response to a number of your concerns follows.

Many of the archaeological sites within the Webb Ranch were initially identified by Stratified Environmental & Archaeological Services (SEAS), and reports documenting those sites completed by SEAS in 2008 and 2009 were forwarded to the Colorado Department of Transportation (CDOT). CDOT subsequently used information derived from those reports when it conducted fieldwork specific to the Revised F Modified and Revised G Modified Alternatives. However, the SEAS field research and documentation was not authorized, endorsed or sanctioned by either CDOT or the Federal Highway Administration (FHWA), and the actions and reports resulting therefrom cannot be recognized as an official part of FHWA's Section 106 compliance process. Your letter takes issue with CDOT's characterization of the SEAS work as "informal inventories." We are compelled to point out that both the 2008 and 2009 SEAS reports reference their efforts using *exactly* that phrase (p. 1 of both documents).

Your correspondence reiterates the significance of a number of archaeological localities within or near the two proposed alignment alternatives that cross the Webb Ranch. As noted in the 2010 report completed by Alpine Archaeological Consultants on behalf of CDOT, the sites you reference (5LP2223, 5LP9309, 5LP9590, and 5LP9584 [misidentified in your letter as 5LP9484]), are eligible for the National Register of Historic Places. The State Historic Preservation Officer (SHPO) concurred with CDOT's determinations in this regard (documentation of which is enclosed).

You suggest that the Alpine report "understates the significance of the site[s]" and that they are, in fact, "highly significant." However, eligibility to the National Register is not graded on a sliding scale, with some sites being "more significant" than others. All historic properties are treated equally under the law according to the provisions of the Section 106 regulations. The fact that one or more of the sites was characterized in the Alpine report as possessing "unique data potential" does not raise the legal bar for protection of those localities, or provide for expedited "in depth *in situ* evaluation and analysis," as noted in your letter. Once a Preferred Alternative for the US 550/160 Connection is selected at the conclusion of the Section 4(f) Evaluation, mitigation measures and data recovery plans will be developed for any NRHP eligible site that will be impacted along the selected alignment. Those plans will be reviewed and approved by the Colorado SHPO and the Advisory Council on Historic Preservation prior to implementation. As a consulting party for the project, the Webb Ranch will also be provided an opportunity to review those plans.

The questions you raised on p. 5 of your letter are addressed individually, below:

1. *Has CDOT submitted the Alpine Report to FHWA for review and comment? If so, please provide copies of the correspondence between CDOT and FHWA.*

The report was forwarded via Email to FHWA Environmental Program Manager Stephanie Gibson on August 9, 2010. A copy of that transmittal is enclosed for your review.

2. *Has CDOT formulated written plans for further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible? If so, please provide those written plans to us so that we may offer comment on them.*

Please see the discussion above.

3. *Has CDOT submitted such written plans to SHPO for review, comment and approval? If so, please provide copies of the correspondence between CDOT and SHPO.*

Again, please refer to the discussion above.

4. *What federal and state law, and regulations, does CDOT acknowledge as governing the further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible?*

The agencies follow all applicable conditions and protocols outlined in the rules and procedures implementing Section 106 of the National Historic Preservation Act (36 CFR 800), as well as similar regulations at the state level (CRS § 24-80-401-411 and CRS § 24-80-1301-1305). In addition, Section 4(f) of the US Department of Transportation Act (initially codified at 49 USC 1653(f), now found at 23 CFR 774) stipulates that FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of land, and the action includes all possible planning to minimize harm to the property resulting from use.

5. *Although it has not acquired the land upon which the 12 prehistoric sites are located and such land is not presently Indian Land, does CDOT intend to proceed in compliance with the Archaeological Resource[s] Protection Act of 1979, 16 U.S.C. §§ 470AA, et seq., and the regulations promulgated thereunder?*

The Archaeological Resources Protection Act regulates the preservation of and effects to archaeological resources on Federal properties and Indian owned lands, neither of which apply in this case. Although portions of the alternatives being studied for this project are located within the external boundary of the Southern Ute Indian Reservation, none of those lands are Indian owned. The Southern Ute Indian Tribe (SUIT) has specifically stipulated that it is not interested in cultural resources consultation on non-Indian owned lands within the reservation boundary, except for issues related to human remains. Enclosed is a copy of an April 25, 2006 letter from SUIT to CDOT with this language highlighted.

6. *By copy of this letter, we ask Ms. Petty, Ms. Gibson and Ms. Blouin whether FHWA intends to disregard this letter by invoking 36 CFR 800.5(c)(1). If so, we would like a written statement of*


Mr. Pappas
November 9, 2010
Page 3

the reasons for such disregard, including whether and to what extent FHWA claims that it has sustained legal "prejudice" by the submission of these comments on this date.

This point is directed to FHWA and as such we will defer to that agency to provide a separate response. Please note that John M. Cater is now the FHWA Colorado Division Director.

We look forward to your continued participation as a Section 106 consulting party for this undertaking.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures (3)

cc: K. Neet (CDOT Region 5)
E. Meyer (Colorado Attorney General's Office)
L. Tannenbaum (Colorado Attorney General's Office)
S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 8, 2010

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado/Colorado Historical Society
1560 Broadway, Ste. 400
Denver, CO 80202

RECEIVED BY:

DEC 14 2010

PROGRAM ENG.

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County (CHS #33425)

Dear Mr. Nichols:

This letter and the attached materials constitute the request for concurrence on additional eligibility and effects determinations for the project referenced above. In correspondence dated November 9, 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and on August 6, 2010, we consulted with you regarding the Revised F Modified and Revised G Modified Alternatives. During your review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, we determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa. We request that you make a note of this in your file.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number—5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the resource. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse effect*.

Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration:

Eastern Realignment: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

Revised F Modified: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

Revised G Alternative: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; you concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

Revised F Modified, Revised G Alternative: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

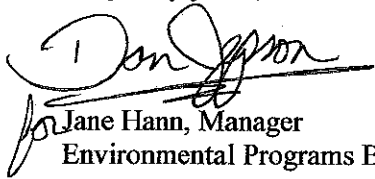
Revised F Modified: We previously consulted with you about this property in August 2010 and determined that the alternative would result in an *adverse effect* to this historic ranch. Since then we have determined that additional land will be required along the western boundary of the property on the curve of the existing US 550 alignment. In this area, the highway will be widened from two to four lanes. A total of 35.6 acres of the Craig Limousin Ranch property will be acquired as part of this alternative. The original determination of *adverse effect* is still appropriate.

Mr. Nichols
December 8, 2010
Page 3

Revised G Modified: US 550 will be widened from two to four lanes along the historic ranch boundary and the alternative will require acquisition of 22.7 acres along the western property boundary from County Road 220 to the edge of the property boundary along the US 550 alignment. The acquisition is distributed for slightly over a mile on the ranch's western boundary and ranges from 164 to 211 feet in depth. None of the ranch's buildings will be directly affected by this acquisition; however, open ranch land along the entire western property boundary will be acquired and the widened US 550 alignment will be closer to the ranch buildings. These effects will diminish the setting, feeling, and association of the ranch. Based on this, CDOT has determined that Revised G Modified results in an *adverse effect* to the Craig Limousin Ranch.

We request your concurrence with the eligibility and effects determinations outlined above. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figure showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 8, 2010

Mr. Edward H. Pappas
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-5092

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Pappas:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number—5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse effect*.

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Revised F Modified: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

Revised G Alternative: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; the State Historic Preservation Officer (SHPO) concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

Revised F Modified, Revised G Alternative: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

Revised F Modified: We previously consulted with the SHPO about this property in August 2010 and determined that the alternative would result in an *adverse effect* to this historic ranch. Since then we have determined that additional land will be required along the western boundary of the property on the curve of the existing US 550 alignment. In this area, the highway will be widened from two to four lanes. A total of 35.6 acres of the Craig Limousin Ranch property will be acquired as part of this alternative. The original determination of *adverse effect* is still appropriate.

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This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,

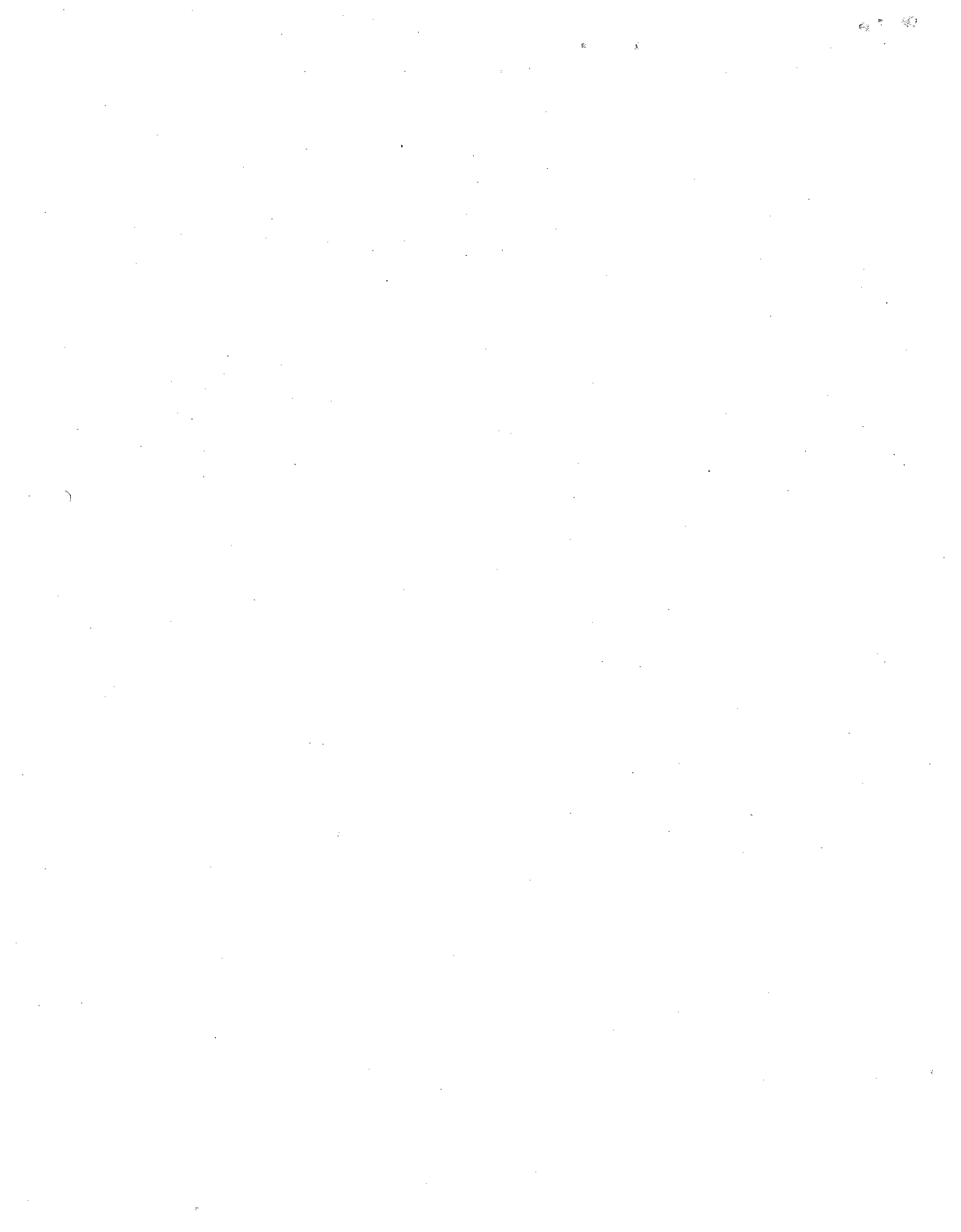


for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

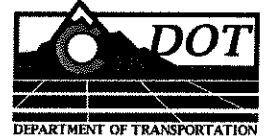
cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Bennett:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you will be involved in reviewing historic properties issues associated with this undertaking from this point forward. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number—5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

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Revised G Alternative: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

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Craig Limousin Ranch (5LP9307)

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Very truly yours,



for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Ms. Cooley:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

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Effects Determinations

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ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse effect*.

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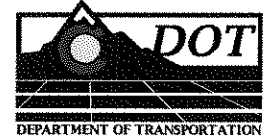
cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

SEE NOTE ON Pg. 3

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. Leroy Shingoitewa, Chairman
The Hopi Tribe
Attn: Mr. Leigh Kuwanwisiwma, Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

RECEIVED
DEC 15 2010
BY: CPO/AB

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Shingoitewa:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein. Please note that this submittal does not involve any Native American sites or features.

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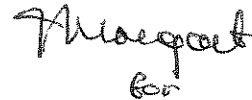
for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

defer to SHPO
on historic properties
however note enclosed
Aug 16 2010 letter
regarding prehistoric
properties



for
Kawonwissona

62-15-10

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. Joel Craig
14898 Highway 550
Durango, CO 81303-6628

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Craig:

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for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. Philip S. Craig
9361 Highway 550
Durango, CO 81303-7862

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Craig:

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for Jane Hann, Manager
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cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. John Antonio, Sr., Governor
Pueblo of Laguna
c/o Laguna Pueblo Tribal Council
Attn: Bob Mooney, NAGPRA Coordinator
P.O. Box 194
Laguna, NM 87026

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

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Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number—5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern

Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse effect*.

Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration:

Eastern Realignment: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

Revised F Modified: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

Revised G Alternative: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; the State Historic Preservation Officer (SHPO) concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

Revised F Modified, Revised G Alternative: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

Revised F Modified: We previously consulted with the SHPO about this property in August 2010 and determined that the alternative would result in an *adverse effect* to this historic ranch. Since then we have determined that additional land will be required along the western boundary of the property on the curve of the existing US 550 alignment. In this area, the highway will be widened from two to four lanes. A


total of 35.6 acres of the Craig Limousin Ranch property will be acquired as part of this alternative. The original determination of *adverse effect* is still appropriate.

Revised G Modified: US 550 will be widened from two to four lanes along the historic ranch boundary and the alternative will require acquisition of 22.7 acres along the western property boundary from County Road 220 to the edge of the property boundary along the US 550 alignment. The acquisition is distributed for slightly over a mile on the ranch's western boundary and ranges from 164 to 211 feet in depth. None of the ranch's buildings will be directly affected by this acquisition; however, open ranch land along the entire western property boundary will be acquired and the widened US 550 alignment will be closer to the ranch buildings. These effects will diminish the setting, feeling, and association of the ranch. Based on this, CDOT has determined that Revised G Modified results in an *adverse effect* to the Craig Limousin Ranch.

This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures

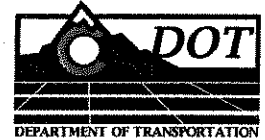
Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



December 9, 2010

Mr. Matthew Box, Chairman
Southern Ute Indian Tribe
Attn: Mr. Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Box:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein. Please note that this submittal does not involve any Native American sites or features.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

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This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2
Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA



HISTORY *Colorado*

December 16, 2010

Jane Hann
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County. (CHS #33425)

Dear Ms. Hann,

Thank you for your additional information correspondence dated December 8, 2010 and received by our office on December 9, 2010 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we concur that segments 5LP.9256.1 and 5LP.9256.2 retain integrity and support the overall eligibility of the entire linear resource 5LP.9256. That you for including the additional area of significance research for the Webb Ranch. We have updated our records. After review of the assessment of adverse effect, we concur with the recommended findings of effects for resources 5LP.9306, 5LP.9256, 5LP.9257, and 5LP.9307.

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer



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

Colorado Division

December 16, 2010

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

RECEIVED BY:

DEC 23 2010

PROGRAM ENG.

Mr. Edward H. Pappas
Dickinson Wright, PLLC
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304

SUBJECT: US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I write in response to your letter of October 26, 2010 to the Colorado Department of Transportation (CDOT), in which you addressed a comment to the Federal Highway Administration (FHWA) regarding whether the comments in the letter would be disregarded under 36 CFR 800.5(c)(1). Your comments have been noted and will be considered as the project progresses.

While your letter did not contain any objections to the determination of eligibility and the finding that certain alternatives would adversely affect eligible sites, it did offer extensive comments regarding the treatment of eligible sites. Should we move forward on an alternative causing adverse effects to eligible sites, a mitigation plan will be prepared and you will be provided a copy for review and comment. The information you provided in your letter of October 26, 2010 will also be considered.

Sincerely,

John M. Cater
Division Administrator

CC: Maryann Blouin, FHWA
Dan Jepson, CDOT EPB
Kerrie Neet, CDOT Region 5

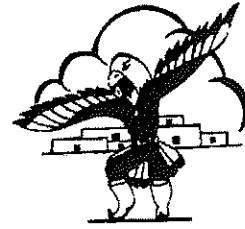




PUEBLO OF LAGUNA

P.O. BOX 194

LAGUNA, NEW MEXICO 87028



(505) 552-6598

(505) 552-6654

(505) 552-6655

Office of:

The Governor

The Secretary

The Treasurer

January 4, 2011

Ms. Jane Hann
Manager
Environmental Programs Branch
State of Colorado
Department of Transportation
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222

Dear Ms. Hann:

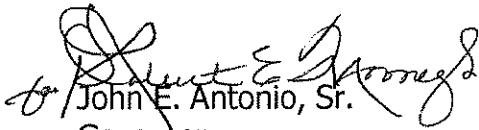
RE: US Highway 160/US Highway 550 Connection, La Plata County

The Pueblo of Laguna appreciates your consideration to comment on the possible interests your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely,


John E. Antonio, Sr.
Governor
Pueblo of Laguna



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

Colorado Division

January 29, 2011

12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228
720-963-3000
Fax 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: Documentation for Finding of Adverse Effect, Colorado Department of Transportation Project FC-NH (CX) 160-2(48), US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado

Dear Mr. Nelson:

Transmitted herewith is the Documentation for Finding of Adverse Effect (DAE) for the Colorado Department of Transportation (CDOT) project referenced above. Three alignment alternatives are currently under consideration for this project; as such, the enclosed documentation describes the historic and archaeological resources that will be adversely affected by each of the alternatives. We will notify your office once a preferred alternative has been selected.

FHWA is submitting this Documentation for Finding of Adverse Effect pursuant to the Advisory Council regulations, 36 CFR 800.6(a)(1). In accordance with the process set forth in the regulations, mitigation measures have been identified and are outlined under Item 5 of the Documentation.

The Council previously agreed to participate in the Section 106 consultation process for this undertaking. Therefore, we are submitting these materials to fulfill the documentation requirements outlined in 36 CFR 800.11(e).


If you have questions regarding the enclosed DAE or the project in general, please contact CDOT Senior Staff Archaeologist Dan Jepson at 303-757-9631, or FHWA Environmental Program Manager Stephanie Gibson at 720-963-3013.



File: Webb Ranch

H: Admin/Correspondence/FY2011/Gibson_Reid_Documentation for Finding of Adverse Effect US Hwy 550 to US160_Jan29_mf

Sincerely yours,


for John M. Cater
Division Administrator

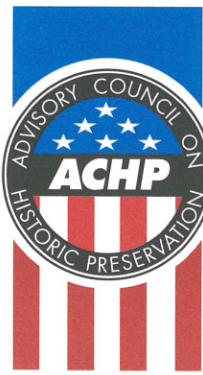
Enclosures: Copy of DAE

cc: Letter Only

Dan Jepson, CDOT Environmental Programs Branch

Stephanie Gibson, FHWA Colorado Division

Bill Hanson, Operations Engineer, FHWA Colorado Division



Preserving America's Heritage

February 8, 2011

Mr. John Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

RE: *Documentation for Finding of Adverse Effect
Colorado Department of Transportation Project FC-NH(CX) 160-2(48)
US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado*

Dear Mr. Cater:

On January 31, 2011, we received from FHWA documentation supporting a Finding of Adverse Effect for the proposed US Highway 550 Connection to US 160 Farmington Hill project in La Plata County, Colorado. We appreciate your providing us with report, which was submitted to in accordance with Section 800.11(e) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 USC 470f). As a participant in consultation, we have reviewed the documentation and we concur with your finding that the three alternatives discussed in the report would have an adverse effect on historic properties.

In April 2009, we received a letter from FHWA stating that FHWA and CDOT were preparing a Section 4(f) analysis to determine whether a feasible and prudent avoidance alternative exists for the US550/160 connection. To date, we have not yet seen this analysis, and believe it may shed light on why only the three alternatives were reviewed in the submitted documentation. As we previously noted, the Section 4(f) analysis may be used to document FHWA's consideration of alternatives in the Section 106 review process as well, although it is important that the SHPO, ACHP, and other consulting parties have an opportunity to offer comments and suggestions on the alternatives intended to avoid historic properties or minimize harm. The submitted report offers no explanation regarding how FHWA and CDOT arrived at the three alternatives: Eastern Alignment; Revised F Modified Alternative; and Revised G Modified Alternative.

In 2008, Mr. Thomas McNeill, representing the owners of the Web Ranch, recommended a number of possible alternatives in the existing right-of-way of US550 west of the Ranch that would avoid most, if not all, of the adverse effects detailed in your Finding of Effects report. Were any alternatives in the existing right-of-way considered by FHWA? Are they included in the Section 4(f) analysis? If not, why? If so, please provide the consulting parties with the relevant documentation supporting FHWA's decision to move forward with only three alternatives, all of which will adversely affect archaeological and historic ranching properties, including the Web Ranch.

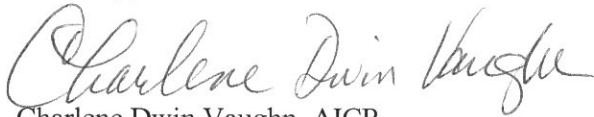
ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

In keeping with the ACHP's regulations at 36 CFR 800.6(a)(3), FHWA should provide documentation of its finding of effects to all consulting parties, including any Indian tribe that attaches religious and cultural significance to identified properties, subject to the confidentiality provisions of 36 CFR 800.800.11(c). FHWA should ensure that all Section 106 consulting parties receive this documentation in a timely manner and be afforded an opportunity to share their views prior to CDOT's selection of a preferred alternative for the undertaking. In light of concerns expressed by the property owners and the potential for litigation, we encourage you to continue the Section 106 consultation and discuss the alternatives and the resolution of adverse effects as early as possible. If FHWA, in coordination with CDOT, intend to use its alternatives analysis under Section 4(f) to document the consideration of alternatives required for the completion of Section 106, it should be completed in consideration of the views of all Section 106 consulting parties.

Thank you for providing us the Finding of Adverse Effects report. We look forward to continuing working with you in the Section 106 review process for this undertaking, and to receiving the additional documentation requested above. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at clegard@achp.gov.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Dwin Vaughn".

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

From: Schoch, Lisa [Lisa.Schoch@dot.state.co.us]
Sent: Thursday, February 24, 2011 2:52 PM
To: Jankowski, Paul; Neet, Kerrie; Gibson, Stephanie P
Cc: Jepson, Daniel
Subject: Western Realignment Alternative
Attachments: West Alt (Email) File Search Results.pdf

Hi everyone:

A file search for the proposed Western Realignment Alternative was completed in 2009 (see attached pdf file), and at that time Dan Jepson indicated that were we to complete an intensive-level inventory for that alignment, it's likely that additional historic properties would be identified.

With regard to the railroad along the Animas River-- two segments of which were identified in the 2009 file search (5LP2581.3/5LP2581.4-- preliminary research indicates that the railroad is the Farmington Branch of the Denver & Rio Grande Western that extended from Durango to Farmington, NM. It was initially constructed in 1905, was abandoned in the late 1960s , and materials were removed in the early 1970s. That said, there are seven segments of the railroad identified in the OAHP Compass database, suggesting that there are still some materials left along the railroad alignment to document. Resource 5LP2581.4, for example, is identified as a railroad trestle. (Although evidence indicates it has been largely destroyed).

Because this is a linear resource that extends well outside of our project area, we would assume that the entire railroad is significant for its historical associations, and would need to conduct field survey on the segment within the APE for the Western Realignment Alternative to determine if it has the integrity to support the significance of the overall railroad. Even if there is no integrity to the railroad segment in the APE, we'd still treat the entire railroad as an eligible resource, an approach that is consistent with how we evaluate all linear resources in consultation with SHPO. So, pending an intensive-level survey, the RR would qualify for Section 4(f) protection.

If you need additional information, let me know.

