

5.6 Historic Preservation

This section discusses efforts to comply with Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effects of their undertakings on historic resources. The impacts of the project alternatives on historic resources also are evaluated and proposed mitigation measures are discussed to offset any potential adverse effects.

Since the Supplemental Draft EIS was published in August 2014, additional analyses and content review have been performed for many of the resources discussed in this document. These updates, along with changes resulting from the comments received on the Supplemental Draft EIS, have been incorporated into this Final EIS. In this section, the updates include the following items:

- The APE was revised to accommodate design.
- New historic resources were evaluated.
- Final determinations of eligibility and effects were included.
- Information from the 2008 Draft EIS was included to provide a more inclusive description of the consultation process.

5.6.1 What are historic resources and why are they important to this project?

Analysis of historic resources is important to this project because, under Section 106 of the National Historic Preservation Act of 1966 (36 CFR §800), federal agencies are required to evaluate the effects of planned undertakings on historic resources. Historic resources include buildings, sites, structures, objects, and districts that are eligible for listing in, or are listed in, the NRHP.

There are four criteria that determine the eligibility of a site as a historic resource. The site can be eligible under one or more criteria. These criteria are discussed in the text box to the right.

To meet the obligations of Section 106, consultation between the lead federal agency and the State and Tribal Historic Preservation Offices, Indian tribes, and other consulting parties, as applicable, is required. The purpose of this

consultation is to identify historic resources that may be affected, determine if effects will be adverse and, if so, identify measures to avoid, minimize, or mitigate those effects. Historic resources reviewed for the I-70 East project include historic districts, individual buildings, bridges, and linear features, including railroads.

5.6.2 What is a Section 106 Consultation?

36 CFR Part 800, Protection of Historic Resources, commonly referred to as the Section 106 implementing regulations, outlines the process through which the above actions are carried out. To meet the obligations of Section 106, consultation with SHPO, Indian tribes, local governments, and other consulting parties, as applicable, is required. The purpose of this consultation is to identify historic resources that may be affected, determine if effects will be adverse and, if so, identify measures to avoid, minimize, or mitigate those effects.

For this project, the FHWA is responsible for making determinations about the project's effects on historic resources. This includes consultation with a number of entities. In particular, the SHPO is provided an opportunity to review and comment on the FHWA's determinations. Indian tribes, consulting parties, and the public also may be involved in review and comment. The Advisory Council on Historic Preservation (ACHP) is the federal agency that oversees the Section 106 process. FHWA has advised the ACHP of adverse effects to historic resources during the Section 106 process. The ACHP determined its participation was not needed to resolve adverse effects connected with the project (see Attachment B, letter dated July 6, 2015).

Indian consultation

Consultation with Indian tribes recognizes the government-to-government relationship between the United States and sovereign tribal governments. In that context, federal agencies must be sensitive to the fact that historic resources of religious and cultural significance to one or more tribes may be located on lands beyond modern reservation boundaries.

Consulting tribes are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Tribes' participation includes consulting on how best to avoid, minimize, or mitigate potential effects.

What criteria determine if a property is eligible for listing on the NRHP?

Four criteria are used to determine eligibility of a resource for listing. Resources also can be eligible under more than one criterion.

Criterion A:

Resource is associated with events that have made a significant contribution to the broad pattern of our history.

Criterion B:

Resource is associated with the lives of persons significant in our past.

Criterion C:

Resource (1) embodied the distinctive characteristics of a type, period, or method of construction; (2) represents the work of a master; (3) possesses high artistic values; and/or (4) represents a significant and distinguishable entity whose components may lack individual distinction.

Criterion D:

Resource has yielded, or may be likely to yield, information important in prehistory or history.