Thanks
Lisa

Lisa Schoch, Senior Historian
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222
303-512-4258

From: [Jepson, Daniel](#)
To: [Cross, Steven;](#)
cc: [Neet, Kerrie;](#) [Archuleta, Edward;](#)
Subject: Western Realignment Alternative File Search Results
Date: Wednesday, December 02, 2009 9:54:00 AM
Attachments: [Western Alternative File Search Results.pdf](#)
[Western Alternative File Search Data.pdf](#)

Steven –

Attached are two files containing historic properties file search results for the Western Realignment Alternative, per your request. The first file contains a May 22, 2009 Email I sent to Kerrie and Ed that generally outlines the data, as well as a portion of the Loma Linda 7.5' USGS quadrangle showing the locations of each site (site numbers highlighted in yellow). All other site locations appear to be well outside the corridor and any associated Area of Potential Effects we might establish for the alternative. The second file is a tabular version of the site info that contains general legal locations and National Register eligibility determinations; I don't have these coordinates in shape files.

Please note that in the May Email I indicated the presence of 11 sites either within or near the proposed Western Realignment corridor, whereas the data table attached here references 12 sites. I didn't previously include historic site 5LP5652 in that total (located adjacent to existing US 160 west of the US 550 intersection), but it's listed here since possible improvements to US 160 associated with this alternative could impact it.

Please let me know if you have questions—thanks –

Dan

Jepson, Daniel

From: Jepson, Daniel
Sent: Friday, May 22, 2009 10:05 AM
To: Neet, Kerrie
Cc: Archuleta, Edward; Wolff, Greg
Subject: US 550 Western Alternative File Search Results

Kerrie –

Per your request a historic properties literature/file search for the Western Alternative corridor has been conducted through the Office of Archaeology and Historic Preservation. Dozens of archaeological and historic sites have been previously documented in the legal sections bisected by the alignment, but only a relative handful of resources—a total of 11—are located within or very near the alternative proper. Of those 11, *four* are historic residences (all determined not eligible for the National Register of Historic Places); *one* is US Highway 550 itself (evaluated as “field” not eligible [therefore not “official” determination]); *five* are segments or individual features of the Denver & Rio Grande Railroad grade (of which one has been determined NRHP eligible and one is “field eligible,” two are not eligible, and one [a wooden bridge trestle] has no eligibility recommendation at all, though it’s referenced as having been “destroyed”). The *remaining resource*, a prehistoric isolated find discovered during the survey for a materials pit related to an early incarnation of the Animas/La Plata project in the 1980s, is also not eligible.

Based on the records search results I would hypothesize that additional historic properties as defined under the Section 106 regulations, in particular prehistoric archaeological sites, would be located within the APE we would establish for the Western Alternative were we to conduct a field inventory. At this point, however, very little of note is known to exist within or immediately adjacent to the alignment.

Please contact me with questions about the file search or our results –

Dan

Tracking:

**US 550/160 Western Realignment Alternative
Known Historic Properties Data**

Site No.	Site Type	NRHP Eligibility	Legal Loc.
5LP442	Prehistoric camp	Officially Not Eligible	T34N, R9W, S. 18
5LP1131.8	D&RGW Railroad segment	Officially Eligible	T34N, R9W, S. 10
5LP1131.22	D&RGW Railroad segment	Officially Not Eligible	T34N, R9W, S. 9
5LP2096	Isolated Find	Field Not Eligible (by definition, isolates are not eligible)	T34N, R9W, S. 8U
5LP2581.3	D&RGW- Farmington Branch segment	Officially Not Eligible	T34N, R9W, S. 18
5LP2581.4	D&RGW trestle	None	T34N, R9W, S. 8U
5LP5650	Historic residence	Officially Not Eligible	T34N, R9W, S. 9
5LP5651	Historic residence	Officially Not Eligible	T34N, R9W, S. 9
5LP5652	Historic granary	Officially Not Eligible	T34N, R9W, S. 9
5LP6626	Historic residence	Officially Not Eligible	T34N, R9W, S. 20
5LP6627	Historic residence	Officially Not Eligible	T34N, R9W, S. 20
5LP6654	US Highway 550	Field Not Eligible	T34N, R9S, S. (various)



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

Colorado Division
March 24, 2011

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Willie R. Taylor, Director
Office of Environmental Policy and Compliance
US Department of the Interior
1849 C Street, NW MS 2462
Washington, DC 20240

RECEIVED BY:
MAR 28 2011
PROGRAM ENG.

SUBJECT: US 550 Connection to US 160, Draft Section 4(f) Evaluation

Dear Mr. Taylor:

Enclosed are 18 copies (one hard copy, 17 CDs) of the Draft Section 4(f) Evaluation for a project to realign a portion of US 550 and create a new connection to US 160 near Durango, Colorado for your review and comment.

This project was originally analyzed as part of a larger project, US 160 from Durango to Bayfield, for which an Environmental Impact Statement (EIS) and Section 4(f) evaluation was completed previously. A Draft EIS/Draft Section 4(f) Evaluation was completed in October, 2005; a Final EIS/Final Section 4(f) Evaluation in May, 2006; and a Record of Decision in November 2006. A copy of your comments on the previous Section 4(f) Evaluation is enclosed.

This Section 4(f) evaluation has been prepared because a reassessment of environmental conditions during the design process for the US 160, Durango to Bayfield project discovered a previously unidentified eligible historic property that would be impacted.

This Section 4(f) Evaluation has been prepared to evaluate avoidance alternatives to the use of the Section 4(f) properties in the vicinity of the US 550/US 160 connection; determine whether there are feasible and prudent develop measures to minimize and mitigate impacts to Section 4(f) properties; and identify the alternative that causes the least overall harm to Section 4(f) properties. There are six Section 4(f) properties in the vicinity. There are no prudent and feasible avoidance alternatives; three alternatives (two analyzed in the EIS, and one additional) are considered in the least harm analysis. These alternatives use portions of between three and six of the Section 4(f) properties depending on alternative.

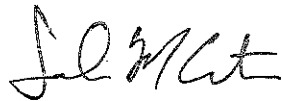
Per 23 CFR 774.5(a) Prior to making a final approval for the use of the 4(f) land, FHWA is soliciting comments from the Department of the Interior on the Section 4(f) evaluation.

Due to some public controversy regarding the project, we would appreciate receiving an acknowledgement of DOI's review with any comments within 45 days from the receipt of these documents.



If you have any questions or are unable to provide comments on the enclosed document by the end of the 45 day comment period, please contact Ms. Stephanie Gibson of this office at Stephanie.gibson@dot.gov or (720) 963-3013.

Sincerely yours,



John M. Cater
Division Administrator

Enclosures: One hard copy Section 4(f) Evaluation, 17 CDs, previous DOI comments

cc: w/one hard copy
Mr. Lance Hanf, FHWA

cc: w/o enclosures
Mr. Richard Reynolds, CDOT
Ms. Kerrie Neet, CDOT



500 WOODWARD AVENUE, SUITE 4000
DETROIT, MI 48226-3425
TELEPHONE: (313) 223-3500
FACSIMILE: (313) 223-3598
<http://www.dickinsonwright.com>

THOMAS G. MCNEILL
TMcNeill@dickinsonwright.com
(313) 223-3632

March 25, 2011

Sabrina Hicks
CDOT Employee Relations/Legal
State of Colorado - Dept. of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222

RECEIVED BY:
MAR 29 2011
PROGRAM ENG.

Re: Proposed Realignment of U.S. 550 South of U.S. 160 (and Interchange)
LaPlata County, Colorado

Dear Ms. Hicks:

We have received your letter dated March 10, 2011 concerning our Colorado Open Records Act Request dated January 10, 2011.

As you most likely know, on behalf of the owners of Webb Ranch, for quite some time we have been seeking CDOT and FHWA documentation concerning consideration and evaluation of *any* other alternative besides those denoted as Revised F Modified, Revised G Modified and the Eastern alignments. Most recently, by letter to Ms. Jane Hann, dated January 6, 2011, we requested that CDOT voluntarily provide such documentation to us. CDOT did not respond to that request, and so we submitted our formal CORA requests by letter dated January 10, 2011.

By letter dated February 8, 2011, the Advisory Council on Historic Preservation (ACHP) requested that FHWA "provide the consulting parties with the relevant documentation supporting FHWA's decision to move forward with only three alternatives, all of which will adversely affect archaeological and historic ranching properties, including the Web [sic] Ranch." For your convenience and review, I have appended a copy of the ACHP's letter. At page 2 of that letter, ACHP described FHWA's legal obligations under Section 106 and Section 4(f), and the regulations promulgated thereunder, to provide documentation to all consulting parties in a "timely manner."

We understand that FHWA has not responded to ACHP's February 8, 2011 letter. Nor has FHWA provided to the owners of Webb Ranch any of the documentation that ACHP requested that FHWA provide to all consulting parties.

Before confirming and committing to a payment to CDOT in excess of \$7,000 for documents responsive to our January 10, 2011 CORA request (or any subset thereof), we wish to review FHWA's response to ACHP's February 8, 2011 letter (which we trust will soon be forthcoming) and the documents which ACHP has requested for itself and all consulting parties.

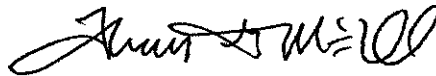
C O U N S E L O R S A T L A W

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
BLOOMFIELD HILLS ANN ARBOR LANSING GRAND RAPIDS

Sabrina Hicks
March 24, 2011
Page 2

I have provided a copy of this letter to John Cater at FHWA (the addressee of ACHP's February 8 letter), Kerrie Neet and Jane Hann at CDOT and Carol Legard and Charlene Dwin Vaughn at ACHP, and to each a copy of your letter of March 10, 2011.

Very truly yours,



Thomas G. McNeill

TGM:lm

cc (w/encl): John Cater
Kerrie Neet
Carol Legard
Charlene Dwin Vaughn

DETROIT 47919-3 1197787v1

C O U N S E L O R S A T L A W

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
BLOOMFIELD HILLS ANN ARBOR LANSING GRAND RAPIDS



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

Colorado Division
March 30, 2011

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Draft Memorandum of Agreement and Draft Section 4(f) Evaluation

Dear Mr. Nelson:

Enclosed is the draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. Given that the Council has elected to participate in the project, we are submitting the draft agreement to your office for review and comment. The document has been reviewed and approved by staff at the Federal Highway Administration and the Colorado State Historic Preservation Office (SHPO). Note that the MOA is specific to the three alignment alternatives under consideration as outlined in the Documentation for Finding of Adverse Effect forwarded to your office on January 29, 2011.

We received your February 8, 2011 letter regarding the Finding of Adverse Effect for the above project. Regarding the questions posed in your letter, we believe that the enclosed Draft Section 4(f) Evaluation will answer them. Although 36 CFR 800.6(a) does indicate that the agency shall consult with the State Historic Preservation Officer and consulting parties to develop and evaluate alternatives that could avoid, minimize or mitigate adverse effects on historic properties, the results of this screening process are not required as part of the documentation for a finding of adverse effect pursuant to 36 CFR 800.11(e). Nevertheless, this information is discussed as part of the enclosed Draft Section 4(f) Evaluation for the project.

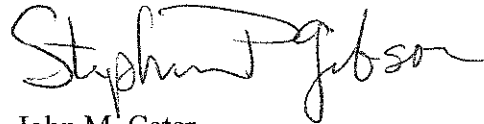
The draft MOA and Draft Section 4(f) Evaluation are being sent to the other consulting parties as well. In addition, information regarding eligibility and effects to the resources was sent previously to the consulting parties in accordance with 36 CFR 800.6(a)(3).

Within 30 days of the receipt of this documentation, please forward your comments regarding the document to FHWA Environmental Program Manager Stephanie Gibson at stephanie.gibson@dot.gov, and also to CDOT Senior Staff Archaeologist Dan Jepson at



daniel.jepson@dot.state.co.us. If you require additional information or have questions regarding any aspect of the MOA, please contact Ms. Gibson at (720) 963-3013, or Mr. Jepson at (303) 757-9631. Please direct any questions regarding the Draft Section 4(f) Evaluation to Ms. Gibson.

Sincerely yours,



For John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure

Mr. Lance Hanf, Chief Counsel's Office, FHWA

Mr. Richard Reynolds, CDOT

Ms. Kerrie Neet, CDOT



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

Colorado Division

April 5, 2011

12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228
720-963-3000
Fax 720-963-3001

Mr. Don Hunt
Executive Director
Colorado Department of Transportation
4201 E. Arkansas Ave.
Denver, Colorado 80222

RECEIVED BY:
APR 15 2011
PROGRAM ENG.

SUBJECT: Determination of Need for Supplemental Environmental Impact Statement (SEIS),
US Highway 160 from Durango to Bayfield, La Plata County, Colorado

Dear Mr. Hunt:

On March 22, 2011 the FHWA approved the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill. This evaluation was prepared because a reassessment of environmental conditions during the design process for the US 160, Durango to Bayfield project discovered a previously unidentified eligible historic property that would be impacted.

Based on this evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). According to 23 CFR 771.130(a)(2) this determination requires the preparation of a Supplemental Environmental Impact Statement (SEIS).

The significant environmental impacts which were not evaluated in the FEIS/ROD have been determined to be confined to a limited portion of the overall project consisting of the US 550 Connection to US 160 at Farmington Hill. As such, the SEIS may be limited to only this portion of the project in order to supplement the existing FEIS/ROD. Per 23 CFR 771.130(f) the preparation of this supplement shall not: (1) Prevent the granting of new approvals; (2) Require the withdrawal of previous approvals; or (3) Require the suspension of project activities; for any activity not directly affected by the supplement.

If there are any questions regarding this project, please contact Ms. Stephanie Gibson, Environmental Program Manager, at 720-963-3013.

Sincerely yours,

John M. Cater
Division Administrator



cc: Richard Reynolds, CDOT Region 5
Kerrie Neet, CDOT Region 5
William Hanson, FHWA Colorado Division
Stephanie Gibson, FHWA Colorado Division



U.S. Department
of Transportation

**Federal Highway
Administration**

Colorado Division

April 7, 2011

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Antonia Clark
PO Box 3446
Durango, CO 81302

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Draft Memorandum of Agreement and Draft Section 4(f) Evaluation

Dear Ms. Clark:

Enclosed is the draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The document has been reviewed by staff at the Federal Highway Administration and the Colorado State Historic Preservation Office (SHPO), and has been sent to the Advisory Council for Historic Preservation.

Also enclosed is the Draft Section 4(f) Evaluation. This Draft Section 4(f) Evaluation addresses the potential uses of Section 4(f) properties that occur as a result of improvements to the US 550 connection to US 160. This document includes the purpose and need for the proposed project, a discussion of alternatives including avoidance alternatives, a description of the Section 4(f) use that occurs with each alternative considered, and a least overall harm analysis if all the alternatives use Section 4(f) properties.

The Draft Section 4(f) Evaluation is being sent to the Department of the Interior, the Advisory Council for Historic Preservation, the State Historic Preservation Officer, and the other consulting parties.

If you have any questions please contact Ms. Stephanie Gibson of this office.

Sincerely yours,

for John M. Cater
Division Administrator

Enclosure



cc: w/o enclosure

Mr. Richard Reynolds, CDOT

Ms. Kerrie Neet, CDOT

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency) Date Of Land Evaluation Request 4/7/11

Name Of Project US 160/550 Connection, Supplemental EIS Federal Agency Involved Federal Highway Administration

Proposed Land Use Linear Transportation County And State La Plata County Colorado

PART II (To be completed by NRCS) Date Request Received By NRCS 4/7/11

Does the site contain prime, unique, statewide or local important farmland?
(If no, the FPPA does not apply -- do not complete additional parts of this form). Yes No Acres Irrigated 66025 Average Farm Size 530

Major Crop(s) <u>Alfalfa Hay, Grass Hay, Pasture</u>	Farmable Land In Govt. Jurisdiction Acres: <u>76,722</u> % <u>0.07</u>	Amount Of Farmland As Defined in FPPA Acres: <u>100</u> %
Name Of Land Evaluation System Used <u>NA</u>	Name Of Local Site Assessment System <u>NA</u>	Date Land Evaluation Returned By NRCS <u>5/11/11</u>

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	11.5			
B. Total Acres To Be Converted Indirectly	0.0			
C. Total Acres In Site	11.5	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information	Site A	Site B	Site C	Site D
A. Total Acres Prime And Unique Farmland	<u>11.5</u>			
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	<u>0.015</u>			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	<u>90</u>			

PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	Site A	Site B	Site C	Site D
	<u>0 NA</u>	0	0	0

PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0

PART VII (To be completed by Federal Agency)	Site A	Site B	Site C	Site D
Relative Value Of Farmland (From Part V)	100	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	0	0

Site Selected: _____ Date Of Selection _____ Was A Local Site Assessment Used? Yes No

Reason For Selection:

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION



Region 5

3803 N. Main Ave., Suite 300
Durango, Colorado 81301
(970) 385-1400
FAX (970) 385-1410

April 14, 2011

Mr. Chris Kloster
Wildlife Biologist
Colorado Division of Wildlife
151 E. 16th Street
Durango, CO 81301

RE: State of Colorado Species List Request for the US 550 South Connection to US 160
Supplement to the US Highway 160 Durango to Bayfield Environmental Impact Statement

Dear Mr. Kloster:

The Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) are planning to prepare a Supplemental Environmental Impact Statement (SEIS) to analyze potential impacts from newly proposed or modified alternative alignments for the US 550 south connection to US 160. The original environmental document for this corridor, the *US Highway 160 Durango to Bayfield Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation* was signed in May 2006, and the Record of Decision (ROD) for that document was signed by FHWA on November 7, 2006. This included a Biological Assessment that analyzed potential impacts to both federally and state listed species.

Project developments since that time have resulted in newly proposed or modified alternative alignments for the US 550 south connection to US 160. CDOT/FHWA is preparing to amend the Biological Assessment originally prepared for the corridor project to address these new impacts. In an effort to ensure that we adequately address project related impacts, we are requesting an updated project specific species list and any other pertinent information regarding Colorado special status species or wildlife in general for the project area.

The study area is roughly centered around the southwest $\frac{1}{4}$ of Section 10 in T34N, R09WA. Maps showing the proposed study area have been included for your review. If you have any questions or comments regarding this request, please contact me at (970) 385-8371. Thank you for your time and assistance.

Sincerely,

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

Tony Cady
CDOT Region 5 Biologist

RECEIVED
APR 18 2011
REG. 5 - RTD OFFICE

THOMAS G. MCNEILL
TMcNeill@dickinsonwright.com
(313) 223-3632

April 15, 2011

John M. Cater
Division Administrator
Colorado Division - FHWA
12300 West Dakota Avenue, Ste. 180
Lakewood, CO 80228

Re: FHWA Response to ACHP February 8, 2011 Letter

Dear Mr. Cater:

We have received the draft Section 4(f) Evaluation and proposed Memorandum of Understanding, dated March 21, 2011 and sent to us by cover letter dated March 31, 2011.

We note that after the initial ROD was issued in November, 2007 and that since then in January, 2008 CDOT and FHWA commenced reconsideration of cultural resources that potentially could be adversely effected by a project and that in October, 2008 FHWA formally reopened the administrative proceedings to consider at least 11 alternatives that were not considered in the prior proceedings and to reevaluate alternatives that were previously considered. Thus, FHWA and CDOT's new work has spanned more than 30 months and in some instances more than 3 years.

The materials that you have sent us are voluminous. The Owners of Webb Ranch would like to submit comment and would like a fair and reasonable opportunity to do so.

FHWA has asked that the consulting parties and ACHP submit comments within 30 days. Under the circumstances, we would propose that a period of 60 days would be reasonable. Accordingly, we request written confirmation that CDOT and FHWA will receive into the record, and consider, comments from any and all consulting parties as may be submitted on or before May 31, 2011.

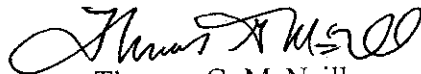
C O U N S E L O R S A T L A W

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
BLOOMFIELD HILLS ANN ARBOR LANSING GRAND RAPIDS

Douglas Bennett
April 15, 2011
Page 2

By written communication delivered to us electronically by Thursday, April 21, 2011, would you please confirm the extension which we have requested for the Owners of Webb Ranch and all consulting parties. Thanks very much.

Very truly yours,



Thomas G. McNeill

TGM:lm

cc (w/encl): Douglas Bennett
Carol Legard
Richard Reynolds
Kerrie Neet

DETROIT 47919-3 1200764v1

C O U N S E L O R S A T L A W

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
BLOOMFIELD HILLS ANN ARBOR LANSING GRAND RAPIDS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:

ES/CO: T&E/Species List
TAILS: 65412-2011-SL-0428

APR 15 2011

Kerrie Neet
Colorado Department of Transportation
3803 North Main Avenue, Suite 300
Durango, Colorado 81301

Dear Mr. Cady:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Fish and Wildlife Act of 1956 (916 U.S.C. 742(a)-754); Fish and Wildlife Coordination Act (FWCA - 16 U.S.C. 661-667(e)); National Environmental Policy Act of 1969 (NEPA - 42 U.S.C. 4321-4347); Department of Transportation Act (49 U.S.C. 1653(f)), and; Endangered Species Act of 1973, as amended (ESA - 50 CFR §402.14), as well as multiple Executive Orders, policies and guidelines, and interrelated statutes to ensure the conservation and enhancement of fish and wildlife resources (e.g., Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703), and Bald and Golden Eagle Protection Act (BGEPA - 16 U.S.C. 668)), the Service reviewed your April 11, 2011, request for information on the Service's trust resources in the vicinity of the **US550 South Connection to US160 Supplement to the US Highway 160 Durango to Bayfield Environmental Impact Statement, Durango, La Plata County, Colorado.**

On November 7, 2006, we issued a biological opinion to you for reconstruction of US160 and US550 from their junction near Durango eastward to Bayfield (BO number ES/LK-6-CO-06-F-011). Project developments since that time have resulted in newly proposed or modified alternative alignments for the US550 connection to US160, and CDOT/FHWA are preparing to amend the biological assessment originally prepared for the corridor project to address these new impacts.

Threatened and Endangered Species

Following is a list of Federal endangered, threatened, proposed and candidate species for La Plata County, which may be used as a basis for determining additional listed species potentially present in the project area. While other species could occur at or visit the project area, endangered or threatened species most likely to be affected include:

- Mammals: Black-footed ferret, (*Mustela nigripes*), Endangered
Canada lynx, (*Lynx canadensis*), Threatened
- Birds: Mexican Spotted Owl, (*Strix occidentalis lucida*), Threatened
Southwestern Willow Flycatcher, (*Empidonax trillii extimus*), Endangered
- Fishes: *Colorado pikeminnow (*Ptychocheilus lucius*), Endangered
*Razorback sucker (*Xyrauchen texanus*), Threatened
- Invertebrates: Uncompahgre fritillary butterfly (*Boloria acrocneuma*), Endangered
- Plants: Knowlton cactus (*Pediocactus knowltonii*), Endangered

* Water depletions in the Upper Colorado River and San Juan River Basins, may affect the species and/or critical habitat in downstream reaches in other states.

The Service also is interested in the protection of species which are candidates for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996). While these species presently have no legal protection under the Act, it is within the spirit of this Act to consider project impacts to potentially sensitive candidate species. It is the intention of the Service to protect these species before human-related activities adversely impact their habitat to a degree that they would need to be listed and, therefore, protected under the Act. Additionally, we wish to make you aware of the presence of Federal candidates should any be proposed or listed prior to the time that all Federal actions related to the project are completed. If any candidate species will be unavoidably impacted, appropriate mitigation should be proposed and discussed with this office.

- Mammals: New Mexico meadow jumping mouse, *Zapus hudsonius luteus*
- Birds: Western Yellow-billed Cuckoo, *Coccyzus americanus*

Migratory Birds

Under the MBTA construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the take of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in eastern Colorado occurs during the period of April 1 to August 31. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15. If the proposed construction project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected

habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. In some cases, such as on bridges or other similar structures, nesting can be prevented until construction is complete. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Colorado Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

Wetlands

FWCA provides the basic authority for the Service's involvement in evaluating impacts to fish and wildlife "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified **for any purpose whatever**...by any department or agency of the United States, or by any public or private agency under Federal permit or license," including water crossings and wetland impacts, whether or not those wetlands are under the jurisdiction of the U.S. Army Corps of Engineers [16 U.S.C. 661(1), emphasis added]. It requires that fish and wildlife resources "receive equal consideration...to other project features...through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation," and requires Federal agencies to consult with the Service during the planning process to help "prevent the loss of or damage to such resources as well as providing for the development and improvement thereof" (16 U.S.C. 661 *et seq*). Full consideration is to be given to Service recommendations.

If the Service can be of further assistance, please contact Alison Deans Michael of my staff at 303 236-4758.

Sincerely,



Susan C. Linner
Colorado Field Supervisor

ec: CDOT, HQ (Jeff Peterson)
CDOT, Region 3 (Tony Cady)
Michael



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

Colorado Division

April 21, 2011

12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228
720-963-3000
Fax 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Supplemental Environmental Impact Statement

Dear Mr. Nelson:

Previously, you were sent a draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. That transmittal also included the Draft Section 4(f) Evaluation. The Federal Highway Administration (FHWA) has subsequently received a request to extend the review period for both documents to 60 days, ending on May 31, 2011.

We would like to clarify that the MOA and the Section 4(f) Evaluation are part of two separate, although related, processes. The MOA is part of the of Section 106 process of the National Historic Preservation Act. It includes information for three alignment alternatives, and outlines the proposed mitigation for adverse effects to historic properties that may be affected by the project. This MOA has been developed in accordance with 36 CFR 800.6(c). We are happy to extend the review period for the MOA to May 31, 2011.

The Draft Section 4(f) Evaluation is part of the Department of Transportation Act of 1966. It includes a discussion of alternatives including avoidance alternatives, a description of the Section 4(f) use that occurs with each alternative considered, and a least overall harm analysis if all the alternatives use Section 4(f) properties. This evaluation provides information and supporting documentation for a Final Section 4(f) Evaluation within which the Federal Highway Administration (FHWA) will make a determination of whether there are feasible and prudent avoidance alternatives, and if not, approve the alternative that causes the least overall harm in light of the statute's preservation purpose. This document was provided to the ACHP and consulting parties for informational purposes and in response to questions posed by the ACHP's letter of February 8, 2011. This document will be made available to the public through the process described below.

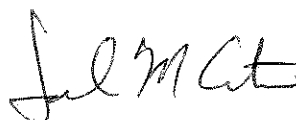


Based on the Draft Section 4(f) Evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield. According to 23 CFR 771.130(a)(2) this determination requires the preparation of a Supplemental Environmental Impact Statement (SEIS). This was communicated to the Colorado Department of Transportation via letter dated April 5, 2011. The SEIS will only cover a limited portion of the overall project consisting of the US 550 Connection to US 160 at Farmington Hill where these new significant environmental impacts are located. Per 23 CFR 771.130(f) the preparation of this supplement shall not: (1) Prevent the granting of new approvals; (2) Require the withdrawal of previous approvals; or (3) Require the suspension of project activities; for any activity not directly affected by the supplement.

The Draft Section 4(f) Evaluation will be included in the Draft SEIS. It is anticipated that the Draft SEIS will be completed and made available for public review and comment this summer. A public hearing will also be scheduled following the availability of the Draft SEIS. We welcome comments on the Section 4(f) Evaluation at this time, at the public hearing, and through the formal comment period to be provided for the Draft SEIS.

If you have any questions, please contact Ms. Stephanie Gibson, Environmental Program Manager at stephanie.gibson@dot.gov or 720-963-3013.

Sincerely yours,



John M. Cater
Division Administrator

cc: Mr. Lance Hanf, Chief Counsel's Office, FHWA
Mr. Richard Reynolds, CDOT
Ms. Kerrie Neet, CDOT
Mr. Dan Jepson, CDOT

Additional addresses:

Mr. Edward Nichols
State Historic Preservation Officer
History Colorado
Attn: Amy Pallante
1560 Broadway, #400
Denver, CO 80202

Chairman LeRoy Shingoitewa
The Hopi Tribe
Attn: Leigh Kuwanwisiwma, Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

Governor Richard B. Luarkie
Pueblo of Laguna
Attn: Robert Mooney, Sr.
P.O. Box 194
Laguna, NM 87026

Acting Chairman Jimmy R. Newton
Southern Ute Indian Tribe
Attn: Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

Mr. Edward H. Pappas
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-5092

Mr. Philip S. Craig
9361 Highway 550
Durango, CO 81303-7862

Mr. Joel Craig
14898 Highway 550
Durango, CO 81303-6628

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

Ms. Antonia Clark
PO Box 3446
Durango, CO 81302

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733



PUEBLO OF LAGUNA

P.O. BOX 194
LAGUNA, NEW MEXICO 87026



(505) 552-6598
(505) 552-6654
(505) 552-6655

Office of:

The Governor
The Secretary
The Treasurer

April 26, 2011

Mr. John M. Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Avenue
Suite 180
Lakewood, Colorado 80228

Dear Mr. Cater:

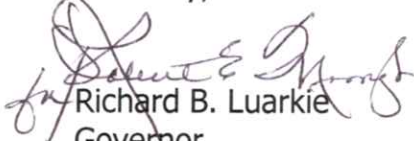
RE: US 550 Connection to US 160 at Farmington Hill, Supplemental Environmental
Impact Statement

The Pueblo of Laguna appreciates your consideration to comment on the possible interests your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking **WILL NOT** have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely,



Richard B. Luarkie
Governor
Pueblo of Laguna



United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

April 29, 2011

9043.1
ER 11/279

Mr. John Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

Dear Mr. Cater:

Thank you for the opportunity to comment on the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill in Durango, Colorado. The Department of the Interior (Department) has reviewed the document and hereby submits these comments as an indication of our thoughts regarding this project.

GENERAL COMMENTS

The Department is pleased that the preferred alternative avoids impacts to threatened and endangered species and has the least impact on wetlands. We are also pleased that the Federal Highway Administration will reinitiate consultation to determine whether there will be any effects to listed species or critical habitat that were not previously considered.

SECTION 4(f) COMMENTS

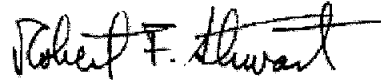
While there appears to be no feasible and prudent alternative to the use of at least some 4(f) lands by the Preferred Alternative (Revised G Modified), it is unclear whether the alternatives referred to in the February 8, 2011, letter from the Advisory Council on Historic Preservation have been addressed. Moreover, in the absence of (1) a final design (which may contain additional mitigation measures), and (2) completion of the Section 106 consultation process and execution of the Memorandum of Agreement, at this time we are unable to concur that the project includes all possible measures to minimize harm. At such time as the Section 106 consultation process has been completed, we would be pleased to reconsider our position.

SPECIFIC COMMENT

Attachment A (p. 160) contains a file search which includes a map of the historic properties situated in the area of potential effect. Should this Section 4(f) document become public in any fashion, then the locations of historic properties should be protected by removing this map and any other information that indicates the locations of sensitive resources.

We appreciate the opportunity to review this document. Should you have questions regarding the general comments, please contact Alison Michael (US Fish and Wildlife Service) at 303-236-4758. Should you have questions about the Section 4(f) comments and Specific Comment, please contact Cheryl Eckhardt (National Park Service) at 303-969-2851.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Robert F. Stewart
Regional Environmental Officer

cc: FHWA CO – Stephanie Gibson
SHPO CO – Edward Nichols
CDOT – Richard Reynolds, Kerrie Neet



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

Colorado Division

May 27, 2011

12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228
720-963-3000
Fax 720-963-3001

Robert F. Stewart
Regional Environmental Officer
Office of Environmental Policy and Compliance
US Department of the Interior
PO Box 25007
Denver, CO 80225-0007

RECEIVED BY:
JUN 10 2011
PROGRAM ENG.

SUBJECT: US 550 Connection to US 160, Draft Section 4(f) Evaluation

Dear Mr. Stewart:

Thank you for your comments on the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill in Durango, Colorado. We would like to clarify and respond to some of the comments in your letter.

A Memorandum of Agreement (MOA) resolving the adverse effects to historic properties is being reviewed at this time, and that document identifies the mitigation measures that will be included in the project. The mitigation measures are also identified in the Section 4(f) Evaluation. A draft of the MOA should have been included with the Draft Section 4(f) Evaluation but was inadvertently omitted. A final, signed MOA is required before FHWA will sign the Final Section 4(f) Evaluation. All of the mitigation items identified in the MOA and Section 4(f) Evaluation will be incorporated into the final design of the project.

We have sent a letter to the consulting parties reminding them of the sensitivity of some of the information contained in the Section 4(f) Evaluation, specifically the location of archeological sites. We will ensure that any public copies of the Section 4(f) Evaluation do not include this sensitive information.

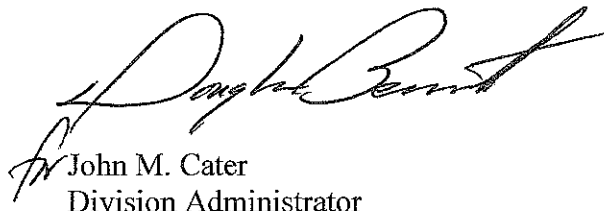
Based on the Draft Section 4(f) Evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield. As a result, a Supplemental Environmental Impact Statement (SEIS) will be prepared.



The Draft Section 4(f) Evaluation, with revisions to address comments from the Department of Interior, will be included in the Draft SEIS. It is anticipated that the Draft SEIS and Draft Section 4(f) Evaluation will be completed and made available for public and DOI review and comment this summer.

If you have any questions, please contact Ms. Stephanie Gibson of my office at stephanie.gibson@dot.gov or 720-963-3013.

Sincerely yours,



John M. Cater
Division Administrator

cc: Mr. Willie R. Taylor, Office of Environmental Policy and Compliance, DOI
Mr. Edward Nichols, SHPO
Ms. Kerrie Neet, Region 5, CDOT



Preserving America's Heritage

May 31, 2011

John Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Ave.
Suite 180
Lakewood, CO 80228

RE: *Draft Memorandum of Agreement and Section 4(f) Evaluation*
Colorado Department of Transportation Project FC-NH(CX) 160-2(48)
US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado

Dear Mr. Cater:

On March 31, 2011, we received from FHWA a draft Memorandum of Agreement (MOA) and draft Section 4(f) analysis supporting FHWA's finding of adverse effect for the proposed US Highway 550 Connection to US 160 Farmington Hill project in La Plata County, Colorado. We appreciate your providing the ACHP and other consulting parties with these documents, and extending the deadline for review to May 31, 2011. The draft Section 4(f) Evaluation was prepared to analyze whether there are feasible and prudent avoidance alternatives to use of the Webb Ranch and other Section 4(f) properties in the vicinity of the US 550/US160 connection, develop measures to minimize and mitigate impacts to the Section 4(f) properties, and identify an alternative that causes the least overall harm to Section 4(f) properties. The Colorado Department of Transportation (CDOT) has compiled a great deal of technical information for the report, and we appreciate your sharing with consulting parties the supporting documentation for the conclusions reached in this analysis. All six of the Section 4(f) properties in this analysis are historic properties eligible for inclusion in the National Register of Historic Places, and thus, subject to consideration under Section 106 of the National Historic Preservation Act (16 USC 470f).

FHWA concludes the analysis with a determination that three alternatives meet the purpose and need for the project and warrant additional consideration. These include the Eastern Realignment, Revised F Modified, and Revised G Modified. We are disappointed that the all of the revised Preliminary Alternatives A (US 550 at US 160 At-Grade Intersection or Partial Interchange at the Existing US 550/US 160 Intersection) were eliminated from further consideration due to safety problems, disruption to established communities, impacts to other protected resources, and the geotechnical issues with springs and unstable slopes. In FHWA's view, these challenges cumulatively cause unique problems and impacts of extraordinary magnitude. Although Alternative A does not completely avoid all Section 4(f) properties, it appears to have far less of an impact on them than would the three that were selected for further consideration. The impediments to selecting Alternative A appear daunting, but we still

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

question your determination that building Alternative A would not be prudent, especially given that it is the current, existing alignment and the impacts to Section 4(f) properties would appear to be significantly reduced. We would appreciate an opportunity to discuss with FHWA and CDOT the reasons for eliminating the Alternative A options in the context of their impacts on historic properties.

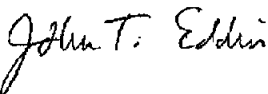
The proposed MOA is not based on a preferred alternative, but rather is drafted to allow that any of three alternatives may be selected by FHWA, providing similar mitigation measures for affected properties under all three alternatives. We are concerned about this approach, as it assumes that from a historic preservation perspective, the effects to historic properties are comparable. We would appreciate your providing the ACHP and other consulting parties an opportunity to work with FHWA and CDOT in identifying a least harm alternative. While we understand that there may not be consensus among the Section 106 parties, further Section 106 consultation should help inform this decision and assist all parties in better understanding its basis. We do not, at this time, support the execution of an open-ended MOA for the project; but rather, request that through additional consultation FHWA identifies a preferred alternative and specific mitigation measures for that alternative.


Despite the length of the draft Section 4(f) analysis and other supporting documentation, we are unable to fully understand the relative impacts of different alternatives on historic properties. In order for the ACHP and other consulting parties to better understand the nature and severity of potential effects, we recommend FHWA host a meeting among consulting parties that includes a site visit and an opportunity for affected property owners to discuss the alternatives and how they view the impacts of the alternatives on their properties. To identify a least harm alternative, it is important for FHWA to look beyond the number of acres at the 4(f) properties that will be used, to the consideration of direct, indirect, and cumulative effects on contributing features to these properties and the overall ability of the affected historic ranches, irrigation ditches, and Clark property to continue to operate. This discussion would provide FHWA and CDOT additional insight for the selection of a least harm alternative, and for the basis for identifying appropriate and meaningful mitigation for the effects to historic properties.

The mitigation included in the proposed draft MOA should be considered a minimal level of mitigation for affected historic properties. The included stipulations are a good start, but should be further considered in light of the views of all consulting parties. For example, Indian tribes that ascribe cultural and religious value to archaeological properties should be included in consultation to develop the data recovery plan and measures to minimize the project's impact on archaeological properties. The design of US 550 on the selected corridor may also need to be developed in consultation with SHPO, the ACHP, and other consulting parties.

Thank you for providing the ACHP with this opportunity to comment on the draft MOA. We look forward to continuing working with you in the Section 106 review process, and to resolving the adverse effects of this undertaking on historic properties. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at clegard@achp.gov.

Sincerely,



 Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs



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

Colorado Division

August 15, 2011

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Ms. Lynn Woodell
Lands Specialist
Bureau of Land Management (BLM)
P.O. Box 439
Bayfield, CO 81122

Subject: US 550 South Connection to US 160, Supplemental Environmental Impact Statement (SEIS)

Dear Ms. Woodell:

In 2006 the Federal Highway Administration (FHWA) signed the US Highway 160 from Durango to Bayfield Final Environmental Impact Statement (2006 US 160 EIS) and the US Highway 160 from Durango to Bayfield Record of Decision (2006 US 160 ROD). Due to its size, the project was broken into phases for final design and construction. During final design for one phase of the project it was discovered that certain ranches were eligible for protection under Section 106 of the National Historic Preservation Act.

As a result of this new information, a SEIS being prepared. For the SEIS the focus is on the connection of US 550 to US 160 and the portion of US 550 needed to connect from US 160 to the US 550 corridor described in the US 550 Environmental Assessment and Finding of Significant Impact (see enclosed figure). The remainder of the US 160 corridor is expected to be completed as defined in the 2006 US 160 ROD.

Your agency was a cooperating agency for the 2006 US 160 EIS due to a small amount of BLM land that may be impacted by that project. At this time, it does not appear that the portion of the project being analyzed as part of the SEIS involves any BLM land. If you would like to remain a cooperating agency for the SEIS please indicate that in a response to this letter; otherwise your agency will be provided a copy of the Draft SEIS when it is published and made available to the public.

Thank you for your participation in this project and we look forward to your response. If you have any questions regarding this project, please contact Ms. Stephanie Gibson, Environmental Program Manager, at stephanie.gibson@dot.gov or at 720-963-3013.

Sincerely,

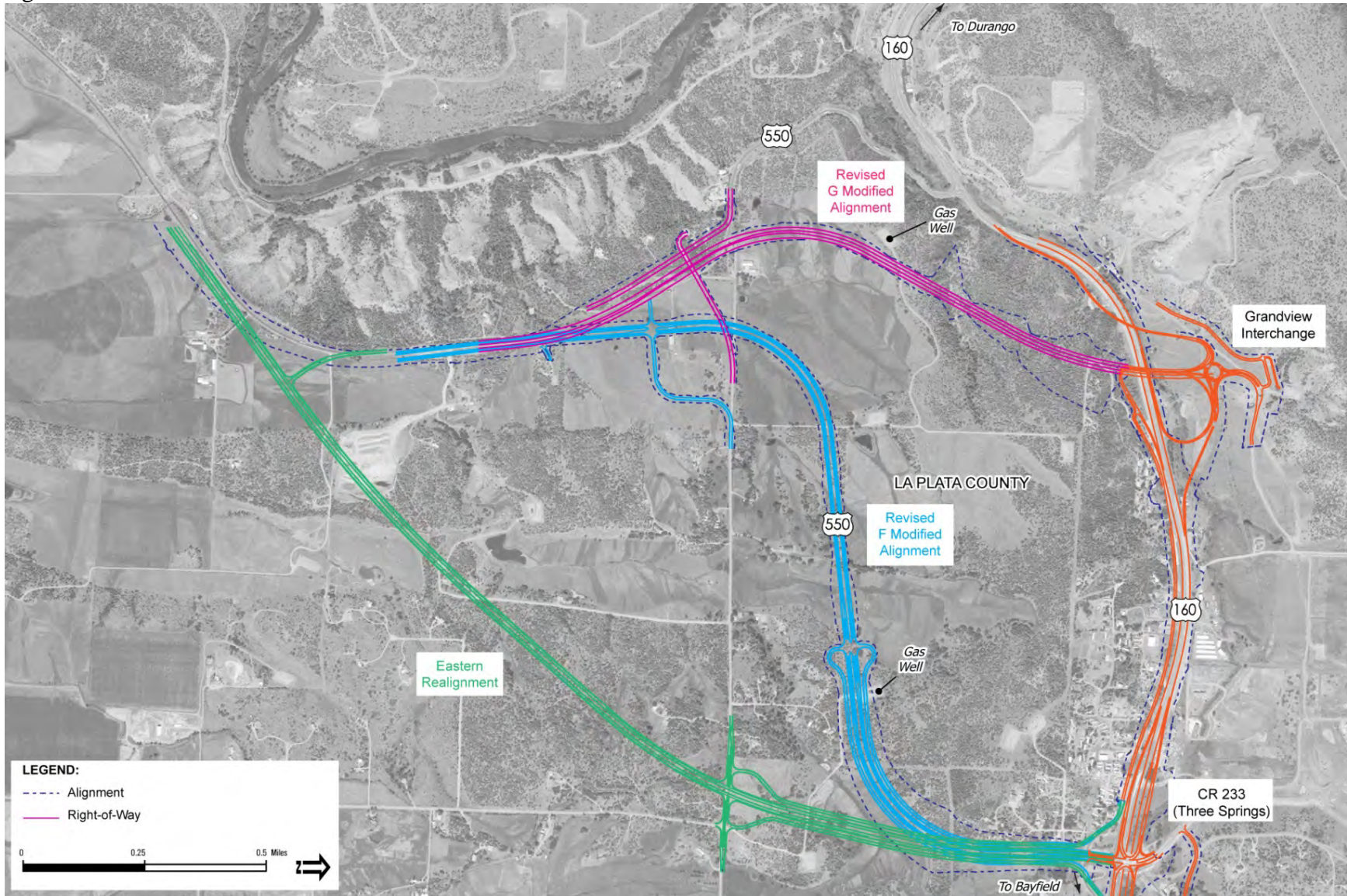


Gov John M. Cater
Division Administrator

Enclosure: Alternatives to be considered in the SEIS

cc w/enclosure: Mr. Lance Hanf, FHWA
Ms. Kerrie Neet, CDOT Region 5

Figure: Alternatives to be Considered in the SEIS





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

Colorado Division

August 15, 2011

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Ms. Kara Hellige
US Army Corps of Engineers
Sacramento District
799 E 3rd Street, Unit 2
Durango, CO 81301

Subject: US 550 South Connection to US 160, Supplemental Environmental Impact Statement (SEIS), Request for Concurrence

Dear Ms. Hellige:

Pursuant to the National Environmental Policy Act (NEPA)/Section 404 of the Clean Water Act (404) Merger process for transportation projects in Colorado, the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are requesting formal concurrence from the Corps of Engineers on several concurrence points, including that the Preferred Alternative for the US 550 South Connection to US 160 SEIS project appears to be the Least Environmentally Damaging Practicable Alternative (LEDPA).

Background

In 2006 the FHWA signed the US Highway 160 from Durango to Bayfield Final Environmental Impact Statement (2006 US 160 EIS) and the US Highway 160 from Durango to Bayfield Record of Decision (2006 US 160 ROD). Your agency was a cooperating agency for the 2006 US 160 EIS, and a National Environmental Policy Act/Clean Water Act Section 404 (NEPA/404) Merger process was applied to the project. This merged process was successfully concluded, resulting in the 2006 US 160 ROD and a Section 404 permit, number 200275568.

Due to its size, the project was broken into phases for final design and construction. During final design for one phase of the project it was discovered that certain ranches were eligible for protection under Section 106 of the National Historic Preservation Act.

As a result of this new information, a SEIS is being prepared. For the SEIS the focus is on the connection of US 550 to US 160 and the portion of US 550 needed to connect from US 160 to the US 550 corridor described in the US 550 Environmental Assessment and Finding of Significant Impact. The remainder of the US 160 corridor is expected to be completed as defined in the 2006 US 160 ROD.

Because there is an active Section 404 permit for the 2006 US 160 EIS which could be affected by the SEIS, and because the alternatives being considered SEIS impact some wetlands areas, we assume that your agency's role as a cooperating agency for this project will continue.

The internal draft of the “US 550 South Connection to US 160, Supplemental Draft Environmental Impact Statement to the US Highway 160 from Durango to Bayfield EIS” (SDEIS) dated August 4, 2011 was provided to you by CDOT at a meeting on August 11, 2011. If you need an additional copy of the document, please let us know. The internal draft SDEIS is considered a preliminary draft for internal review only and shall not be shared with any person outside of your agency. Since this document is considered a working draft and it may contain preliminary conclusions not necessarily reflected in the final decision, all requests for any portion of this material should be denied under Exemption 5 of the Freedom of Information Act (FOIA) and the Department of Transportation implementing regulation (49 CFR). Any requests for materials from outside your agency should be forwarded to FHWA.

NEPA/404 Merger Concurrence Points

As part of the SEIS process, there have been some changes in the project, including revisions to the screening criteria and inclusion of a new alternative. As such new concurrence is required for the NEPA/404 Merger concurrence points. We are using the updated NEPA/404 Merger agreement signed in 2008 to guide this process.

Due to the fact that this is a SEIS process, much of the project development has already occurred or is happening in a compressed timeframe. As such, this letter addresses all three concurrence points. Information for each concurrence point is included in the SDEIS and is referenced below.

Concurrence Point #1 - Purpose and Need and Alternative Screening Criteria

- *Purpose statement and a list of needs for the project (the needs should include supporting arguments)*
The Purpose and Need for the project have not changed. The purpose statement is on page 1-11, and the description of the needs begins on page 1-12. Information in the needs, such as traffic and accident data, has been updated with recent data.
- *Draft Purpose and Need chapter (if available)*
Chapter 1 is the Purpose and Need chapter. This chapter is different than the Chapter 1 provided in 2006 US 160 EIS because it focuses on the portion of the project being re-analyzed in the SDEIS.
- *The limits of the study area on a project location map*
The overall location map is on Figure 1-1, the location map for the SDEIS is on Figure 2-10 and the limits of the study area are identified on Figure 3-1.
- *The project's consistency with local transportation plans*
Information about consistency with local transportation plans is on page 4-2.
- *Past studies supporting the project that support the Purpose and Need or the 404 permitting process*
Traffic studies and accident data have been updated with recent data. These are available in the text of Chapter 1 and Appendix C.

- *Public and agency comments from scoping that are pertinent to 404 permitting*
No additional scoping was done for the SDEIS. The new information that prompted the development of the SDEIS is related to historic properties and is not related to Section 404 permitting.
- *Screening criteria based on the purpose and need*
The screening criteria have changed slightly from the criteria used in the 2006 US 160 EIS. Descriptions of the screening process and criteria start on page 2-16. Changes in the screening criteria include:
 - In Feasibility Screening (2006 US 160 EIS, Table 2.3.1)/Screening Level 1 (SDEIS, Table 2-1):
 - Changing the target year for the capacity goal from 2025 to 2030
 - Replacing the “Unacceptable environmental or social impacts as compared to other alternatives” criterion with criteria related to whether an alternative is reasonable under NEPA and practicable under Section 404. These criteria are labeled “Logistics” and “Cost” in Table 2-1 of the SDEIS.
 - In Preliminary Alternatives Screening (2006 US 160 EIS, Table 2.4.1)/Screening Level 2 (SDEIS, Table 2-4 and 2-5):
 - Providing more detailed descriptions for categories L1 (Construction mobility) and C1 (Estimated Construction Cost) in the criteria for Section 404 (Table 2-4)
 - Adding of screening criteria for Section 4(f) (Table 2-5).