For this project, FHWA contacted the following federally recognized tribes with an established interest in Adams, Arapahoe, and Denver counties, and invited them to participate as consulting parties:

- Apache Tribe of Oklahoma
- Cheyenne and Arapaho Tribes of Oklahoma (two tribes administered by a unified tribal government)
- Cheyenne River Sioux Tribe (South Dakota)
- Comanche Nation of Oklahoma
- Crow Creek Sioux Tribe (South Dakota)
- Kiowa Tribe of Oklahoma
- Northern Arapaho Tribe (Wyoming)
- Northern Cheyenne Tribe (Montana)
- Pawnee Nation of Oklahoma
- Oglala Sioux Tribe (South Dakota)
- Rosebud Sioux Tribe (South Dakota)
- Standing Rock Sioux Tribe (North Dakota)

As a result of the consultation, two tribes have become consulting parties: the Pawnee Nation and the Northern Cheyenne Tribe. Neither the Pawnee Nation nor the Northern Cheyenne Tribe indicated they had any information pertaining to specific localities of religious and cultural significance within the project study area. A copy of Indian consultation correspondence is included in Attachment B, *Agency Consultation Addendum*, of the 2008 Draft EIS. FHWA and CDOT are committed to notifying both tribes if cultural materials related to Indian occupation are discovered during any phase of construction and to keep the tribes apprised of progress as the project develops.

Other consultation

Coordination with consulting parties is on-going and will continue throughout the project. In addition to CDOT and SHPO, consulting parties include Historic Denver, Inc., Colorado Preservation, Inc., Denver Landmark Preservation Commission, and Riverside Cemetery (Fairmount Heritage Foundation and Fairmount Cemetery Company). The Fairmount Cemetery Company, representing Riverside Cemetery, requested to become a consulting party following the release of the 2014 Supplemental Draft EIS.

Consulting parties

State Historic Preservation Office (SHPO)

Colorado Department of Transportation (CDOT)

Historic Denver, Inc.

Colorado Preservation, Inc.

Denver Landmark Preservation Commission

Fairmount Heritage Foundation

Fairmount Cemetery Company

The National Trust for Historic Preservation indicated it would no longer be a consulting party, but would rely on Historic Denver, Inc., and Colorado Preservation, Inc., to participate in future consultation. Letters documenting the coordination efforts to date are included with this document in Attachment B, *Agency Consultation Addendum*.

5.6.3 What is the APE and what evaluation process was used to analyze historic resources?

An APE is a geographic area or areas within which a project may directly or indirectly cause alterations in the character or use of historic resources (36 CFR 800.16(d)). Due to changes in the project alternatives, the APE boundary has been revised over time in coordination with SHPO and consulting parties, as documented in Attachment B, *Agency Consultation Addendum*. **Exhibit 5.6-1** reflects the updated APE.

Exhibit 5.6-1 Area of Potential Effect



The APE boundary is based on the combined footprint of all alternatives analyzed in the Final EIS. The APE is wider in the residential area of the Elyria and Swansea Neighborhood to take into account indirect effects that project alternatives might have to the historic setting.

Updates to the APE were made for the Supplemental Draft EIS, and minor changes have been made for this document, as well. Changes to existing project alternatives and the addition of a new alternative in the Supplemental Draft EIS required additional assessment of potential effects to historic resources. The Realignment Alternatives were eliminated from further consideration and the Partial Cover Lowered Alternative was added as a Build Alternative. Because the Realignment Alternatives were eliminated, the APE was refined to focus primarily on the current alignment of I-70, with expanded areas to accommodate the routing of a storm drainage system that discharges into the South Platte River and the construction of several water quality detention ponds along the current alignment. Consultation and concurrence for these changes is presented in Attachment B, *Agency Consultation Addendum*.

Historic resources and the APE documented in this section are discussed in detail in the following reports:

- Cultural Resources Survey Report, December 2007
- Section 106 Determination of Effects, January 2010
- Section 106 Determination of Eligibility and Effects, August 2014
- Section 106 Determination of Eligibility and Effects, revised March 2015

The Section 106 consultation process consists of the following steps:

1. Establish the extent of the project undertaking and engage the appropriate consulting parties who will comment on the project effects.
2. Identify historic resources that have the potential to be affected by the project and request comments from consulting parties.
3. Identify whether historic resources will be adversely affected by the undertaking and request comments from consulting parties.
4. Resolve adverse effects through continued discussion with consulting parties to consider means to avoid, minimize, or mitigate adverse effects to historic resources. Agreed-upon measures are recorded in a project Programmatic Agreement and implemented as part of the project action.