Concurrence Point #2 - Alternatives to be Evaluated in Detail

- *The limits of the study area on an Environmental Features Map. The map should include as much information as possible for natural resources in the study area*
Figure 3-1 shows the general outline of the study area for the SDEIS. Information about natural resources in the study area is provided throughout Chapters 3 and 4.
- *Alignment descriptions and general design elements*
In addition to the two alternatives fully analyzed in the 2006 US 160 EIS (Revised F Modified and Revised G Modified), a third alternative (Eastern Realignment) has been included in the SDEIS. Chapter 2 provides the descriptions of the alternatives.
- *Discussion of operational or geometric safety attributes (positive and negative) of each alternative*
See descriptions in Chapter 2.
- *Alternatives screening table comparing how well each alternative meets the Purpose and Need, practicability and natural resource impacts*
See Table 2-3 (Purpose and Need, practicability) and Table 2-6 (natural resource impacts)
- *Attach screening report or draft Alternatives Considered Chapter from EA or DEIS, if appropriate*
Chapter 2 is the Alternatives chapter.

Concurrence Point #3 - Preferred Alternative and LEDPA

- *Description of the Preferred Alternative*
The Revised G Modified Alternative is identified in the SDEIS as the Preferred Alternative. The alternative is described beginning on page 2-8, and the selection as the Preferred Alternative is described beginning on page 2-29.
- *Updated Environmental Features Map*
Information about natural resources in the study area is provided throughout Chapters 3 and 4.
- *Updated Alternatives screening table comparing how well each alternative meets the Purpose and Need, practicability and natural resource impacts*
See Table 2-3 (Purpose and Need, practicability) and Table 2-6 (natural resource impacts)
- *Direct, indirect and cumulative effects of the Preferred Alternative*
This is provided throughout Chapters 3 and 4.
- *Conclusion that the Preferred Alternative is the LEDPA with a summary of the supporting data*
See Section 2.5.6, Comparison of the Alternatives and Identification of the Preferred Alternative, beginning on page 2-29.
- *CWA Permit application*
Section 404 permit number 200275568 was granted in 2006 as part of the original NEPA/404 Merger process. At this time, the Preferred Alternative for the SEIS is the same alternative as was included in that permit, with minor revisions. As such, we do not believe a new or revised permit is required at this time. If the Preferred Alternative were to change, or another alternative be selected in the new ROD, we would contact you to determine what changes would be needed for the Section 404 permit.

CDOT and FHWA request concurrence in the Screening Criteria, Alternatives to be Analyzed in Detail, Preferred Alternative, and that the Preferred Alternative appears to be the Least Environmentally Damaging Practicable Alternative in accordance with the Section 404(b)(1) guidelines and approved merger process. Because the Purpose and Need for the project has not changed, new concurrence is not needed for that aspect of the NEPA/404 Merger process.

Thank you for your participation in this project and we look forward to your response. If you have any questions or concerns about this request, please contact Ms. Stephanie Gibson, Environmental Program Manager, at stephanie.gibson@dot.gov or at 720-963-3013.

Sincerely,

Handwritten signature of Stephanie P. Gibson in cursive script.

for John M. Cater
Division Administrator

cc: Mr. Lance Hanf, FHWA
Ms. Kerrie Neet, CDOT Region 5

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 18, 2011

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado/Colorado Historical Society
1560 Broadway, Ste. 400
Denver, CO 80202

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County (CHS #33425)

Dear Mr. Nichols:

This letter and the attached materials constitute the request for concurrence on additional eligibility and effects determinations for the project referenced above. In correspondence dated November 9, 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and on August 6, 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be

significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...”¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

We request your concurrence with the eligibility and effects determinations outlined above. If you have questions or require additional information in order to complete your review, please contact Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,



for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Bennett:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. You have been involved in the Section 106 consultation for this project since August 2010, and were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...”¹

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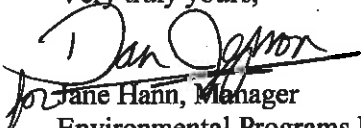
This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party, we welcome your comments on these determinations. If you elect to respond, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in-advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Nect, CDOT Region 5
Stephanie Gibson, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Philip S. Craig
9361 Highway 550
Durango, CO 81303-7862

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Craig:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment

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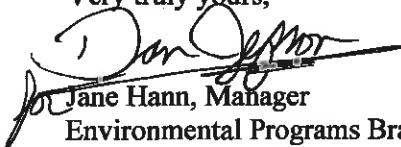
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Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

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As a Section 106 consulting party, we welcome your comments on these determinations. If you elect to respond, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Joel Craig
14898 Highway 550
Durango, CO 81303-6628

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Craig:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

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is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity..."¹

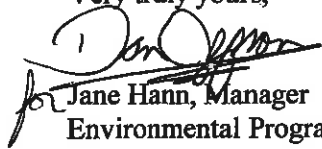
This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party, we welcome your comments on these determinations. If you elect to respond, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Ms. Cooley:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

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is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity..."¹

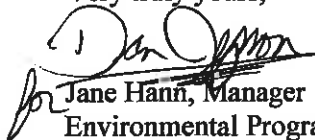
This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party, we welcome your comments on these determinations. If you elect to respond, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


Jane Hann, Manager

Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Nect, CDOT Region 5
Stephanie Gibson, FHWA

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
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Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Edward H. Pappas
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Bloomfield Hills, MI 48304-5092

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Pappas:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

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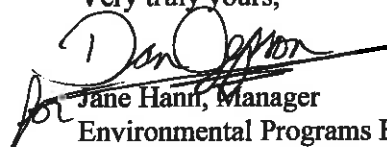
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If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,


Jane Hanif, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Leroy Shingoitewa, Chairman
The Hopi Tribe
Attn: Mr. Leigh Kuwanwisiwma, Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Shingoitewa:

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites or features are included.

Methodology

US Highway 550 (SLP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be

significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity..."¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at 303) 757-9631 or daniel.jepson@dot.state.co.us. Thank you in advance for your time and consideration.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. *Colorado State Roads and Highways Multiple Property Listing*, January 10, 2003, p. 82.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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4201 East Arkansas Avenue
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Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Mr. Richard B. Luarkie, Governor
Pueblo of Laguna
c/o Laguna Pueblo Tribal Council
Attn: Bob Mooney, NAGPRA Coordinator
P.O. Box 194
Laguna, NM 87026

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Luarkie:

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites or features are included.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s

engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...”¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at 303) 757-9631 or daniel.jepson@dot.state.co.us. Thank you in advance for your time and consideration.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

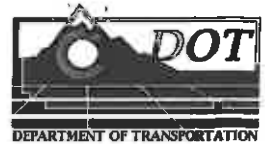
cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



August 19, 2011

Ms. Pearl Casias, Chairwoman
Southern Ute Indian Tribe
Attn: Mr. Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Ms. Casias

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites or features are included.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be

significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...”¹

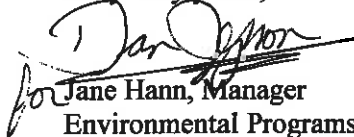
This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at 303) 757-9631 or daniel.jepson@dot.state.co.us. Thank you in advance for your time and consideration.

Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

cc: Kerrie Neet, CDOT Region 5
Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

COLORADO CULTURAL RESOURCE SURVEY
Cultural Resource Re-Visitation Form

OAHP1405
Rev. 11/10

A Re-Visitation Form can only be used when a Management Data Form and component forms have been previously filed with the land managing agency and/or the Colorado Office of Archaeology and Historic Preservation and no substantive changes to the character of the site are required as a result of the current re-visitiation. Please use the Management Data Form and supporting forms (archaeological component, linear, vandalism, etc.) when changes are required to:

- Site type
- Linear resources
- Additional artifact assemblages and/or features
- Boundary size
- Vandalism
- NRHP recommendations

Official determination (OAHP use only)

- Determined Eligible NR\SR
- Determined Not Eligible NR\SR
- Nominated
- Need Data NR\SR
- Contributing to NR Dist.\SR Dist.
- Not Contributing to NR Dist.\SR Dist.
- Supports overall linear eligibility NR\SR
- Does not support overall linear eligibility NR\SR

1. **Resource Number:** 5LP6654.1

2. **Temporary Resource Number:**

3. **Resource Name:** US Highway 550

4. **Project Name/Number:** CDOT Project US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

5. **Government Involvement:** Local State Federal
Agency: Federal Highway Administration

6. **Site Categories:** (Check as many as apply)

Prehistoric: Archaeological site Paleontological site
In existing National Register District? Yes No Name:

Local Landmark? Yes No Name:

Historic: Archaeological site Building (s) Structure(s) Object(s)
In existing National Register District? Yes No Name:

Local Landmark? Yes No Name:

7. **Owner(s) Name and Address:** State of Colorado

8. **Was the site relocated?** Yes No If no, why? (100% collected in previous recording, ground disturbance, etc.)

9. **Previous recordings:** Segment 5LP6654.1 of US Highway 550 from County Road 220 to Bondad Hill was previously recorded by the consultant URS Corporation as part of the Historic Resources Inventory for the US Highway 550 South Bondad Hill to Farmington Hill project in 2002. During that consultation effort, CDOT made the determination that the highway's significance was not known, but that the segment lacked integrity. As part of that consultation effort, SHPO agreed with CDOT and stated that this segment was not eligible in correspondence dated May 16, 2003

The entire highway was evaluated as part of CDOT's "Highways to the Sky Historic A Historic Context and History of Colorado's Highway System," completed in 2002 by the consultant Associated Cultural Resource Experts (ACRE). That study concluded that the Million Dollar Highway portion of the highway represents an aesthetic route and qualifies for NRHP eligibility under Criterion A.

The Million Dollar Highway section of the overall highway from milepost 20.5 to 93 was documented in a draft National Register nomination form in 2009 that has not yet been finalized.

Additional segments of the highway have also been evaluated in Montrose, Ouray, and San Juan counties as indicated on the OAHP Compass database.

10. **Most recent National Register Eligibility Assessment:** Eligible Not Eligible Need Data

Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1

Temporary Resource Number:

Explain: Segment 5LP6654.1 from County Road 220 to Bondad Hill was previously recorded by the consultant URS Corporation as part of the Historic Resources Inventory for the US Highway 550 South Bondad Hill to Farmington Hill project in 2002. In that analysis, CDOT made the determination that the highway's significance was not known, but that the segment lacked integrity. SHPO stated that the highway segment was not eligible in correspondence dated May 16, 2003. This Re-Visitation form documents the extension of 5LP6654.1 to include the highway's intersection with US Highway 160 on the north end, to Colorado's border with New Mexico to the south, from milepost 0 to approximately 17.

11. **Listed on Register:** National State None
Date Listed:

12. **Condition (describe):** The resource is a maintained vehicular highway.

13. **Threats to Resource:** Water Erosion Wind Erosion Grazing Neglect Vandalism
 Recreation Construction Other (specify): n/a

14. **Existing Protection:** None Marked Fenced Patrolled Access controlled
 Other (specify): n/a

Comments:

15. **Recorder's Management Recommendations:**

16. **Known Collections, Reports, or Interviews:**

URS Corporation, US Highway 550 South Bondad Hill to Farmington Hill Historic Resources Inventory, La Plata County, Colorado, May 2002. Management Data Form and Linear Component Form were completed.

Associated Cultural Resources Experts (ACRE), "Highways to the Sky: A Context and History of Colorado's Highway System," May 31, 2002.

Stasko, Adam. National Register of Historic Places Registration Form (draft), Million Dollar Highway, December 7, 2009.

Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1

Temporary Resource Number:

17. Site Description/Update: Extended segment:

The segment recorded in 2002 extended from the intersection of US Highway 550 and County Road 220 to the base of Bondad Hill, for a total distance of 11 miles. This site form documents the extension of the highway segment to include the stretch of US Highway 550 from its intersection with US Highway 160 to its intersection with County Road 220 as well as the segment of highway from Bondad Hill to the New Mexico state line. This segment was selected because it has a common history of development since the 1920s. This extends the segment to a total of approximately 17 miles.

Additional research:

The roadway between Durango and the New Mexico state boundary initially appears on a state highways map in 1916 and was labeled as "13". It wasn't until the 1926 state highway map that the road is labeled as "19". The roadway north of Durango was labeled "550" on highway maps starting in 1926 but also continued to be labeled as "19" well into the 1930s. Research indicates that State Highway 19 between Durango and the New Mexico State line was improved as part of a series of Federal Aid projects (266A through E) between 1924 and 1934. Issues of "Colorado Highways" magazine state that these projects were for "gravel surfacing"--indicating improvement to an existing route and not construction. Overall, State Highway No. 19 extended from Montrose through Ouray and Durango to the New Mexico state line. The segment between Durango and the state line intermittently ran on or adjacent to what has been described as the Gallup Road, the Durango to Farmington Road, and the Aztec to Durango Road. In April 1924, the Secretary of Agriculture approved projects to improve 18 miles of the "Durango to Farmington Road" between Durango and the New Mexico state line. In 1924, the first of these projects (FAP 266 A) extended from the half section line of Section 19/20, T 34N, R9W to the half section line of Section 5/6, T33N, R9W. The plans for this project show a straight alignment and called for a standard gravel surfaced road. A plan sheet shows the specifications for a box culvert on a skew. Federal Aid Project 266 B was built in 1925, and picked up at the south end of FAP 266 A with improvements extending south to halfway through Section 19, T33N, R9W. Plans for Federal Aid Project 266C indicate it covered the stretch of roadway south of FAP 266B, ending at the north end of Section 1, T32N, R10W. The segment of roadway that extends from where US 160 and US 550 currently intersect to Section 19/20 T34N, R9W was improved under FAP 266E and may have been funded or built as a relief program, although this was not confirmed in the research. The northernmost segment of the roadway to Durango was built under Federal Aid Project 266D in the early 1930s. The plans for this project show the presence of an existing roadway that extends south from a county road (presumably today's County Road 220) and winds next to, or under the State Highway 19 alignment. Additional projects were undertaken on State Highway No. 19 in the early 1950s under State Project No. C 20-0019-08 and C 20-0019-11 that involved what appears to be reconstruction--widening shoulders, extending culverts, widening curves, etc. The roadway has been subject to recent projects, including the addition of climbing lanes at Bondad Hill (mp 5.2) and the expansion of the highway to four lanes from the New Mexico state line north for about 2.5 miles

NRHP Significance:

The entire length of US Highway 550 from the Colorado-New Mexico state line to Ouray was identified as an example of an aesthetic route in the Colorado State Roads and Highways Multiple Property Listing (OAHF Document 645, 2003). The Multiple Property Listing states that discrete segments of the same highway might have different associations and therefore could be significant under different NRHP Criteria. In the case of US Highway 550, it is clear from previous documentation that the segment of highway from Ouray to Durango known as the Million Dollar Highway (and also historically known as the Durango-Silverton-Ouray or DSO Highway) is significant. However, the segment of the highway from Durango to the New Mexico state line does not share that significance and CDOT has determined that the documented segment is not significant based on the guidance and registration requirements in the Multiple Property Listing. The following analysis demonstrates why this highway segment is not significant:

Criterion A: State Highway 19 is among Colorado's early state highways, but there is no evidence to suggest that State Highway 19 was built as or evolved into a scenic or tourist route--it appears to have been an improvement to an existing local or county route from Durango to New Mexico. Sources do not indicate that this highway segment is associated with any important events related to automobile tourism or recreation, such as the opening of a state or national park or any related types of events in this part of the state. The stretch of highway extends through a rural section of Colorado that runs through the Southern Ute Reservation before extending into New Mexico. In terms of its association with a federal work relief program, it's possible some relief program money was used in Federal Aid Project 266-E, which was the final improvement to this segment of highway in the 1930s. The project code includes the acronym NRH (possibly National Recovery Highway) and was referenced in correspondence as a "US Public Works project." Nevertheless, based on the registration requirements in the Multiple Property Listing, this project is not significant for this association since there is no evidence that this phase of the project was built as part of a specific aesthetic or recreational initiative.

Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1

Temporary Resource Number:

Criterion B: The Multiple Property Listing suggests that significance of a highway based on Criterion B is rare. Per the registration requirements, the highway does not represent the efforts of a specific individual to secure construction of the highway for the economic development of a community or area of the state.

Criterion C: This highway segment does not meet any of the registration requirements outlined in the Multiple Property Listing under Criterion C. It does not exhibit design elements that "raise the aesthetic qualities of the road." The roadway does follow the natural features of the landscape including Florida Mesa but construction plans for the roadway features (culverts, bridges) do not indicate that these features were built to enhance the road aesthetically. Rather, the culverts and bridges appear to be functional in design--at the very most they sometimes conform to topography. This segment of the highway is also not an important engineering achievement. The most challenging topographic features are the steep ridge at the north end of the segment overlooking US Highway 160, Bondad Hill about midway through the segment, and a curve near the Animas River near Twin Crossing toward the south end of the segment. Otherwise, the majority of this segment follows a straight alignment over Florida Mesa. Sources do not indicate that the work to improve the roadway in the 1920s and 1930s was challenging from a topographic or engineering perspective.

Significance and Eligibility. CDOT has determined that although this segment is physically part of the larger US 550 resource, it should be evaluated as a separate resource. As the Multiple Property Listing indicates, discrete highway segments can have different origins, historical associations, and physical features, so different segments of the highway may be historically significant for different reasons. Following this guidance, a highway segment could also not be significant within the larger context of the overall highway. With regard to the segment of US 550 between Durango and the Colorado boundary with New Mexico, CDOT has determined that this segment of highway is not historically significant and is therefore not eligible. Integrity was not evaluated because the segment lacks significance.

Sources:

Associated Cultural Resource Experts, "Highways to the Sky: A Context and History of Colorado's Highway System," 2002.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266-A, State Highway No. 19, La Plata County, 1924.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266B, State Highway No. 19, La Plata County, January 1926.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266C, State Highway No. 19, La Plata County, no date.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project 266-D, State Highway No. 19, La Plata County, 1928.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. NRH 266-E, State Highway No. 19, La Plata County, May 1934.

Colorado Department of Highways. Plan and Profile of Proposed State Project No. C 20-0019-08, State Highway No. 19, La Plata County, 1953.

Colorado Department of Highways. Plan and Profile of Proposed State Project No. C20-0019-11, State Highway 19, La Plata County, 1954.

Colorado Highways. April 1924, Volume 3, Number 4, p. 24.

Colorado Highways. March 1924, Volume 3, Number 3, p. 24.

Colorado Highways. May 1924, Volume 3, Number 5, p. 28.

Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1

Temporary Resource Number:

Colorado Highways. June 1924, Volume 3, Number 6.

Colorado Highways. April 1925, Volume 4, Number 4.

Colorado Highways. June and July 1925, Volume 4, Nos 6 & 7, p. 5.

Colorado Highways. December 1927, Volume 6, Number 11, p. 20.

Colorado Highways. March 1928, Volume 7, Number 3.

Correspondence. Johnson, JW (District Engineer) to Major L.D. Blauvelt, April 21, 1924.

Salik, Matt. The Highways of Colorado. Online at: <http://www.mesalek.com/colo/>

State Highway Commission of Colorado. Map of the State Highways of Colorado. 1916, July 1919.

State Highway Department. Map of the State Highways of Colorado. June 1921, April 1922, July 1924, July 1926, July 1927, 1931, 1932.

Tucker, GC et al. Colorado Cultural Resource Survey, Linear Component Form, US Highway 550, 5LP6654.1, March 10, 2002.

18. Photograph Numbers:

Digital photos taken from CDOT OTIS database

Digital files at: Colorado Department of Transportation

19. Artifact and Field Documentation Storage Location: n/a

20. **Report Title:** Section 106 consultation for CDOT Project US Highway 550 South Connection to US Highway 160 Draft Supplemental Environmental Impact Statement.

21. **Recorder(s):** Lisa Schoch

Date: 8/3/2011

22. **Recorder Affiliation:** Colorado Department of Transportation, Environmental Programs Branch

Phone Number/Email: 303-512-4258

Note: Please attach a sketch map, a photocopy of the USGS quad. map indicating resource location, and photographs.

Colorado Historical Society – Office of Archaeology & Historic Preservation
1560 Broadway, Suite 400, Denver, CO 80202
303-866-3395

5LP6654.1, US Highway 550
All views to the north



Milepost 0.8, Four lane configuration of the highway, near the beginning of 5LP6654.1



Milepost 1.2, Four lane roadway configuration

5LP6654.1, US Highway 550
All views to the north



Milepost 2.9, Roadway returns to two-lane configuration



Milepost 4, Approaching Bondad Hill

SLP6654.1, US Highway 550
All views to the north



Milepost 4.4, Right turn lane and passing lane approaching Bondad Hill



Milepost 4.8, Passing lane on Bondad Hill

5LP6654.1, US Highway 550
All views to the north



Milepost 5.5, Roadway returns to two-lane configuration



Milepost 7.2, Two-lane configuration

5LP6654.1, US Highway 550
All views to the north



Milepost 8.8, Near Sunnyside School



Milepost 12, Two lane roadway with shoulders

5LP6654.1, US Highway 550
All views to the north



Milepost 14, Two lane roadway with shoulders



Milepost 14.6, Entrance to Craig-Limousin Ranch to the right

5LP6654.1, US Highway 550
All views to the north



Milepost 16.4, Near intersection with US Highway 160 and end of segment 5LP6654.1

Cultural Resources Re-Visitation Form, 5LP6654.1, Continuation Page

UTM Coordinates

- A 13 247380 mE, 4123040 mN
- B 13 247940 mE, 412050 mN
- C 13 246310 mE, 4118680 mN
- D 13 246220 mE, 4115700 mN
- E 13 246120 mE, 4113190 mN
- F 13 245050 mE, 4108810 mN
- G 13 245040 mE, 4106930 mN
- H 13 244260 mE, 4100880 mN
- I 13 244020 mE, 4100800 mN
- J 13 244490 mE, 4098520mN
- K 13244420mE 4098520mN
- L 13 244060 mE, 4100900 mN
- M 13 244320 mE, 4103820 mN
- N 13 243120 mE, 4106950 mN
- O 13 245300 mE, 4108790 mN
- P 13 26180 mE, 4113160 mN
- Q 13 246270 mE, 4115700 mN
- R 13 246380 mE, 4118680 mN
- S 13 247980 mE, 4120610 mN
- T 13 247520 mE, 4123060 mN

Loma Linda 7.5' USGS Quad—yellow highlight

Bondad Hill 7.5 USGS Quad—green highlight

Long Mountain 7.5' USGS Quad—blue highlight

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Loma Linda (1968) 7.5' USGS topo map
NM P.M., T34N, R9W, Sections 10, 5U, 8U, 9U, 17
La Plata County, Colorado

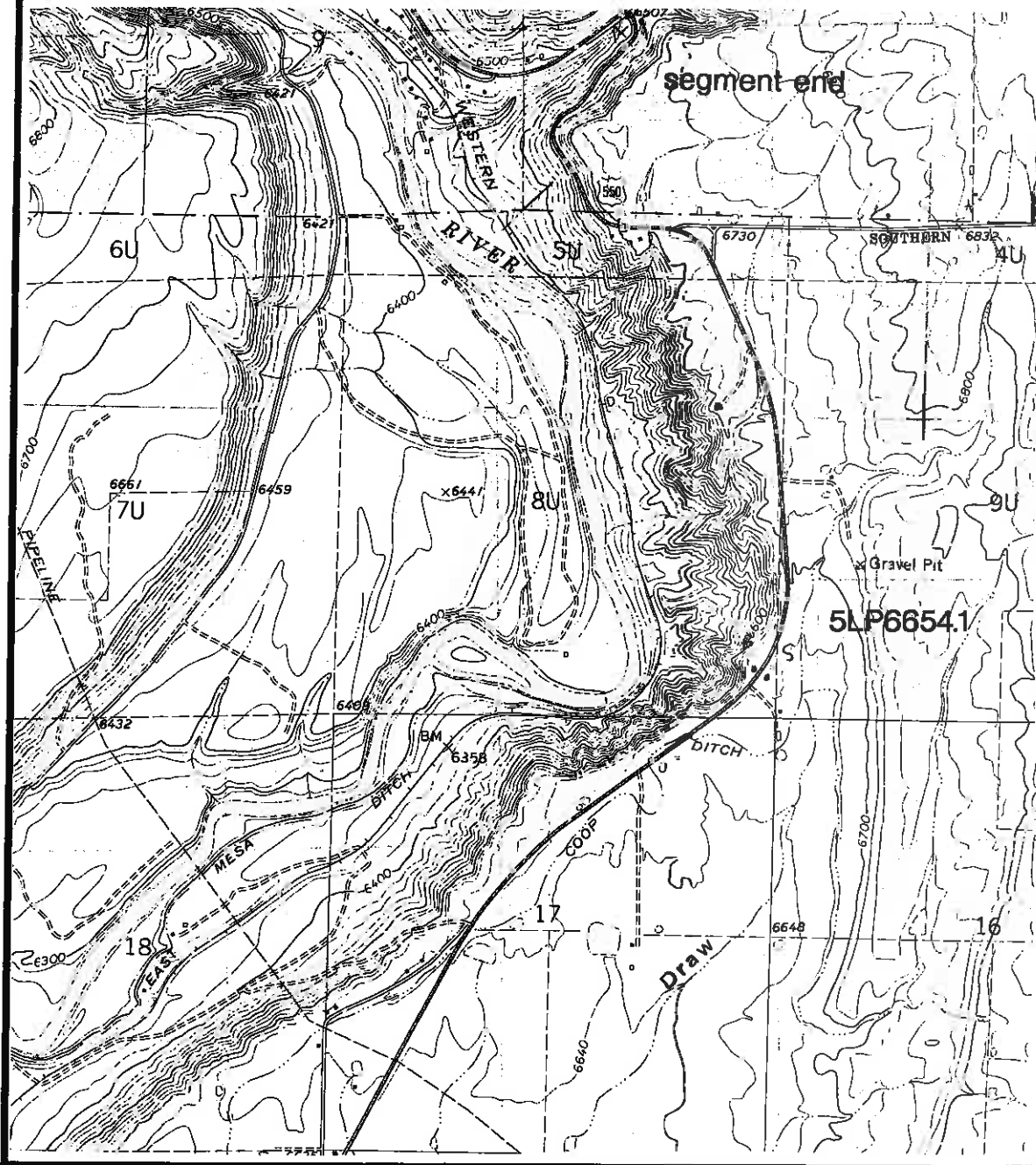


Figure 1a. Portion of Loma Linda 7.5' USGS maps showing 5LP6654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Loma Linda (1968) 7.5' USGS topo map
NM P.M., T34N, R9W, Sections 19, 20, 29, 30, 31, 32
La Plata County, Colorado

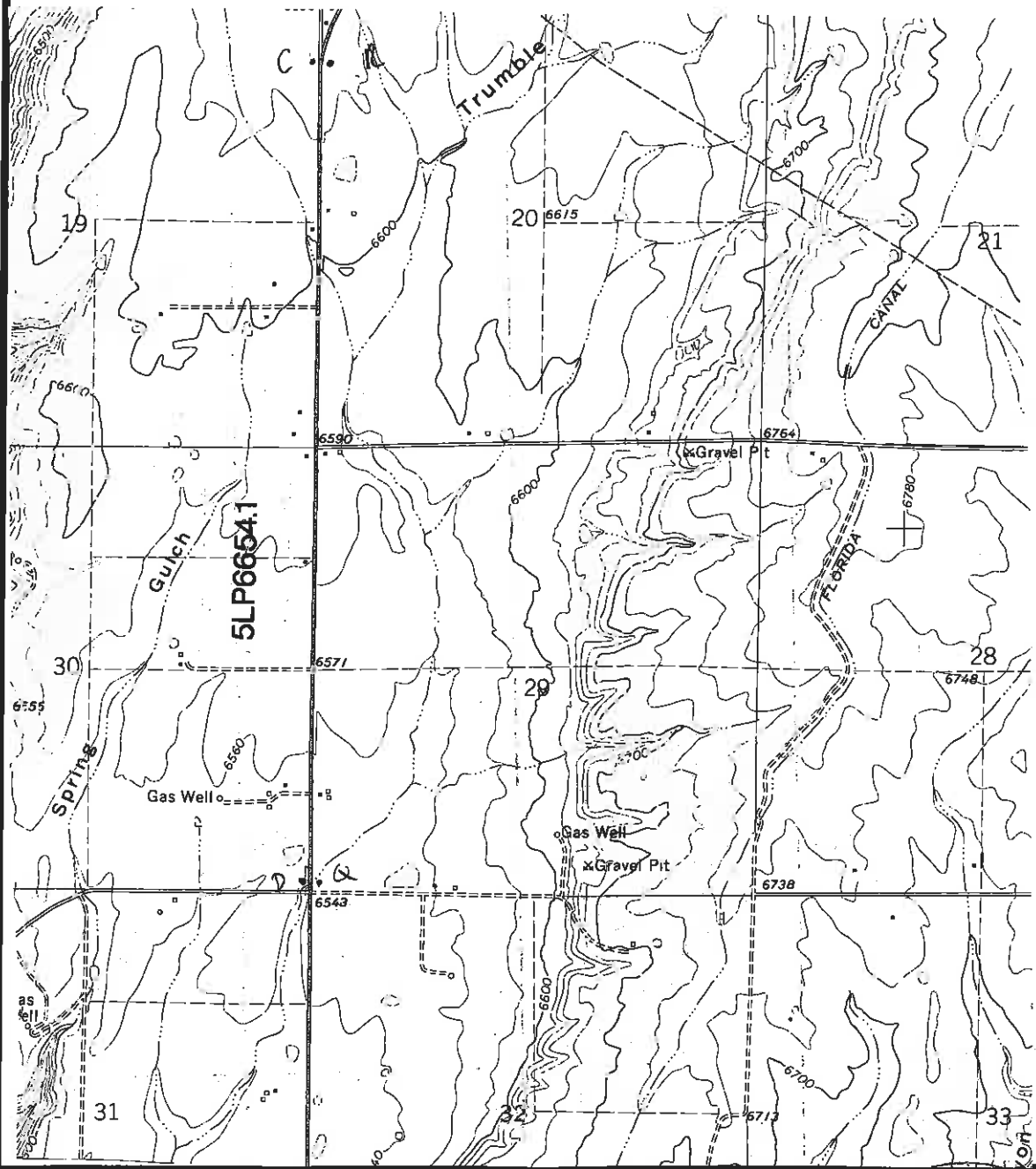


Figure 1b. Portion of Loma Linda 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Loma Linda (1968) 7.5' USGS topo map
NM P.M., T34N, R9W, Section 31 and 32
NM P.M., T33N, R9W, Sections 5 and 6
La Plata County, Colorado

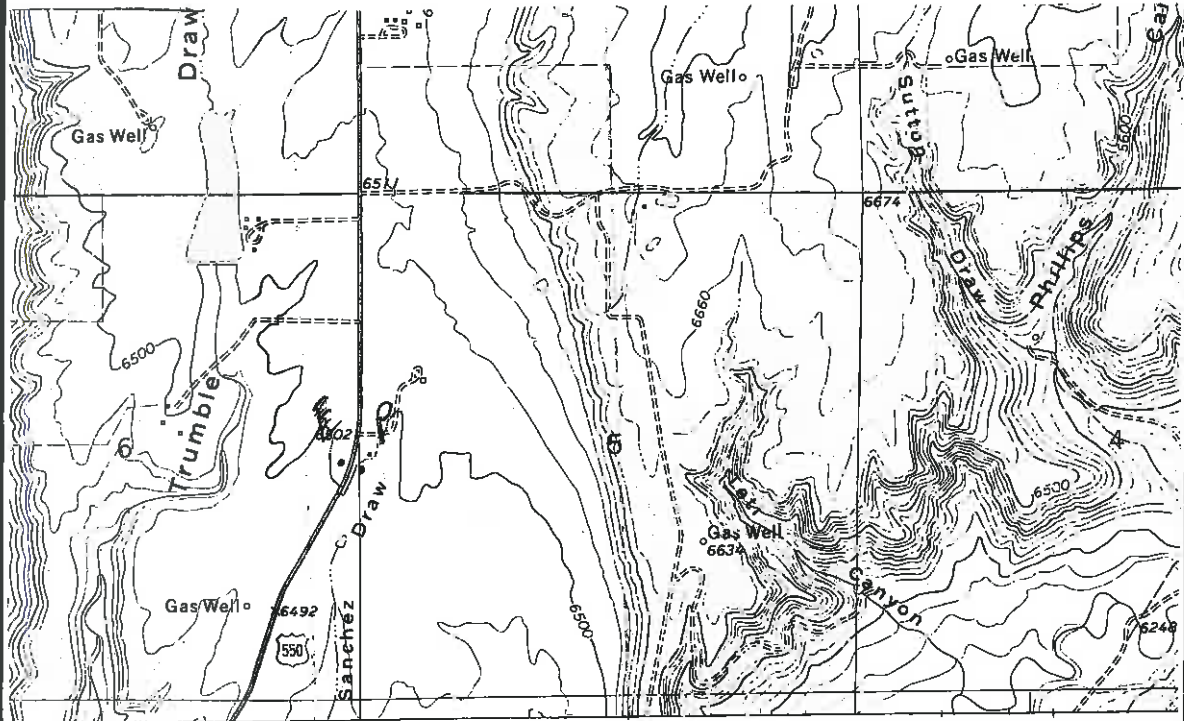


Figure 1c. Portion of Loma Linda 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Bondad Hill (1968) 7.5' USGS topo map
NM P.M., T33N, R9W, Sections 8, 17, 18, 19, and 20
La Plata County, Colorado

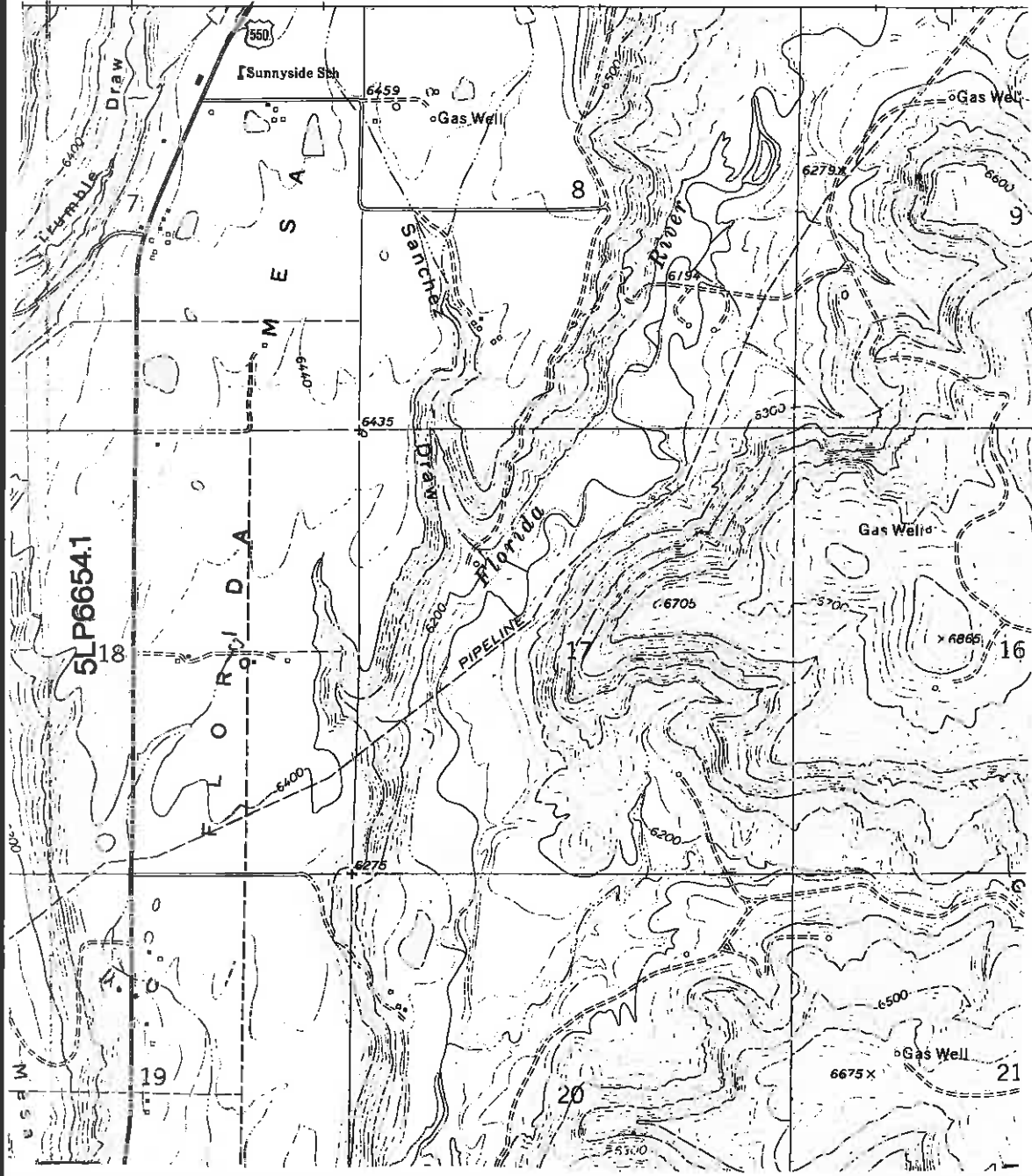


Figure 1d. Portion of Bondad Hill 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Bondad Hill (1968) 7.5' USGS topo map
NM P.M., T33N, R9W, Sections 19, 20, 29, 30, 31, 32 and T32N, R9W Sections 5, 6
La Plata County, Colorado

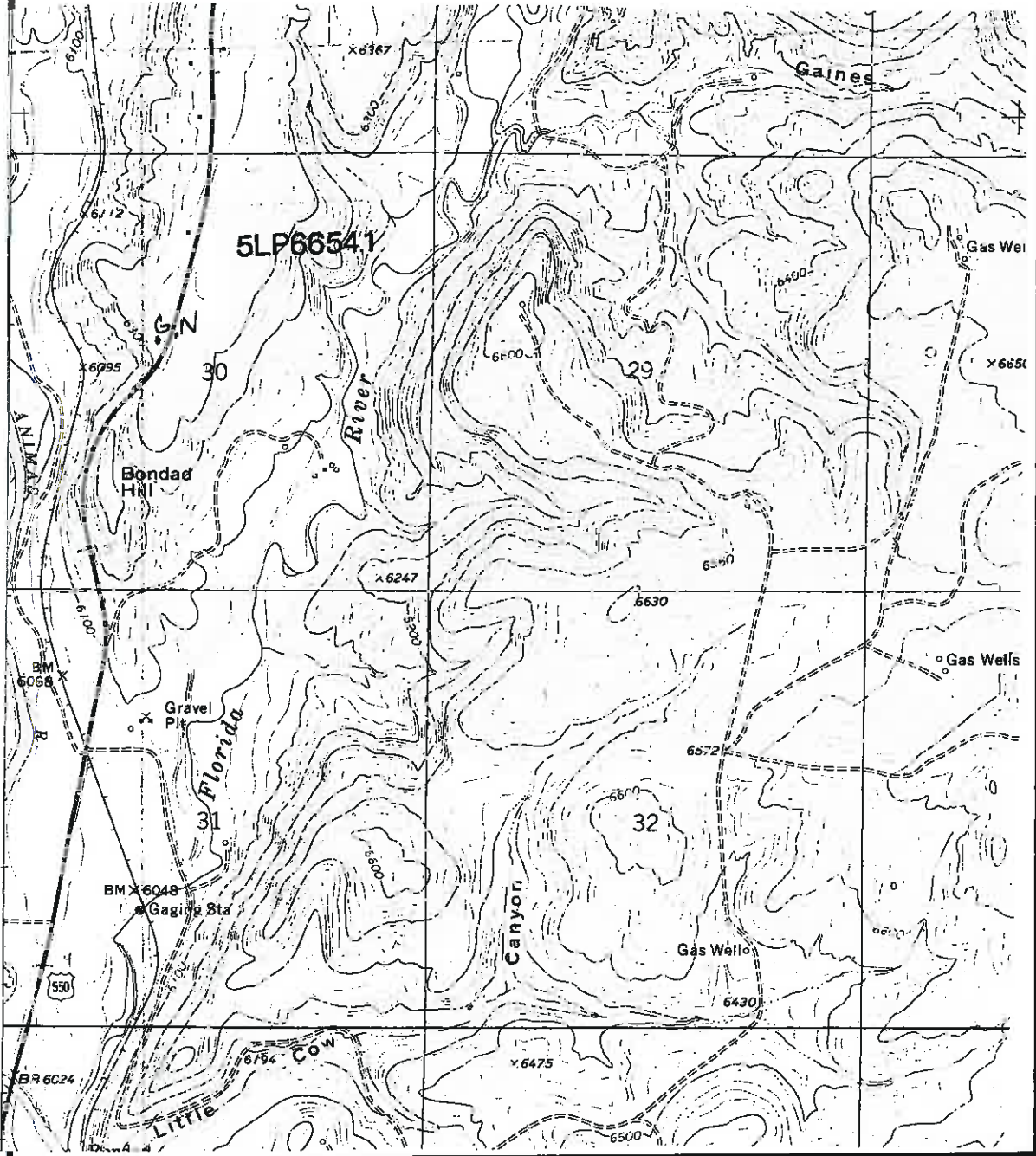


Figure 1e. Portion of Bondad Hill 7.5' USGS topo maps showing 5LP56654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Long Mountain (1968) 7.5' USGS topo map
NM P.M., T32N, R10W, Sections 1, 12, and 13
La Plata County, Colorado

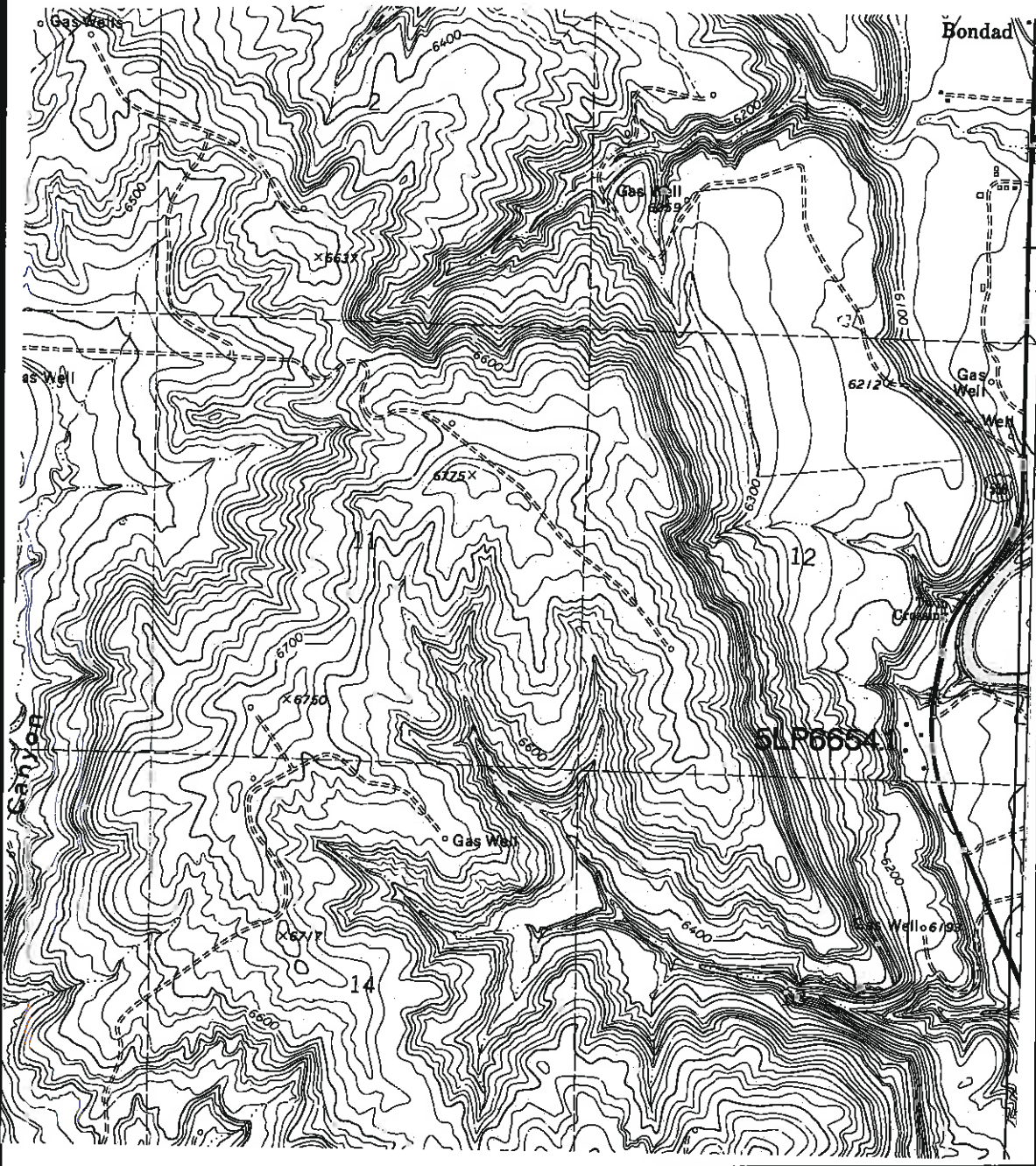


Figure 1f. Portion of Long Mountain 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160
Draft Supplemental Environmental Impact Statement
Bondad Hill (1968) 7.5' USGS topo map
NM P.M., T32N, R9W Sections 8, 17
La Plata County, Colorado