Reports prepared for historic resources

The following reports have been prepared for historic resources, and are listed according to which EIS document they can be found in.

Included in 2008 Draft EIS (Appendix D):

Historic Preservation,
November 2008

Additional reports:

(available on the project website www.i-70east.com/reports.html)

Cultural Resources Survey Report,
December 2007

Section 106 Determination of Effects,
January 2010 (replaced Appendix D, Historic Preservation, of the 2008 Draft EIS)

Included in 2014 Supplemental Draft EIS (Attachment I):

Section 106 Determination of Eligibility and Effects,
August 2014

Included in Final EIS (Attachment I):

Section 106 Determination of Eligibility and Effects,
revised March 2015;
Concurrence on final report, May 2015

Documentation for Finding of Adverse Effect,
August 2015

Historic resources are identified through a review of existing literature, field work, and input from consulting parties. The process is cataloged in this document and the other reports prepared for historic resources, listed on the right. FHWA, in conjunction with CDOT, thoroughly reviews this information and make determinations of NRHP eligibility in consultation with consulting parties.

To identify historic resources within the APE, project historians conducted a records search of the project area at the Colorado Office of Archaeology and Historic Preservation and reviewed historic maps and other relevant data in a comprehensive group of libraries and other sources. In addition, project historians conducted reconnaissance surveys of the project area and an intensive historic architectural survey on all structures built in or before 1965 within the APE.

Most of the I-70 corridor has been previously surveyed for archaeological sites. Literature and archive searches also were employed. Tribal consultation did not result in any additional information regarding cultural resources in the APE.

5.6.4 What are the areas of interest for historic preservation that are being analyzed and what are their existing conditions?

The major historic themes and areas of interest are largely the same as those addressed in the reports documented previously (see sidebar on previous page). Historians expected to find historic resources that are significant examples of the history of transportation, industry, and urban development, as well as significant architectural styles.

After this thorough process, and its iterative revisions, the surveys determined that there are 66 historic resources within the project APE. Six of these are historic districts that contain multiple contributing elements, with 60 individually eligible resources also identified. The final APE was presented previously in **Exhibit 5.6-1**. **Exhibit 5.6-2** shows each historic property within the APE. **Exhibit 5.6-3** shows a detailed view of the historic resources in Elyria and Swansea.

Historic resources in the APE

There are 66 historic resources in the APE, as listed below:

Historic districts: 6

Alfred R. Wessell
(49 contributing resources)

National Western Complex
(8 contributing resources)

Safeway Distribution Center (6 contributing resources)

Riverside Cemetery
(entire property contributes to historic attributes and characteristics)