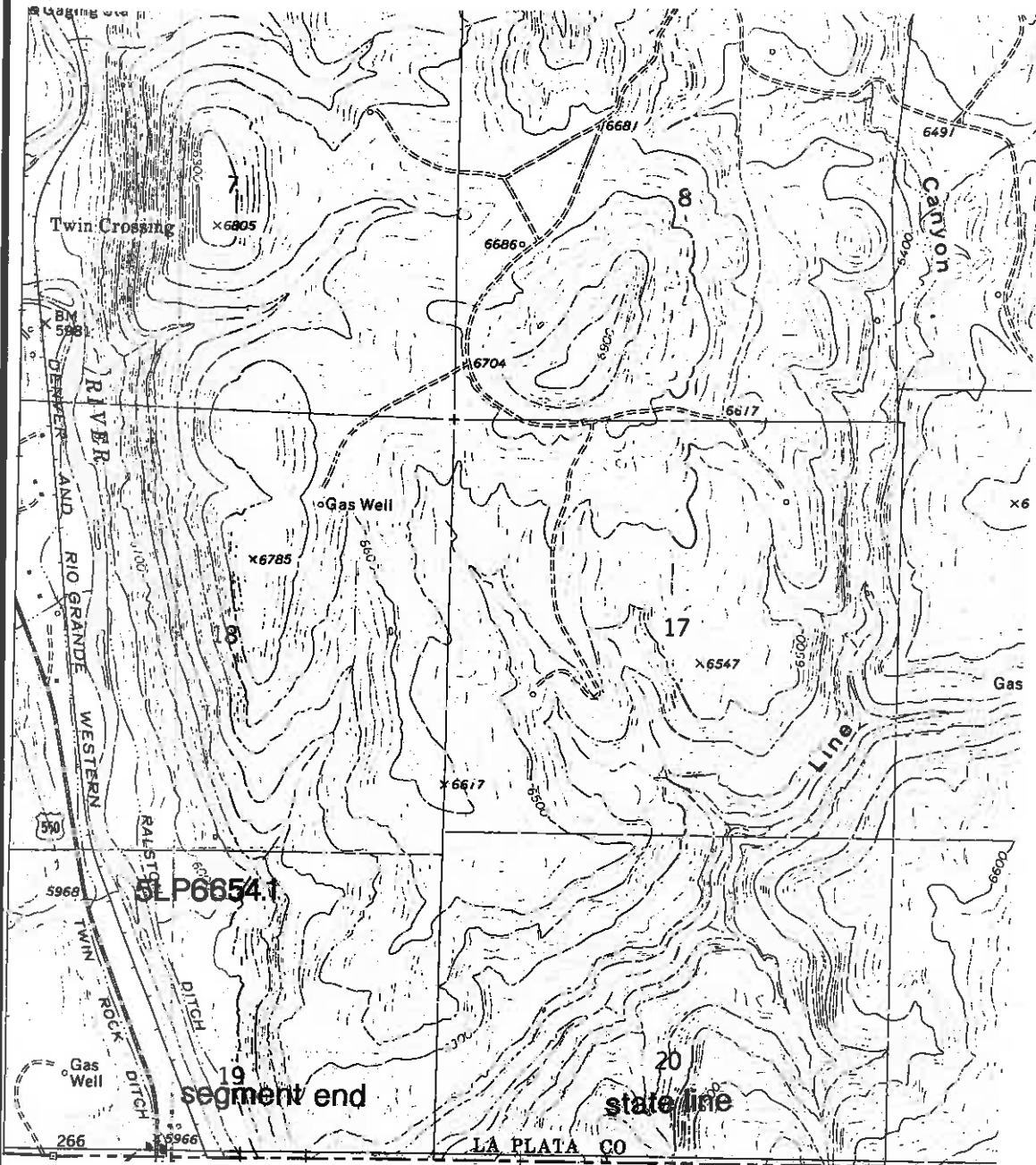
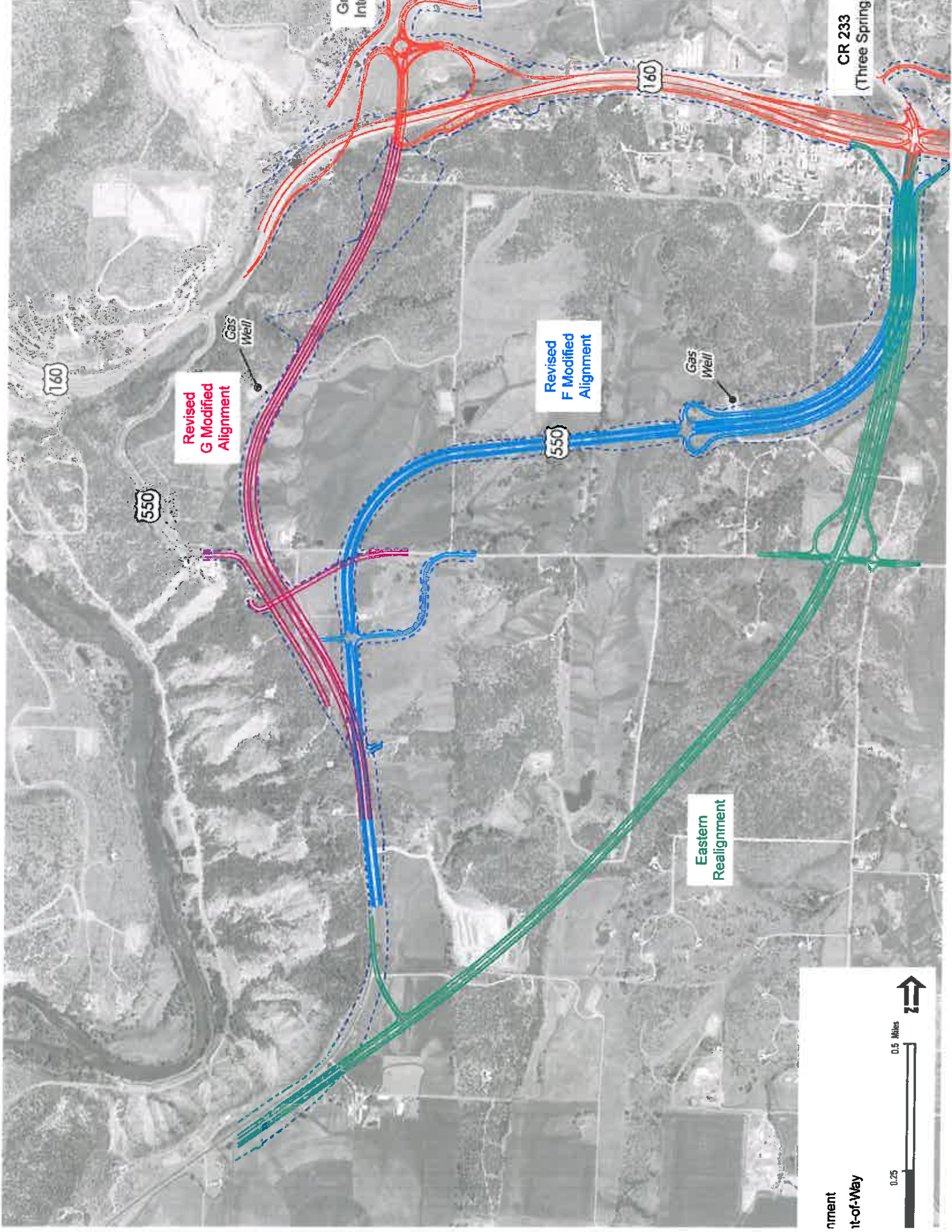


Figure 1g. Portion of Bondad Hill 7.5' USGS topographic map showing 5LP6654.1



Revised
G Modified
Alignment

Revised
F Modified
Alignment

Eastern
Realignment

CR 233
(Three Springs)

Gas Well

Gas Well

160

550

160

550

Environment
Commitment

0.25 0.5 Miles





HISTORY *Colorado*
August 24, 2011

Jane Hann
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US 160 from Durango to Bayfield EIS, La Plata County (CHS #33425)

Dear Ms. Hann,

Thank you for your correspondence dated August 18, 2011 and received by our office on August 22, 2011 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

According to the provided submission, a portion of US 550 from Durango to the New Mexico state line was researched for this project. Our office has provided past guidance that if a portion of a highway was to be evaluated for the National Register of Historic Places, a logical portion of the highway needs to be considered, such as the historic beginning and end of the portion. The research clearly indicates that the portion of US 550 between Durango and the New Mexico state line was constructed separate from the adjacent section of US 550. After review of the provided information and additional information from our office, we believe that the portion of US 550 from Durango to the New Mexico state line does not support the overall significance of the entire US 550. Therefore, we concur that the portion of US 550 from Durango to the New Mexico state line is not eligible for the National Register of Historic Places.

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

September 8, 2011

Regulatory Division SPK-2002-75568-DC

Mr. John Cater
Federal Highway Administration
12300 W. Dakota Ave. Suite 180
Lakewood, Colorado 80228

Dear Mr. Cater:

We are responding to your request for concurrence on the following as it relates to your August 4, 2011 Supplemental Draft Environmental Impact Statement to the US Highway 160 from Durango to Bayfield EIS:

1. Concurrence that the purpose and need can be utilized by the Corps for their definition of overall project purpose and to insure that the alternative screening criteria will meet the Corps' National Environmental Policy Act (NEPA) and Clean Water Act (CWA) requirements.
2. Concurrence that the identification of alternatives selected for analysis is a reasonable range of alternatives under NEPA and practicable under CWA.
3. Concurrence that the preferred alternative appears to be the Least Environmentally Damaging Practical Alternative (LEDPA).

After a review of the information you provided, we concur with the purpose and need statement, the alternative screening criteria, and the identification of alternatives. In addition, we concur that the preferred alternative still appears to be the LEDPA. This determination is contingent on the following:

1. CDOT will attempt to further avoid and minimize impacts to waters of the U.S., including wetlands, during the design phase of specific construction projects.
2. Compensatory mitigation would replace the wetland function that is permanently impacted. To insure that the functions are successfully replaced, CDOT will attempt to mitigate high quality wetlands prior to impact.
3. CDOT will implement appropriate best management practices to avoid indirect impacts to waters of the U.S., including wetlands.

Please refer to identification number SPK-2002-75568-DC in any correspondence concerning this project. If you have any questions, please contact Kara Hellige at the Durango Regulatory Office, 799 E. 3rd Street, #2, Durango, Colorado 81301, email Kara.A.Hellige@usace.army.mil, or telephone 970-375-9452. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,



for Susan Bachini Nall
Chief, Colorado West Regulatory Branch
Sacramento District

Copy furnished:

Ms. Sarah Fowler, US Environmental Protection Agency, 1595 Wynkoop Street, Denver,
Colorado 80202

Ms. Kerrie Neet, Colorado Department of Transportation, 3803 North Main Avenue, Durango,
Colorado 81301



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

Colorado Division

September 14, 2011

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Attn: Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004

Subject: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Nelson:

Enclosed for your review are additional eligibility and effects determinations for the project referenced above. To date you have been provided an opportunity to review eligibility and effects associated with the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. In addition, we have transmitted to you the Documentation for Finding of Adverse Effect and a draft Memorandum of Agreement (MOA) for this project. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and Section 4(f) Evaluation (including a revised draft MOA) and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 17 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form (enclosed) to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 17-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic

Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

“Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...”¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5 to 93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways National Register Of historic Places Multiple Property Submission* and is therefore *not eligible*. A copy of this document can be viewed online at the following web address:

http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/645.pdf.

Please see the attached Cultural Resources Re-Visitation form for more specific information about the eligibility determination for this resource.


Effects Determination: The Draft Supplemental EIS will analyze a No Action and three Action Alternatives, consisting of the Revised G Modified, Revised F Modified, and Eastern Realignment Alternatives. The Revised G Modified Alternative has been identified as the preferred alternative. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. *Colorado State Roads and Highways Multiple Property Listing*, January 10, 2003, p. 82.

that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected* for this resource.

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on these determinations of eligibility and effect. If you have questions or require additional information in order to complete your review, please contact Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). For general information related to this project, please contact FHWA Environmental Program Manager Stephanie Gibson (720-963-3013; Stephanie.gibson@dot.gov).

Sincerely,


for John M. Cater
Division Administrator

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1
Alternatives graphic

Cc (w/o enclosures):

Ms. Kerrie Neet, CDOT Region 5
Mr. Dan Jepson, CDOT EPB

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670) (CHS #33425)

Dear Mr. Nichols:

Beginning in November 2009, the Colorado Department of Transportation (CDOT) has consulted with your staff on several occasions regarding determinations of eligibility and effects to archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision presented in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment (CHS #39793). As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident suggests that the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

The sweat lodge feature does not relate to the prehistoric component(s) as manifested by the surface artifact assemblage, and therefore it does not contribute to the eligibility of the property. We recommend that 5LP6670 retain its status as NRHP eligible but that the sweat lodge not be included as a significant archaeological or historic feature.

Effects Determination


In correspondence dated August 25, 2010, you concurred with CDOT's determinations of eligibility and effects to archaeological resources for three alignment alternatives under consideration as a new US Highway 550 connection to US Highway 160. Since that time the Supplemental Draft EIS for the project has been finalized and released for public review and comment; the Revised G Modified Alternative is proposed as the Preferred alignment in that document (refer to the enclosed graphic).

Mr. Nichols
November 16, 2011
Page 2

Effects to 5LP6670 were not previously analyzed for the US 550/160 Connection project because it was determined by CDOT archaeologists and engineers that the site would be completely avoided by all direct construction impacts. However, due to a slight realignment of the Preferred Alternative that pushed the proposed roadway further to the west, it is now clear that there would be an *adverse affect* to 5LP6670 as a result of ground disturbing activities associated with the Revised G Modified Alternative. Please see the enclosed aerial photograph showing the general footprint of that alternative alignment in relation to 5LP6670.

We request your concurrence with the eligibility and effects determinations for 5LP6670 as outlined above. This information has been sent concurrently to the Section 106 consulting parties and tribal governments that have elected to participate in the project. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@dot.state.co.us.

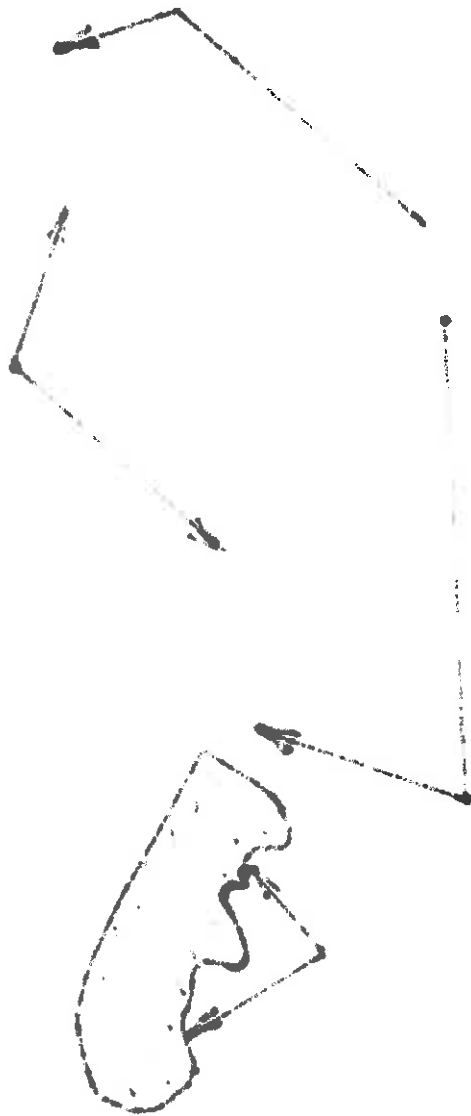
Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Ms. Cooley:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

The sweat lodge feature does not relate to the prehistoric cultural component(s) as manifested by the surface artifact assemblage, and therefore it does not contribute to the eligibility of the property. We recommend that 5LP6670 retain its status as NRHP eligible but that the sweat lodge not be included as a significant archaeological or historic feature.

Effects Determination


In correspondence dated August 25, 2010, the State Historic Preservation Officer (SHPO) concurred with CDOT's determinations of eligibility and effects to archaeological resources for three alignment alternatives under consideration as a new US Highway 550 connection to US Highway 160. As you know, since that time the Supplemental Draft EIS for the project has been finalized and released for public review and comment; the Revised G Modified Alternative is presented as the Preferred alignment in that document (refer to the enclosed graphic).

Ms. Cooley
November 16, 2011
Page 2

Effects to site 5LP6670 were not previously analyzed for the US 550/160 Connection project because it was determined by CDOT archaeologists and engineers that the site would be avoided by all direct construction impacts. However, due to a slight realignment of the Preferred Alternative that pushed the proposed roadway further to the west, it is now clear that there would be an *adverse affect* to 5LP6670 as a result of ground disturbing activities associated with the Revised G Modified Alternative. Please see the enclosed aerial photograph showing the general footprint of that alternative alignment in relation to 5LP6670.

As a consulting party for the undertaking, we are providing the data outlined above to you for review and comment. If you intend to submit comments regarding this transmittal we ask that you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. This information has been sent concurrently to the SHPO, Advisory Council on Historic Preservation, and other Section 106 consulting parties and tribal governments that have elected to participate in the project. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@dot.state.co.us.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Ms. Antonia Clark
P.O. Box 3446
Durango, CO 81302

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Ms. Clark:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

The sweat lodge feature does not relate to the prehistoric cultural component(s) as manifested by the surface artifact assemblage, and therefore it does not contribute to the eligibility of the property. We recommend that 5LP6670 retain its status as NRHP eligible but that the sweat lodge not be included as a significant archaeological or historic feature.

Effects Determination

In correspondence dated August 25, 2010, the State Historic Preservation Officer (SHPO) concurred with CDOT's determinations of eligibility and effects to archaeological resources for three alignment alternatives under consideration as a new US Highway 550 connection to US Highway 160. As you know, since that time the Supplemental Draft EIS for the project has been finalized and released for public review and comment; the Revised G Modified Alternative is presented as the Preferred alignment in that document (refer to the enclosed graphic).

Ms. Clark
November 16, 2011
Page 2

Effects to site 5LP6670 were not previously analyzed for the US 550/160 Connection project because it was determined by CDOT archaeologists and engineers that the site would be avoided by all direct construction impacts. However, due to a slight realignment of the Preferred Alternative that pushed the proposed roadway further to the west, it is now clear that there would be an *adverse affect* to 5LP6670 as a result of ground disturbing activities associated with the Revised G Modified Alternative. Please see the enclosed aerial photograph showing the general footprint of that alternative alignment in relation to 5LP6670.

As a consulting party for the undertaking, we are providing the data outlined above to you for review and comment. If you intend to submit comments regarding this transmittal we ask that you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. This information has been sent concurrently to the SHPO, Advisory Council on Historic Preservation, and other Section 106 consulting parties and tribal governments that have elected to participate in the project. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@dot.state.co.us.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Bennett:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

The sweat lodge feature does not relate to the prehistoric cultural component(s) as manifested by the surface artifact assemblage, and therefore it does not contribute to the eligibility of the property. We recommend that 5LP6670 retain its status as NRHP eligible but that the sweat lodge not be included as a significant archaeological or historic feature.

Effects Determination


In correspondence dated August 25, 2010, the State Historic Preservation Officer (SHPO) concurred with CDOT's determinations of eligibility and effects to archaeological resources for three alignment alternatives under consideration as a new US Highway 550 connection to US Highway 160. As you know, since that time the Supplemental Draft EIS for the project has been finalized and released for public review and comment; the Revised G Modified Alternative is presented as the Preferred alignment in that document (refer to the enclosed graphic).

Mr. Bennett
November 16, 2011
Page 2

Effects to site 5LP6670 were not previously analyzed for the US 550/160 Connection project because it was determined by CDOT archaeologists and engineers that the site would be avoided by all direct construction impacts. However, due to a slight realignment of the Preferred Alternative that pushed the proposed roadway further to the west, it is now clear that there would be an *adverse affect* to 5LP6670 as a result of ground disturbing activities associated with the Revised G Modified Alternative. Please see the enclosed aerial photograph showing the general footprint of that alternative alignment in relation to 5LP6670.

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Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. Joel Craig
14898 Highway 550
Durango, CO 81303-6628

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Craig:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

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Effects Determination

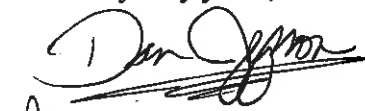
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Mr. Craig
November 16, 2011
Page 2

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Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. Philip S. Craig
9361 Highway 550
Durango, CO 81303-7862

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Craig:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

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Mr. Craig
November 16, 2011
Page 2

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Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. Thomas McNeill
Dickinson Wright PLLC
38525 Woodward Ave., Suite 2000
Blomfield Hills, MI 48304-5092

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. McNeill:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

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Mr. McNeill
November 16, 2011
Page 2

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Very truly yours,



for Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Chairwoman Pearl Casias
Southern Ute Indian Tribe
Attn: Neil Cloud, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Ms. Casias:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

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Effects Determination


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Ms. Casias
November 16, 2011
Page 2

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Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Governor Richard B. Luarkie
Pueblo of Laguna
Attn: Robert Mooney, Sr.
P.O. Box 194
Laguna, NM 87026

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Luarkie:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

Site 5LP6670 was initially documented by URS Corporation in 2002 on behalf of CDOT as part of the US 550 New Mexico State Line to Durango Environmental Assessment. As stated on the Prehistoric Archaeological Component Form, the locality was characterized as "a large and dense scatter of ceramics, chipped stone, and groundstone" that also exhibited "a historic sweat lodge." The property owner indicated that the lodge may have been constructed by "Indian laborers" in the 1940s. However, as noted on the enclosed Cultural Resource Re-Visitation Form, credible information obtained from a long-time area resident indicates the sweat lodge was constructed in the 1970s by a previous non-Indian property owner.

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Effects Determination


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Mr. Luarkie
November 16, 2011
Page 2

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Very truly yours,


for Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Chairman LeRoy Shingoitewa
The Hopi Tribe
Attn: Leigh Kuwanwisiwma, Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Shingoitewa:

As you are aware, beginning in November 2009 the Colorado Department of Transportation (CDOT) has consulted with you on several occasions regarding determinations of eligibility and effects to historic and archaeological resources for the project referenced above. This correspondence is specific to 5LP6670, an Ancestral Puebloan residential site located on private property immediately adjacent to the US Highway 550 right-of-way atop Florida Mesa south of Durango. The antiquity and significance of a sweat lodge feature at the site, as well as the site's potential for direct impacts as a result of the transportation decision proposed in the Supplemental Draft EIS noted above, are the focus of this correspondence.

Eligibility Determination

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Effects Determination

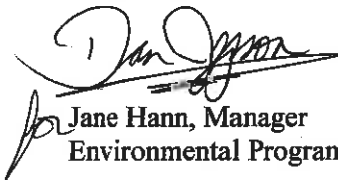
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Mr. Shingoitewa
November 16, 2011
Page 2

Effects to site 5LP6670 were not previously analyzed for the US 550/160 Connection project because it was determined by CDOT archaeologists and engineers that the site would be avoided by all direct construction impacts. However, due to a slight realignment of the Preferred Alternative that pushed the proposed roadway further to the west, it is now clear that there would be an *adverse affect* to 5LP6670 as a result of ground disturbing activities associated with the Revised G Modified Alternative. Please see the enclosed aerial photograph showing the general footprint of that alternative alignment in relation to 5LP6670.

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Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

cc: S. Gibson (FHWA)
T. Cady (CDOT Region 5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9281



November 16, 2011

Mr. John M. Cater
Division Administrator
Federal Highway Administration
12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228

SUBJECT: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670)

Dear Mr. Cater:

In November 2009 the Colorado Department of Transportation (CDOT), in coordination with your staff, initiated consultation with the State Historic Preservation Officer (SHPO) and Section 106 consulting parties regarding determinations of eligibility and effects to archaeological resources for the project referenced above. We have recently determined that one additional prehistoric site (5LP6670) will be adversely affected by the Preferred Alternative as presented in the Supplemental Draft EIS. The lack of antiquity and significance of a sweat lodge feature at the site is also pertinent, and is documented in the attachments.

We have sent the enclosed information to the SHPO for review and concurrence with our eligibility and effects determinations. Given that the Advisory Council on Historic Preservation (ACHP) is actively participating in the project, we are obligated to also send these determinations to the Council.

A draft transmittal letter to the Council has been forwarded to Stephanie Gibson of your staff via electronic mail. Enclosed are two copies of the materials specific to this issue, one for your files and the other for transmittal to ACHP. Please send a copy of all your correspondence with the Council to CDOT Senior Staff Archaeologist Dan Jepson for our files. If you require additional information or have questions, please contact Mr. Jepson at (303) 757-9631.

Sincerely yours,

Jane Hann, Manager
Environmental Programs Branch

Enclosures: 5LP6670 Re-Visitation Form
Aerial photo

Colorado Cultural Resource Survey Management Data Form (Page 1 of 4)

SAB G/EJS

The Management Data Form should be completed for each cultural resource recorded during an archaeological survey. Exceptions to this are isolated finds and re-evaluations, neither of which require a Management Data Form. Please attach the appropriate component forms and use continuation pages if necessary.

1. Resource Number: 5LP6670 2. Temporary Resource Number: 550-6
3. Attachments (check as many as apply)
X Prehistoric Archaeological Component
X Historic Archaeological Component
Historic Architectural Component Form
X Sketch/Instrument Map (required)
X U.S.G.S. Map Photocopy (required)
X Photograph(s)
Other, specify:
4. Official Determination (OAHP use only)
10/9/02 Determined eligible
Determined Not Eligible
Nominated
Need Data
Contributing to NR Dist.
Not Contributing to NR Dist.