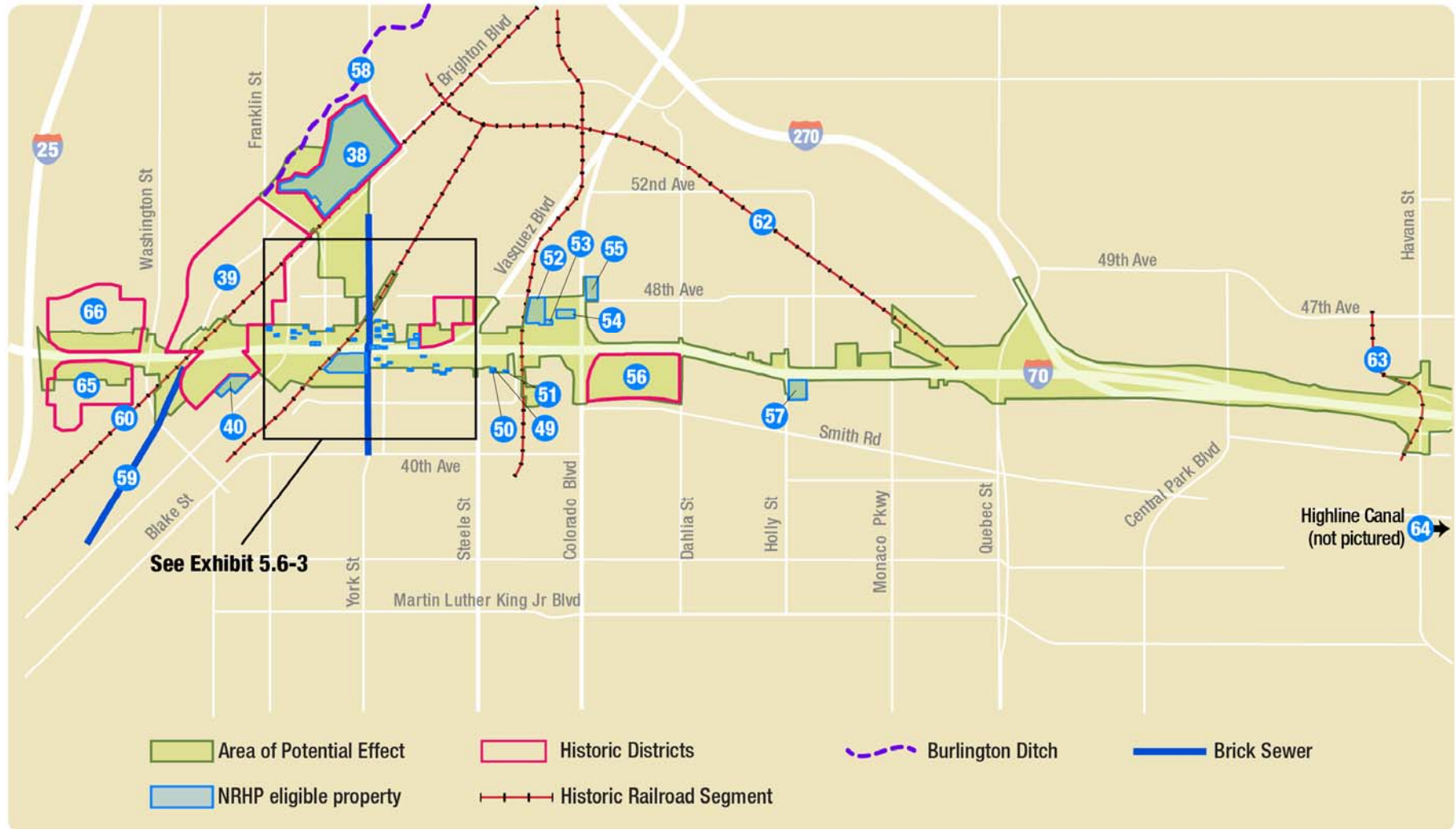
Garden Place

Globeville

Individually eligible resources: 60

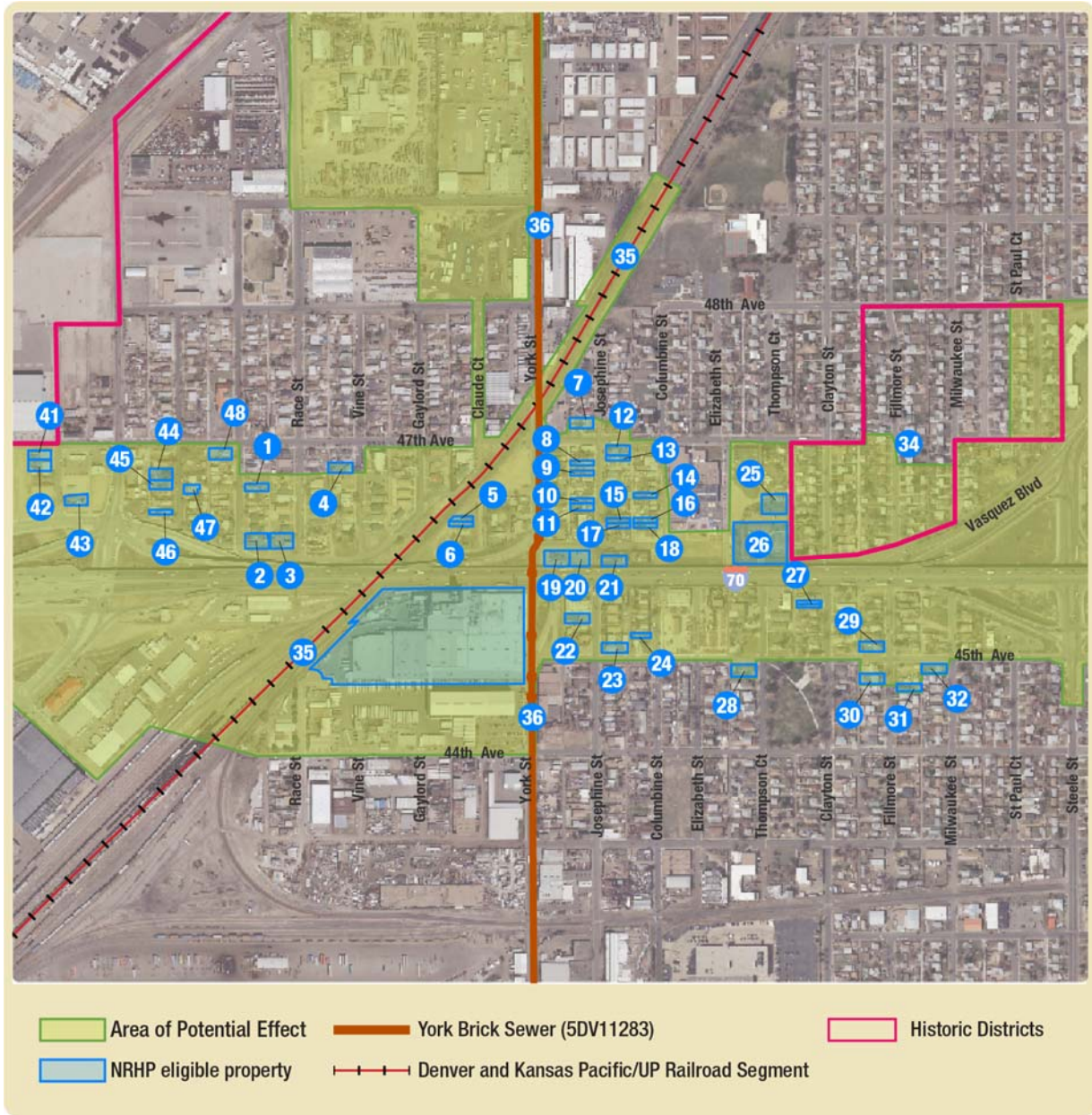
51 residential or commercial structures and nine linear resources

Exhibit 5.6-2 Historic Resources within the APE



Note: The numbers associated with the NRHP eligible property correspond to the numbers listed in **Exhibit 5.6-5**

Exhibit 5.6-3 Historic Resources within the APE in the Elyria and Swansea Neighborhood



Note: The numbers listed here correspond with the NRHP eligible resources listed in **Exhibit 5.6-5**

5.6.5 How do the project alternatives potentially affect historic resources?

The Section 106 Regulations of the National Historic Preservation Act define an effect on a historic resource as an “... alteration to the characteristics of a historic resource qualifying it for inclusion in or eligibility for the National Register” (36 CFR §800.16[i]). Effects are discussed as “no effect,” “no adverse effect,” or “adverse effect” (36 CFR §800.5). These terms are defined as follows:

- **No Effect:** No historic resources are present, or there are historic resources present but the project will have no effect on them.
- **No Adverse Effect:** This determination can be made in one of two ways: (1) The project *does not* alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that will diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association; or (2) The project is modified or conditions are imposed to avoid adverse effects.
- **Adverse Effect:** The undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that will diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Exhibit 5.6-4 summarizes effects to historic resources, while **Exhibit 5.6-5** lists every historic property in the APE and the associated effects determination for each alternative (located at the end of this chapter). SHPO has concurred with all determinations of eligibility and with effects. A comprehensive discussion of all historic resources, their significance, and effects within the APE is included in Attachment I, *Section 106 Determination of Eligibility and Effects*.

SHPO consultation status

SHPO has concurred with eligibility and effects for historic resources within the APE. Documentation of this consultation is included in Attachment B, *Agency Consultation Addendum*.

Exhibit 5.6-4 Summary of Effects for Historic Resources in the APE

Effect	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative
	North Option	South Option	North Option	South Option	
Adverse Effect ¹	7	1	8	8	13
Adverse Effect due to acquisition/demolition ²	7	1	7	6	9
No Adverse Effect	50	56	54	54	50
No Effect	9	9	4	4	3

Note: There are no differences in effect between the General-Purpose Lanes and Managed Lanes Options because the project footprint is the same for both options between Brighton Boulevard and Colorado Boulevard, where the majority of historic resources are located.

- 1. Total includes adverse effects to entire historic district (includes the Alfred R. Wessel Historic District as one resource) and does not include individual contributing resources*
- 2. Adverse effects generally consist of full acquisition and demolition of historic structures, except in the instance of linear resources and historic districts*

No-Action Alternative

The No-Action Alternative, North Option will result in Adverse Effect to seven historic resources and the No-Action Alternative, South Option will result in Adverse Effect to one historic property. The Adverse Effects occur because of the need for additional right of way due to the larger footprint of the highway and acquisition/demolition of the resources.

The Alfred R. Wessel Historic District (5DV10126) will have two contributing resources demolished as a result of the No-Action Alternative, North Option, resulting in an Adverse Effect to the district and to the demolished contributing resources. The No-Action Alternative, South Option will have no effect on the Alfred R. Wessel Historic District and its contributing resources.

The No-Action Alternative, North Option, will result in findings of No Adverse Effect to 50 historic resources, while the No-Action Alternative, South Option, will result in No Adverse Effect to 56 historic resources. The No-Action Alternative (North and South Options) will result in No Effect for nine resources.

Revised Viaduct Alternative

Both the Revised Viaduct Alternative, North Option and the Revised Viaduct Alternative, South Option will result in Adverse Effect to eight resources primarily because of the need for additional right of way due to the larger footprint of the highway and acquisition/demolition of the resources. In the Revised Viaduct Alternative, North Option, one of the resources (a linear resource), is considered an Adverse Effect because of proximity impacts rather than acquisition/demolition. In the Revised Viaduct, South Option, two linear resources are considered an Adverse Effect because of proximity impacts rather than acquisition/demolition.

The difference in effects to historic resources between the two options is primarily in the Alfred R. Wessel Historic District (5DV10126). The North Option will result in the demolition of seven contributing resources, which constitutes an Adverse Effect to the district as a whole and to the individual resources, as compared to the partial acquisition of two contributing resources with the South Option, also resulting in an Adverse Effect to the district.

The Revised Viaduct Alternative, North Option and the Revised Viaduct Alternative, South Option will result in No Adverse Effect to 54 resources. The Revised Viaduct Alternative, regardless of option, will result in No Effect for four historic resources.

Partial Cover Lowered Alternative

The Partial Cover Lowered Alternative will result in Adverse Effects for a total of 13 resources. For the Partial Cover Lowered Alternative, four of the resources (linear resources), are considered an Adverse Effect because of proximity impacts rather than acquisition/demolition.

The Alfred R. Wessel Historic District (5DV10126), which is counted as a single resource, will result in the demolition of nine contributing resources, which constitutes an Adverse Effect to the district as a whole and to the individual resources.

The Partial Cover Lowered Alternative will result in No Adverse Effect to 50 resources, and will result in No Effects for three historic resources.

Effects Summary

Exhibit 5.6-5 lists every historic property in the APE and the associated effects determination for each alternative. Effects determinations have been abbreviated as listed below in **Exhibit 5.6-5**.