I. IDENTIFICATION

5. Resource Name: N/A
6. Project Name/Number: U.S. 550 South Project No. NH 5501-011
7. Government Involvement: Local State X Federal
Agency: Colorado Department of Transportation
8. Site Categories: Check as many as apply
Prehistoric: Archaeological site X Paleontological site
in existing National Register District? Yes No X Name
Historic: Archaeology site Building(s) Structure(s) Object(s)
in existing National Register District? Yes No Name
9. Owner(s)'s Name and Address: C.O. Foster, P.O. Box 300, Durango, Co. 81302-0300 and Richard F. Cohen 15727 Highway 550, Durango, Co. 81301
10. Boundary Description and Justification: Site boundary is generally defined by the horizontal extent of visible surface artifacts. The western edge is defined by the edge of the cliff and the southern edge is defined by an ephemeral drainage. U.S. 550 forms the eastern and the northeastern edge of the site.
11. Site/Property Dimensions: 305 m x 457 m Area: 109,417 m^2 (= 4047) 27 acres
Area was calculated as: Length x Width rectangle/square OR (length x width) ellipse X .785 X

II. LOCATION

12. Legal Location
PM NM Township 34N Range 9W Section 8U 1/4 of N 1/2 of SE 1/4 of NE 1/4
PM NM Township 34N Range 9W Section 8U 1/4 of 1/4 of NE 1/4 of NE 1/4
PM NM Township 34N Range 9W Section 8U E 1/2 of NE 1/4 of NW 1/4 of NE 1/4
if section is irregular, explain alignment method:

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Management Data Form
(Page 2 of 4)

13. USGS Quad: Loma Linda, Colo. 7.5' X 15' Date(s): 1968 (attach photocopy)

14. County: La Plata 15. Other Maps:

16. UTM Reference: *UTMs ON LAST PAGE →

A.	13,	2	4	7	9	1	6	mE,	4	1	2	1	7	9	7	mN
B.	13,	2	4	7	9	0	2	mE,	4	1	2	1	5	7	7	mN
C.	13,	2	4	7	7	8	3	mE,	4	1	2	1	6	8	2	mN
D.	13,	2	4	7	7	4	8	mE,	4	1	2	2	0	5	0	mN

17. Address: Lot Block Addition

18. Location/Access: From the intersection of U.S. 160 and U.S. 550 head south on U.S. 550. The site is located in the pinyon-juniper woodlands immediately west of U.S. 550, approximately one-quarter mile to one-half mile south of County Road 220. Site is located at Mile-Post 15.70 through 15.30

III. NATURAL ENVIRONMENT

19. Topographic Feature(s)

<input type="checkbox"/> Mountain	<input type="checkbox"/> Ledge	<input type="checkbox"/> Playa
<input type="checkbox"/> Hill	<input type="checkbox"/> Terrace/bench	<input type="checkbox"/> Talus slope
<input checked="" type="checkbox"/> Tableland/mesa	<input type="checkbox"/> Canyon	<input type="checkbox"/> Alluvial fan
<input type="checkbox"/> Ridge	<input type="checkbox"/> Valley	<input type="checkbox"/> Plain
<input type="checkbox"/> Saddle/pass	<input type="checkbox"/> Basin	<input type="checkbox"/> Dune
<input type="checkbox"/> Alcove/rockshelter	<input type="checkbox"/> Floodplain	
<input type="checkbox"/> Cliff	<input type="checkbox"/> Cutback	
<input type="checkbox"/> Slope	<input type="checkbox"/> Arroyo/gully	

20. Site Topographic Description (mention named landforms): Site is located on the top of Florida Mesa, within 100 m of its western edge overlooking the Animas River valley.

21. Site Elevation: 6800 Feet = (.3048) 2073 Meters 22. Aspect: East

23. Degree of Slope on Site: 0-5° 24. Soil Depth: Unknown Cm

25. Soil Description (character and color): Reddish-brown sandy loam

26. Depositional Environment:

<input type="checkbox"/> Aeolian	<input type="checkbox"/> Colluvial	<input checked="" type="checkbox"/> Residual
<input type="checkbox"/> Alluvial	<input type="checkbox"/> Moraine	<input type="checkbox"/> None
Other, specify:		

27. Nearest Water: name/nature: Unnamed/intermittent Distance: 30 m 100 ft.

28. Nearest Permanent Water: name: Animas River Distance: 305 m 1000 ft.

29. Vegetation on Site (list predominant species): Pinyon pine, juniper, scrub oak, prickly pear, shrubs, and grasses.

30. Vegetation Associations/Communities Surrounding Site: Pinyon-juniper woodlands

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Management Data Form
(Page 3 of 4)

IV. NATIONAL/STATE REGISTER ELIGIBILITY ASSESSMENT

31. Context or Theme: Colorado Prehistoric: A Context for the Southern Colorado River Basin

32. Applicable National Register Criteria:

Does not meet any of the below National Register criteria

A. Associated with events that have made a significant contribution to the broad pattern of our history; or

B. Associated with the lives of persons significant in our past; or

C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded, or may be likely to yield, information important in history or prehistory; or

Qualifies under exceptions A through G.

Level of Significance: National State Local

33. Condition

a. Architectural/Structural

Excellent
 Good
 Fair
 Deteriorated
 Ruins

b. Archaeological/Paleontological

Undisturbed
 Light disturbance
 Moderate disturbance
 Heavy disturbance
 Total disturbance

34. Describe condition: Several areas of the site have been disturbed by the access roads for the residences at the site.

35. Vandalism: Yes No Describe: No intentional vandalism was observed.

36. National Register Eligibility Field Assessment:

Eligible Not Eligible Need Data

Statement of Significance/N.R.H.P. Justification: Given the abundance and diversity of artifacts visible on the surface, presence of possible structures, and the likelihood of deep soils suggests that the site has subsurface potential.

37. Status in an Existing National Register District:

Contributing Non-Contributing

38. National Register District Potential: Yes No Discuss: _____

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Management Data Form
(Page 4 of 4)

V. MANAGEMENT AND ADMINISTRATIVE DATA

39. Threats to Resource: Water Erosion _____ Wind Erosion _____ Grazing _____ Neglect
Vandalism _____ Recreation _____ Construction _____ Other (specify): Residential
Comments: Site is crossed by a couple of residential access roads.
40. Existing Protection: None _____ Marked _____ Fenced Patrolled _____ Access controlled
Other (specify): _____
41. Local landmark designation: _____ 42. Easement: _____
43. Management Recommendations: Site has research potential and may be adversely affected by highway construction. If avoidance is not possible, then mitigation through data recovery should be implemented.

VI. DOCUMENTATION

44. Previous Actions Accomplished at the site:
a. Excavations: Test _____ Partial _____ Complete _____ Date(s): _____
b. Stabilization: Date(s): _____
c. HABS/HAER Documentation: Date(s) & Numbers: _____
d. Other: _____
45. Known collections/reports/interviews and other references (list): _____
46. Primary Location of Additional Data: _____
47. State or Federal Permit Number: 2002-24 Collection Authorized: Yes No _____
Artifact Collection: Yes _____ No Artifact Repository: N/A
Collection Method: Diagnostics _____ Grab Sample _____ Random Sample _____ Transect _____
Other (specify): _____
48. Photograph Numbers: Roll 550-1, Exp. 13,14,15 Negatives filed at: URS Corp.
49. Report Title: U.S. Highway 550, Bondad Hill to Farmington Hill Corridor: Results of an Intensive Archaeological Resources Survey
50. Recorder(s): G.C. Tucker Jr., D. Barclay, J. Fariello Date(s): 3/6/2002
51. Recorder Affiliation: URS Corporation, 8181 East Tufts Avenue, Denver, Co. 80237
Phone Number: 303-694-2770

NOTE: Please attach a sketch map, a photocopy of the USGS quad. map indicating resource location, and photographs.

Colorado Historical Society – Office of Archaeology & Historic Preservation
1300 Broadway, Denver, CO 80203
303-866-3395

Resource Number: 5LP6670
 Temporary Resource Number: 550-6

Prehistoric Archaeological Component Form
 (Page 2 of 2)

7. Prehistoric Artifacts

Description	Material	Quantity
Gray ware scraped interior surface	Clay and coarse-grained igneous temper	5
Gray ware scraped outer surface	Clay and coarse-grained igneous temper	4
Chapin/Piedra Black-on-white unmodified surface	Clay and coarse-grained igneous temper	2
Chapin/Piedra Black-on-white polished interior surface	Clay and coarse-grained igneous temper	29
Chapin/Piedra Black-on-white polished outer surface	Clay and coarse-grained igneous temper	31
Chapin/Piedra Black-on-white slipped interior w/ black mineral paint designs	Clay and coarse-grained igneous temper	3
Red ware polished outer surface w/ blackened interior	Clay and medium-grained igneous temper	1
(Continued on last page)		

The above artifact quantities reflect (check one)

- Total quantity of artifacts observed at the site
 Only those artifacts which were collected
 Extrapolated quantities based on a sample of the remains
 Other, specify _____

8. Chronology

A. Cultural Affiliation BM III/Pueblo I Date A.D. 575-900
 Dating Criteria Chapin Black-on-White ceramics
 B. Cultural Affiliation Pueblo I Date A.D. 775-900
 Dating Criteria Piedra Black-on-White ceramics

9. Depth of Cultural Deposits Unknown
 Based on: Cutbank _____ Auger _____ Shovel/trowel test _____ Road cut _____ Other _____

10. Activities inferred from the remains Site may be a small hamlet, with food processing areas and trash areas.

11. Is this site likely to yield information important in prehistory? Yes No _____
 If yes, identify research domains and supporting data Culture history, site structure, and settlement patterns.

12. Recorder(s) G.C. Tucker Jr., D. Barclay, J. Fariello Date(s) 03/05/2002

Colorado Cultural Resource Survey
Historic Archaeological Component Form
(Page 1 of 4)

Use this form in conjunction with the *Management Data Form*. This form should be completed for each historical resource with archaeological potential.

Does this form pertain to the site in general? Yes _____ No X

OR

A particular feature/structure (please note feature/structure number) Feature 1

1. Resource Number 5LP6670 2. Temporary Resource Number 550-6

3. Site/Feature Type Sweat lodge

4. General Site Description: The sweat lodge is located at the southern edge of the site overlooking a man-made pond on its north side. The sweat lodge is made of milled lumber and axe/sawn cut tree limbs and held together by wire cut nails. There is a support post on the inside. Maximum diameter of the lodge is 5 feet. The entrance to the sweat lodge measures 1 foot wide by 3 feet high. The back of the lodge, north side, is buried to a depth of about 4 inches. Two feet east of the lodge is a pile of fire-cracked rocks, used in the lodge. The rock pile measures 7 feet by 3 feet and is 6 inches to 1 foot tall. Another pile of fire-cracked rocks is about 15 ft southwest of the lodge. This pile is 3 feet in diameter and 3-4 inches high. The entrance of the lodge is orientated to S20°E, facing towards the pond and the rising sun. A small slab of sandstone is placed over the entrance to the lodge.

5. Historic Component Date(s) and/or Sociopolitical Period: 1920s-1950s

Justification: Landowner, C.O. Foster, indicated that the lodge may have been built by Indian laborers in the 1940s.

Other historic archaeological materials in the area, even one very close to the sweat lodge, date to this time period.

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Historic Archaeological Component Form
(Page 2 of 4)

6. Component Function(s): Sweat lodge
Original Use: Sweat lodge
Present Use: None
Comments: _____

7. Ethnic affiliation of occupants: Ute or Navajo

Justification: Primary Native American tribes located in the area during time of occupation.

8. Artifact Classes: Please list specific attributes on the first line and artifact quantity (either count or estimate) on the second line. Particularly important attributes are listed following the artifact class.

A. **Glass:** type, function, color, manufacturing technique, makers marks, inscriptions, thickness, shape
None observed

B. **Ceramics:** type, function, surface treatment/glaze, shape, trademarks, color, decorations
None observed

C. **Nails:** type, size, material type and manufacture techniques if not wire or cut
Large wire cut nails 5+

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Historic Archaeological Component Form
(Page 3 of 4)

D. **Cans:** function, size, material type, type of opening, seams, inscriptions

None observed

E. **Cartridge Cases:** type, size, inscriptions, material type

None observed

F. **Construction Material:** type, material, function (includes items such as logs, milled lumber, risk, adobe, cement/concrete, stone/rock, corrugated metal, asphalt/tar, pipe)

Milled lumber

5+

Axe/sawn tree limbs

10+

G. **Misc. Other Items:** type, material, function (includes items such as utensils, stove parts, wire, nuts, bolts, rivets, screws, buckets, barrels, wagon or car parts, machinery, leather, fabric, clothing, bone, furniture, buttons, coins)

None observed

9. Artifact Density: Heavy: _____ Medium _____ Light X Describe: No other artifacts,
beside the construction materials for the lodge, were found associated with this feature.

10. Additional Information: _____

Resource Number: 5LP6670
Temporary Resource Number: 550-6

Historic Archaeological Component Form
(Page 4 of 4)

NOTE: Complete parts 11 and 12 only if this form pertains to the site in general.

11. Architectural Feature(s). Please complete a *Historic Architectural Component Form* when appropriate.

Map Ref.	Description	Construction Material	Dimensions
Feature 1	Sweat lodge	Milled lumber, tree limbs, wire cut nails	5 ft diam, 44 inches tall
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

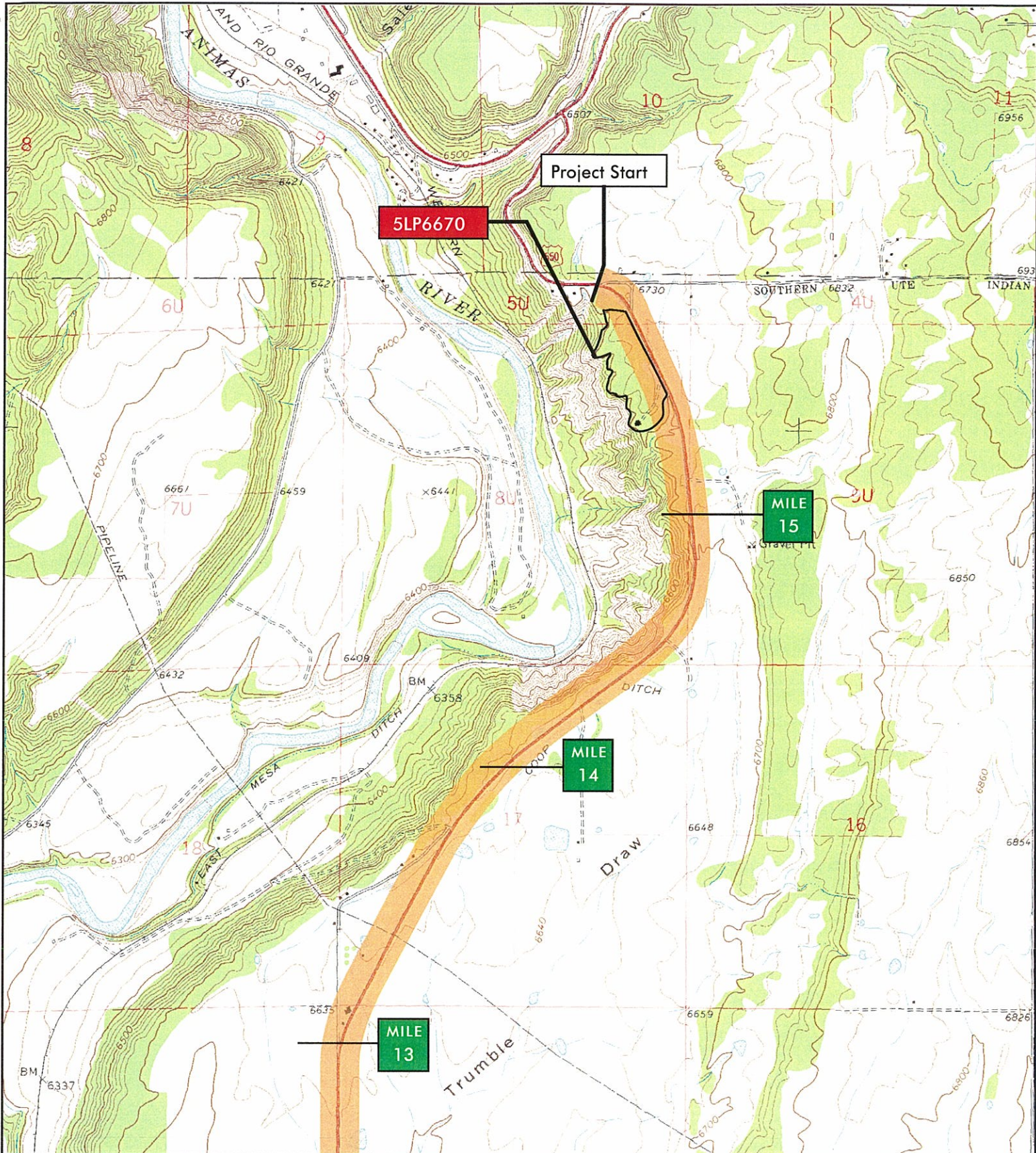
12. Non-architectural Feature(s)

Map Ref.	Description	Construction Material	Dimensions
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13. Discuss Archaeological Potential: There is some potential for archaeological materials due to the deep soils but the likelihood that any materials may be there is not very good. The use of the sweat lodge does not involve any material items besides the rocks and any plant materials to be burned. Possibly pollen sample could be obtained from the floor of the lodge so the type of plants burned could be determined.

14. Recorder(s): G. C. Tucker Jr., D. Barclay, J. Fariello

15. Date: 03/07/2002



5LP6670

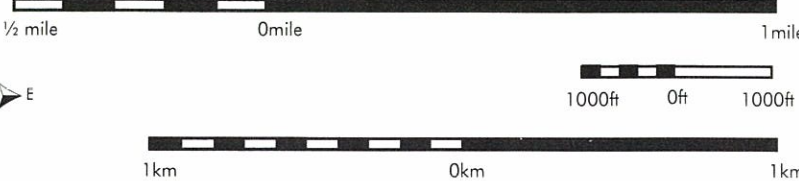
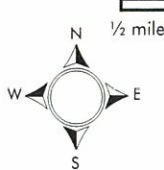
Project Start

MILE 15

MILE 14

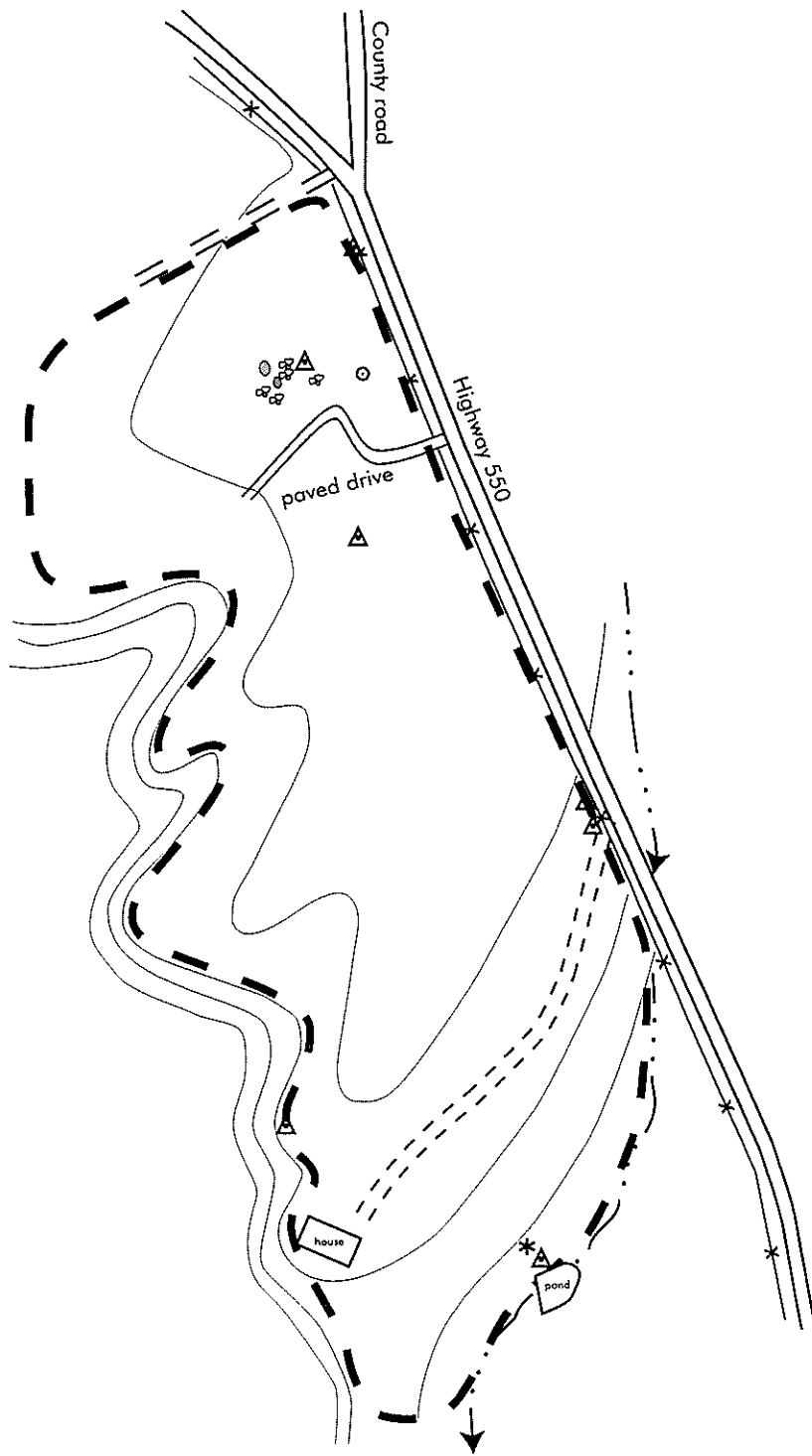
MILE 13

SCALE 1:24,000



Site 5LP6670
US Highway 550 South
Bondad Hill to Farmington Hill Corridor
 La Plata County, Colorado

USGS TOPOGRAPHIC MAP
 Loma Linda Quadrangle
 1968

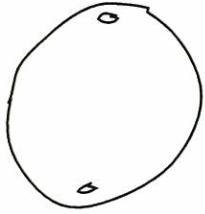


5LP6670 SKETCH MAP

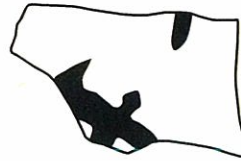


0m 69m

- | | | | |
|------------|--------------|-----------|-------------------|
| — x — | fence | * | sweat lodge |
| - - - - -> | drainage | - - - - - | gravel/dirt drive |
| ⊗ | mound | - - - - - | site boundary |
| ⊗ | rock cluster | | |
| △ | UTM reading | | |
| ⊙ | power pole | | |



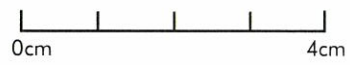
Lug handle



Bowl Sherd

Bowl Sherd

5LP6670 Artifact Sketch





Panoramic view of site 5LP6670 in wooded area west of U.S. 550 (foreground). Looking west southwest.
(Roll 550-1:13)



Panoramic view of site 5LP6670 in wooded area west of U.S. 550 (foreground). Looking west northwest.
(Roll 550-1:14)



Sweat lodge at site 5LP6670. Note fire-cracked rocks at right. Looking northwest. (Roll 550-1:15)

Site_	xcoord	ycoord
5LP.6670	247791.0000	4122110.0000
5LP.6670	247940.0000	4121630.0000
5LP.6670	247786.0000	4121580.0000
5LP.6670	247769.0000	4121650.0000
5LP.6670	247725.0000	4121730.0000
5LP.6670	247702.0000	4121840.0000
5LP.6670	247693.0000	4121920.0000
5LP.6670	247648.0000	4121990.0000
5LP.6670	247722.0000	4122130.0000

November 30, 2011

Jane Hann
Manager
Environmental Programs Branch
Department of Transportation
4201 E. Arkansas Avenue
Shumate Building
Denver, CO 80222

Re: Additional Eligibility and Effects Determinations, US Highways 550 and 160 Connection, Supplemental Draft Environmental Impact Statement (Archaeological Site 5LP6670) (CHS #33425)

Dear Ms. Hann,

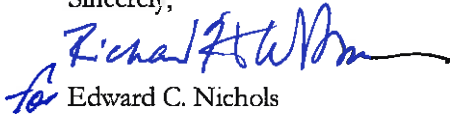
Thank you for your correspondence dated November 16, 2011 (received by our office on November 17, 2011) for the subject undertaking.

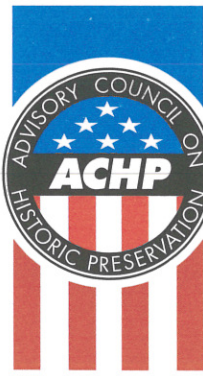
Following our review of the documentation provided, we concur with your determination that site 5LP6670 is **eligible** for the National Register of Historic Places (NRHP) and based on the updated history of the sweat lodge we agree that this feature is likely of modern (ca. 1970) construction and would therefore not contribute to the NRHP significance of this resource. Our office concurs that the Revised G Modified Alternative will have an **adverse effect** on site 5LP6670.

As the consultation process does involve other consulting parties such as local governments and Tribes, which as stipulated in 36 CFR 800.3 are required to be notified of the undertaking. Additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations.

Thank you for the opportunity to comment. We look forward to continued consultation on the US Highways 550 and 160 Connection project. If we may be of further assistance please contact Mark Tobias, Section 106 Compliance Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,


Edward C. Nichols
State Historic Preservation Officer
ECN/MAT



Preserving America's Heritage

December 7, 2011

John Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Ave. , Suite 180
Lakewood, CO 80228

Ref: *Section 106 Consultation
Colorado Department of Transportation Project FC-NH(CX) 160-2(48)
US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado*

Dear Mr. Cater:

On November 18, 2011, we received FHWA's updated documentation and revised eligibility and effects determinations for the US Highways 550 and 160 Connection Project. Due to a minor change in the alignment of the preferred alternative (Revised G Modified), FHWA has determined that an Ancestral Pueblo archaeological property (5LP6670) will be adversely affected by the project. In addition, a sweat lodge feature associated with this site has been determined to not be historic, and not a contributing feature of site 5LP6670. The Advisory Council on Historic Preservation (ACHP) has no objection to these determinations.

The ACHP would like to thank the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) for hosting the Section 106 consultation meeting on November 2, 2011. Having the opportunity to meet on site on November 1st with FHWA, CDOT, and the other consulting parties, then follow up with an interactive discussion in Durango on November 2nd was extremely informative. It enabled consulting parties to develop a shared understanding of the proposed project, the preferred alignment, and the nature of potential impacts to historic properties. The ACHP was impressed with CDOT's handling of the meeting, which facilitated an open exchange of ideas and concerns among attendees regarding the proposed project. We recommend that FHWA seriously consider the information and alternatives put forward by Chris Webb and his technical team at the meeting as an option for avoiding the bisecting of the best preserved historic ranching landscape on Florida Mesa. If it meets the needs of the community, the Webb team's proposal for keeping the US 550 right-of-way in the area of the current alignment (Alternative R) would avoid and minimize the effects of the undertaking on the historic properties of Florida Mesa.

Based on our observations at the meeting, we suggest that alternatives for avoiding effects to historic properties be vetted by FHWA before proceeding to finalize the MOA, which currently focuses on the preferred alternative. If FHWA decides to move forward with the Revised G Modified alternative, the

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

undertaking will affect five archaeological properties, the Marie J. Webb Ranch, and the Craig-Limousin Ranch. The draft MOA, which was revised and transmitted to consulting parties on November 16, 2011, is responsive to many comments shared at the meeting. Nevertheless, we believe it can still be improved.

While there is value in keeping options for interpretive mitigation open to further consultation, additional details are needed in the MOA on how decisions would be made. Stipulation I.B. should include procedures, milestones, and a time frame for developing mitigation materials. It should also address how objections raised by consulting parties would be resolved. Given the substantial impact Revised G Modified would have on the rural historic landscape that makes up the Webb Ranch and other ranches on Florida Mesa, public interpretation should be sufficiently expansive to include the broader community and address the full range of history from pre-contact times to present. Likewise, although Stipulation I.D. provides for SHPO and other consulting parties to review design and construction plans, it includes no details on how their views will be considered by CDOT and incorporated into the final design. A better approach might be to specify commitments to be included in the Final EIS, ensuring the final design will minimize, to the maximum extent possible, effects to the historic character of properties on Florida Mesa. Further, the Final EIS can affirm that final comments from SHPO and other consulting parties will be incorporated in the final design, as appropriate.

We look forward to working with you and the other consulting parties as consultation continues on this undertaking. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at clegard@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs



LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

December 12, 2011

Jane Hann, Manager, Environmental Programs Branch
Dan Jepson, Senior Staff Archaeologist
State of Colorado, Department of Transportation, Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222

Re: US Highway 550 and 160 Connection, La Plata County, 5LP6670

Dear Ms. Hann,

Thank you for your correspondence dated November 16, 2011, regarding site 5LP6670 and enclosed site forms regarding the US Highway 550 and 160 Connection. The Hopi Tribe claims cultural affiliation to the Ancestral Puebloan prehistoric cultural groups in Colorado. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate the Colorado Department of Transportation's (CDOT) continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office responded to the November, 2009, CDOT correspondence regarding the East Alternative, and in a letter dated August 16, 2010, we responded to the CDOT correspondence regarding an enclosed cultural resources survey report that identifies 6 National Register eligible prehistoric sites in the Revised F Modified Alternative, and 4 National Register eligible prehistoric sites in the Revised G Modified Alternative. We stated that we understood that either of these alternatives will result in adverse effects to prehistoric structures, and that if either of these alternatives is implemented, we requested ongoing consultation including being provided with copies of any proposed treatment plans for review and comment.

We now understand that site 5LP6670, described as an Ancestral Puebloan residential site, is now also proposed to be adversely affected due to a slight realignment of the Revised G Modified Alternative, the Preferred Alternative. Therefore, we concur that this the Revised G Modified Alternative will result in adverse effects to 5 National Register prehistoric sites significant to the Hopi Tribe, and look forward to continuing consultations on the proposed treatment plan.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you again for your consideration.

Respectfully,


Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Colorado State Historic Preservation Office



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Chairman LeRoy Shingoitewa
The Hopi Tribe
Attn: Leigh Kuwanwisiwma, Culture Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Chairman Shingoitewa:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

The MOA was initially submitted for your review in correspondence dated March 30, 2011. Comments from the ACHP were received in a letter dated May 31, 2011. In late September 2011, the revised MOA was transmitted to you and the other Section 106 consulting parties as an attachment to an electronic invitation for a November 2, 2011 consulting party meeting in Durango, Colorado. The MOA was an agenda topic at the meeting, but the consulting parties did not provide specific recommendations regarding mitigation options at that time.

The MOA was further revised to reflect discussion at the November 2nd meeting and was transmitted via email to the consulting parties on November 16, 2011. In correspondence dated December 7, 2011, the ACHP provided additional comments and guidance regarding the draft MOA. The enclosed version incorporates comments from that letter. Representatives of the Webb Ranch submitted general comments regarding the initial version of the MOA in a May 31, 2011 letter; no other consulting parties have submitted written comments.

Two copies of the revised MOA are enclosed for your review - one reflecting the revisions in "track changes" and a "clean" copy that incorporates those changes. We request your comments regarding the revised draft MOA. Please forward your comments to FHWA Environmental Program Manager Stephanie Gibson at stephanie.gibson@dot.gov and CDOT Senior Staff Archaeologist and Cultural Resources Manager Dan Jepson at daniel.jepson@dot.state.co.us.

If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

Handwritten signature of Stephen P. Gibson in cursive.

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Governor Richard B. Luarkie
Pueblo of Laguna
Attn: Robert Mooney, Sr., NAGPRA Coordinator
P.O. Box 194
Laguna, NM 87026

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Governor Luarkie:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John M. Cater". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Chairman Jimmy R. Newton
Southern Ute Indian Tribe
Attn: Mr. Alden B. Naranjo, Culture Preservation Office
P.O. Box 737
Ignacio, CO 81137

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Chairman Newton:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

The MOA was initially submitted for your review in correspondence dated March 30, 2011. Comments from the ACHP were received in a letter dated May 31, 2011. In late September 2011, the revised MOA was transmitted to you and the other Section 106 consulting parties as an attachment to an electronic invitation for a November 2, 2011 consulting party meeting in Durango, Colorado. The MOA was an agenda topic at the meeting, but the consulting parties did not provide specific recommendations regarding mitigation options at that time.

The MOA was further revised to reflect discussion at the November 2nd meeting and was transmitted via email to the consulting parties on November 16, 2011. In correspondence dated December 7, 2011, the ACHP provided additional comments and guidance regarding the draft MOA. The enclosed version incorporates comments from that letter. Representatives of the Webb Ranch submitted general comments regarding the initial version of the MOA in a May 31, 2011 letter; no other consulting parties have submitted written comments.

Two copies of the revised MOA are enclosed for your review - one reflecting the revisions in "track changes" and a "clean" copy that incorporates those changes. We request your comments regarding the revised draft MOA. Please forward your comments to FHWA Environmental Program Manager Stephanie Gibson at stephanie.gibson@dot.gov and CDOT Senior Staff Archaeologist and Cultural Resources Manager Dan Jepson at daniel.jepson@dot.state.co.us.

If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen T. Jepson". The signature is written in a cursive style with a large initial "S".

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure

Mr. Tony Cady, Region 5 CDOT

Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Thomas G. McNeill
Dickinson Wright PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. McNeill:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.


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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,


for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



U.S. Department
of Transportation

**Federal Highway
Administration**

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Philip S. Craig
9361 Highway 550
Durango, CO 81303-7862

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Craig:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.


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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen P. Gibson". The signature is written in a cursive style with a large initial "S".

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Joel Craig
14898 Highway 550
Durango, CO 81303-6628

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Craig:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

Handwritten signature of Stephen P. Gibson in cursive script.

For John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Shannon Bennett
455 Pinnacle View Drive
Durango, CO 81301

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Bennett:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.


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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,


for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Ms. Peggy Cooley
1525 Cliff Drive
Santa Barbara, CA 93109-1733

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Ms. Cooley:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen P. Gibson". The signature is written in a cursive style with a large, prominent "S" at the beginning.

 John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Ms. Antonia Clark
P.O. Box 3446
Durango, CO 81302

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Ms. Clark:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,

A handwritten signature in black ink that reads "Stephen P. Gibson". The signature is written in a cursive style with a large initial "S".

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



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

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Nelson:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with your office, the Colorado Division of the Federal Highways Administration (FHWA), the Colorado State Historic Preservation Officer (SHPO), and other consulting parties. The revised draft MOA is being sent to the other Section 106 consulting parties as well.

The MOA was initially submitted for your review in correspondence dated March 30, 2011; your comments were received in a letter dated May 31, 2011. In late September 2011, the revised MOA was transmitted to you and the other Section 106 consulting parties as an attachment to an electronic invitation for a November 2, 2011 consulting party meeting in Durango, Colorado. The MOA was an agenda topic at the meeting, but the consulting parties did not provide specific recommendations regarding mitigation options at that time.

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If you require additional information or have questions regarding the MOA, please contact Ms. Gibson at 720-963-3013 or Mr. Jepson at 303-757-9631.

Sincerely yours,



For John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure

Mr. Tony Cady, Region 5 CDOT

Mr. Dan Jepson, EPB CDOT

Ms. Amy Pallante, SHPO



U.S. Department
of Transportation

**Federal Highway
Administration**

Colorado Division

March 20, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Edward Nichols
State Historic Preservation Officer
History Colorado Center
1200 Broadway
Denver, CO 80203
Attn: Amy Pallante

SUBJECT: Revised Draft Memorandum of Agreement (MOA), US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Nichols:

Enclosed is the revised draft MOA regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The MOA has been developed by the Colorado Department of Transportation in consultation with the Advisory Council for Historic Preservation (ACHP), the Colorado Division of the Federal Highways Administration (FHWA), your office, and other Section 106 consulting parties. The revised draft MOA is being sent to the other consulting parties as well.

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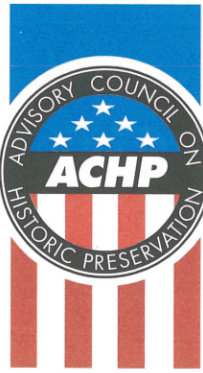
Sincerely yours,

A handwritten signature in blue ink that reads "Stephen P. Gib". The signature is written in a cursive style with a large initial "S".

for John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT



Preserving America's Heritage

May 22, 2012

Mr. John Cater
Division Administrator
Federal Highway Administration
Colorado Division
12300 W. Dakota Avenue; Suite 180
Lakewood, CO 80228

**REF: Revised Draft Memorandum of Agreement (MOA)
Colorado Department of Transportation Project FC-NH(CX) 160-2(48)
US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado**

Dear Mr. Cater:

On March 23, 2012, we received your request for comments on the revised draft Memorandum of Agreement (MOA) for the US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado. At our request, Dan Jepson of the Colorado Department of Transportation (CDOT) provided us, via email, with an update on CDOT's review of the alternatives proposed by the Webb Ranch owners (Alternative R), and the views of the other consulting parties, noting that the draft MOA was sent to the State Historic Preservation Office (SHPO) and all other consulting parties for comments on March 20, 2012. Based on this information, it appears that FHWA and CDOT have determined that the Alternatives proposed by the Webb Ranch owners do not meet the project purpose and need, and that, pending legal review, will receive no further consideration as part of this review. In addition, Mr. Jepson informed us that no other parties have submitted comments on the draft MOA.

We appreciate FHWA's responsiveness to our earlier comments on the MOA for this project, and Mr. Jepson's response to our questions. We offer the following additional comments on the MOA:

1. Please revise the title to read: "**MEMORANDUM OF AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION...**"
2. Please provide us with documentation of consultation with the Hopi Tribe, Pueblo of Laguna, and the Southern Ute Indian tribe, including dates and nature of the communications.
3. The beginning of Stipulation I.B.1. should be revised to read: "*CDOT shall develop an interpretive mitigation plan that focuses on ...*"
4. Stipulation I. C.2 implies that any human remains discovered during the project would be subject to the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA). It is our understanding, however, that the project occurs primarily on non-federal lands. If this is the case, the stipulation should reference applicable state law(s) regarding the treatment of human remains.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004

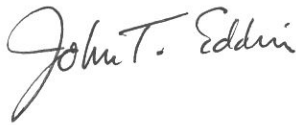
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

5. Stipulation V. should be revised to delete the following phrase “*pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8);*” and the second sentence should be revised to read: “*The amendment will be effective on the date a copy is signed by all of the signatories.*”
6. The closing statement, just prior to the signatures, should read: “*Execution of this agreement by FHWA, the Colorado SHPO, and the ACHP, and implementation of its terms, evidence that FHWA has taken into account the effects of the undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment.*”

We regret the delay in responding to this draft, but we felt it important to establish the status of your consideration of these new alternatives prior to commenting on the revised MOA. We are, of course, disappointed that Alternative R, which would have largely followed the existing right-of-way, was determined not viable. It was our belief that it would have lessened the impact of the project on historic properties, and in particular, the historic Webb Ranch. We believe that the consulting parties would benefit from a summary of the review that was completed and the factors that disqualified Alternative R as a feasible and prudent alternative to construction of Alternative G Modified (FHWA’s preferred alternative). Providing this information will ensure transparency in the decision making process and can only enhance FHWA’s administrative record.

Thank you for your consideration of these comments. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at clegard@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs



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

Colorado Division
June 8, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: Tribal Consultation Information, US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Nelson:

Per the request in your May 22, 2012 letter, enclosed is the documentation of consultation with the Hopi Tribe, Pueblo of Laguna, and the Southern Ute Indian tribe.

Regarding Alternative R, as you acknowledged in your letter although it would have lessened impacts on some historic properties, it was determined not viable. Because it did not meet the purpose and need for the project, it therefore could not be considered a reasonable alternative under the National Environmental Policy Act. The Supplemental Final Environmental Impact Statement (SFEIS) will include information about Alternative R and the reasons why it is not a reasonable alternative. The consulting parties will be sent a copy of the SFEIS once it is published.

If you require additional information or have questions regarding the project, please contact Ms. Stephanie Gibson at (720) 963-3013, or Mr. Daniel Jepson at (303) 757-9631 or via e-mail at stephanie.gibson@dot.gov or daniel.jepson@dot.state.co.us respectively.

Sincerely yours,

John M. Cater
Division Administrator

Enclosure

cc: w/o enclosure

Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT
Ms. Amy Pallante, SHPO



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

Colorado Division
June 13, 2012

12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
720-963-3000
FAX: 720-963-3001

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004
Attn: Carol Legard

SUBJECT: Memorandum of Agreement for Signature, US 550 Connection to US 160 at Farmington Hill, La Plata County, Colorado

Dear Mr. Nelson:


Transmitted herewith is the Memorandum of Agreement (MOA) for the Colorado Department of Transportation (CDOT) US 550 connection to US 160 at Farmington Hill project. The Federal Highway Administration (FHWA) and Colorado State Historic Preservation Officer (SHPO) have agreed that the proposed undertaking will have an adverse effect to seven properties eligible for listing on the National Register of Historic Places (NRHP). CDOT has signed the 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. Ms. Legard of your staff, representatives of SHPO and the participating Section 106 consulting parties, including three Native American tribal governments, were provided the opportunity to review and submit comments on earlier drafts of the document.

Once the document has been signed, please make a copy for your files and return the original to Stephanie Gibson, Environmental Program Manager, at the address above. Thereafter the remaining concurring party signatures will be solicited from the consulting parties; your office will be provided with all signature pages upon completion of that task.

If you have questions regarding the project or the mitigation measures outlined in the MOA, please contact Ms. Stephanie Gibson at 720-963-3013 or stephanie.gibson@dot.gov, or CDOT Senior Staff Archaeologist Dan Jepson at 303-757-9631 or daniel.jepson@dot.state.co.us.

Sincerely yours,


for John M. Cater
Division Administrator

Enclosure (Original MOA)

cc: w/o enclosure
Mr. Tony Cady, Region 5 CDOT
Mr. Dan Jepson, EPB CDOT
Ms. Amy Pallante, SHPO

File: US 160

H:\Correspondence\FY2012\Gibson_Nelson_MemorandumofAgreementforSignatureUS 550
ConnectiontoUS160atFarmingtonHill La PlataCountyColorado_June13_ee

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE COLORADO STATE HISTORIC PRESERVATION OFFICER**

**REGARDING MITIGATION FOR PROJECT FC-NH(CX) 160-2(48), US HIGHWAY 550
CONNECTION TO US HIGHWAY 160 AT FARMINGTON HILL,
LA PLATA COUNTY, COLORADO**

WHEREAS, FHWA has determined that Project FC-NH(CX) 160-2(48) will result in an adverse effect to historic properties within the Area of Potential Effects (APE) and 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 and archaeological resources, and has invited CDOT to sign this MOA as an invited signatory; and

WHEREAS, FHWA has consulted with the Section 106 consulting parties identified for the project, including Mr. Shannon Bennett and Ms. Antonia Clark (“Clark Property”); Mr. Joel Craig and Mr. Philip Craig (“Craig Ranch”); Ms. Peggy Cooley (“Schaeferhoff-Cowan Ranch”); and Mr. Chris Webb (“Webb Ranch”) regarding the effects of the undertaking on historic properties, and has invited them to sign the MOA as concurring parties; and

WHEREAS, FHWA has consulted with The Hopi Tribe, the Pueblo of Laguna, and the Southern Ute Indian Tribe regarding the effects of the undertaking on historic properties, and has invited these tribal governments to sign the MOA as concurring parties; 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 determinations with specified documentation, and the Council elected to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the historic properties that will be affected are:

Archaeological Resources

Sites 5LP6665, 5LP6670, 5LP9588, 5LP9589 and 5LP9590: All five sites exhibit one or more prehistoric occupational components, and all are eligible under NRHP Criterion D for their documented potential to contain significant intact subsurface cultural remains.

Historic Resources

Webb Ranch (5LP8461): The Webb Ranch is significant under Criterion A for its association with ranching on Florida Mesa, and under Criterion C for its good examples of ranching architecture.

Craig-Limousin Ranch (5LP9307): The ranch is significant under Criterion A for its association with agricultural development in La Plata County in the mid-twentieth century, and under Criterion C for its good representative examples of early ranching architecture, in particular its dairy barn.

NOW, THEREFORE, FHWA and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects on National Register eligible historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. MITIGATION

A) ARCHIVAL DOCUMENTATION

- 1) CDOT shall ensure that the Webb Ranch (5LP8461) and Craig Limousin Ranch (5LP9307) are documented in accordance with Level II Documentation as outlined in Colorado Office of Archaeology and Historic Preservation (OAHP) Form #1595, *Historical Resource Documentation: Standards for Level I, II, and III Documentation*.
- 2) CDOT shall ensure that all documentation activities will be performed or directly supervised by architects, historians, photographers and/or other professionals meeting the qualification standards in their field as stipulated in the *Secretary of Interior's Professional Qualifications Standards* (36 CFR 61, Appendix A).
- 3) CDOT shall provide originals of all documents resulting from the documentation to the SHPO, the La Plata County Historical Society, the property owners, and a local library or archive designated by the SHPO.

B) INTERPRETIVE MITIGATION

- 1) 1) CDOT shall develop an interpretive mitigation plan that focuses on the broad history of the landscape of the Webb Ranch, Florida Mesa, and surrounding communities. Topics may include pre-contact history of the landscape associated with the Webb Ranch, the ranching communities of La Plata County, and the development and importance of historic ranching on Florida Mesa. Other topics may be identified in consultation with SHPO and the consulting parties. Options for mitigation include, but are not limited to, signage, brochures, pamphlets, historic contexts, or other interpretive material.

Other creative mitigation options that arise as the project progresses that further the education or understanding of the importance of the full range of history from pre-contact events on the landscape of the Webb Ranch, to the importance of ranching on Florida Mesa and the surrounding communities in La Plata County will also be considered.

- 2) CDOT shall consult with SHPO and the consulting parties in the development, content, design, materials, location and distribution of interpretive and creative mitigation. SHPO and the consulting parties will be afforded the opportunity to provide suggestions for interpretive mitigation, to review conceptual plans and

draft materials, and to review final drafts, plans, and implementation of interpretive materials. This consultation effort may be carried out through correspondence, electronic mail, or meetings as appropriate.

- 3) All comments from SHPO and the consulting parties shall be taken into consideration during the development, review, and implementation of the mitigation plan. To the extent possible, comments and suggestions shall be incorporated into the mitigation. In the event there are objections raised by SHPO or the consulting parties regarding the interpretive and/or creative mitigation plan, CDOT shall work to resolve those objections through consultation. If those efforts are unsuccessful, objections will be resolved per Stipulation IV of this agreement.
- 4) CDOT shall work with SHPO and the consulting parties to develop milestones and appropriate review time frames for the development and implementation of the mitigation plan. CDOT shall implement the interpretive and/or creative mitigation plan by the end of construction for this undertaking.

C) DATA RECOVERY EXCAVATIONS

- 1) At such time as one or more of the NRHP eligible archaeological sites referenced above is within the limits of a planned and funded construction project and therefore in danger from earth-moving activities, an Archaeological Data Recovery Plan defining the methodology and goals for excavation will be completed. The Plan will meet all criteria outlined in the *Secretary of the Interior's Standards and Guidelines for Archaeological Documentation*, in addition to the procedures and protocols developed by the Colorado OAHF. The Data Recovery Plan(s) will be reviewed and approved by the SHPO prior to issuance of an excavation permit and initiation of controlled excavations. The consulting parties and tribal governments will also be provided the opportunity to review and comment on the excavation plan(s) prior to implementation.
- 2) To the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) are expected to be encountered in the archaeological work. If such items are discovered, work will cease in the vicinity of the find and all appropriate coordination will ensue with the SHPO, consulting parties and tribal governments, and other involved entities, as necessary. All work will proceed according to the provisions of the Unmarked Human Graves section of the Colorado Historical, Prehistorical, and Archaeological Resources Act of 1973, as amended (CRS 24-80-1301ff).

D) DESIGN AND CONSTRUCTION

- 1) CDOT shall initiate consultation with SHPO and the consulting parties when design plans are completed at the 30%, 70%, and 90% level to evaluate opportunities to minimize harm to historic and archaeological resources. This consultation effort may be carried out through correspondence, electronic mail,

or meetings, as appropriate. All comments from SHPO and the consulting parties shall be considered as part of this effort.

- 2) Efforts to minimize harm to historic and archaeological resources during the design phase may include, but not be limited to, narrower roadway width, use of retaining walls, steeper slopes, and creative underpass and irrigation design, as applicable. Contributing features of historic properties will be protected during construction and avoided to the extent practicable. These and other efforts to minimize harm to historic properties during final design will be outlined in the Supplemental Final Environmental Impact Statement. Additional minimization efforts may be identified in consultation with SHPO and the consulting parties.

II. DURATION

This agreement will be null and void if its terms are not carried out within ten (10) 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 V 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, problems encountered, and/or disputes and 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 to any 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 Advisory 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 comments 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. FHWA will transmit information specific to the dispute to all signatories of the MOA. In reaching its decision, FHWA will take into account all comments received from the signatories regarding the dispute.

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 the 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. The amendment will be effective on the date a copy is signed by all of the signatories. 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, 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 agreement by FHWA, the Colorado SHPO and the ACHP, and implementation of its terms, evidence that FHWA has taken into account the effects of the undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment.

SIGNATORIES:

Federal Highway Administration



John M. Cater, Colorado Division Administrator

6/12/12

Date

Advisory Council on Historic Preservation

John M. Fowler, Executive Director

Date

Colorado State Historic Preservation Officer



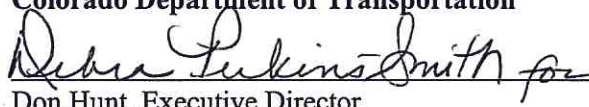
Edward C. Nichols, SHPO

6/6/12

Date

INVITED SIGNATORY:

Colorado Department of Transportation



Don Hunt, Executive Director

4 June 2012

Date