- NAE—No Adverse Effect
- AE—Adverse Effect
- NE—No Effect (No Historic Resources Affected)

Exhibit 5.6-5 Historic Resources within the APE and Their Effects Determination

#	Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative
		North Option	South Option	North Option	South Option	
1	Ponce Residence 4668 High Street (5DV10034)	NAE	NAE	NAE	NAE	NAE
2	Rudy/Bernal Residence 4618 High Street (5DV9735)	AE	NAE	AE	AE	AE
3	Garcia Residence 4617–4625 Race Street (5DV9780)	AE	NAE	AE	AE	AE
4	Abrams/Loretta Residence 4679 Vine Street (5DV10135)	NAE	NAE	NAE	NAE	NAE
5	Toth/Kelly Residence 4639 Claude Court (5DV9668)	NAE	NAE	NAE	NAE	AE
6	Brown and Alarid Residence 4637 Claude Court (5DV9667)	NAE	NAE	NAE	NAE	AE
7	Huffman Residence 4707 Josephine Street (5DV10058)	NAE	NAE	NAE	NAE	NAE
8	Krutzler/Barajas Residence 4681 Josephine Street (5DV9761)	NAE	NAE	NAE	NAE	NAE
9	Hovan/Plazola Residence 4673 Josephine Street (5DV1172)	NAE	NAE	NAE	NAE	NAE
10	James Residence 4651 Josephine Street (5DV9753)	NAE	NAE	NAE	NAE	NAE
11	Waggoner Residence 4647 Josephine Street (5DV9751)	NAE	NAE	NAE	NAE	NAE
12	Lovato Residence 4696 Josephine Street (5DV5623/5DV9765)	NAE	NAE	NAE	NAE	NAE
13	Geo Trust/Araujo Residence 4682 Josephine Street (5DV9762)	NAE	NAE	NAE	NAE	NAE
14	Tomas/Eagan Residence 4653 Columbine Street (5DV9996)	NAE	NAE	NAE	NAE	NAE

Exhibit 5.6-5 Historic Resources within the APE and Their Effects Determination

#	Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative
		North Option	South Option	North Option	South Option	
15	Miranda Residence 4632 Josephine Street (5DV5677)	NAE	NAE	NAE	NAE	NAE
16	Pavon Residence 4633 Columbine Street (5DV9706)	NAE	NAE	NAE	NAE	NAE
17	Chavez Residence 4628 Josephine Street (5DV9748)	NAE	NAE	NAE	NAE	NAE
18	Castorena/Braswell Residence 4631 Columbine Street (5DV9705)	NAE	NAE	NAE	NAE	NAE
19	Stop-N-Shop Food Store 4600 York Street (5DV9801)	AE	NAE	AE	NAE	AE
20	Sanchez Business 2381 East 46th Avenue (5DV9655)	AE	NAE	AE	NAE	AE
21	Portales Residence 4608 Josephine Street (5DV9746)	AE	NAE	AE	NAE	AE
22	Kenworthy/Wyckoff Residence 4529 Josephine Street (5DV9745)	NAE	NAE	NAE	AE	NAE
23	Langenberg Residence 4502 Josephine Street (5DV9742)	NAE	NAE	NAE	NAE	NAE
24	Gonzales Residence 4515 Columbine Street (5DV9994)	NAE	NAE	NAE	NAE	NAE
25	Portales Residence/ Windsor Artesian Water Company 4623-4625 Thompson Court (5DV9787)	NAE	NAE	NAE	NAE	NAE
26	Colonial Manor Motel Tourist Court 2615 East 46th Avenue (5DV7130)	AE	NAE	AE	NAE	AE
27	4541 Clayton LLC Residence 4541 Clayton Street (5DV9679)	NAE	NAE	NAE	AE	NAE
28	Rodriguez Residence 4539 Clayton Street (5DV9678)	NAE	NAE	NAE	AE	NAE
29	Clay II LLC/Rosthan Residence 4459 Thompson Court (5DV10124)	NAE	NAE	NAE	NAE	NAE
30	Olive Street LLC Property 4503 Fillmore Street (5DV9714)	NAE	NAE	NAE	NAE	NAE
31	Tenenbaum Residence 4453 Fillmore Street (5DV10014)	NAE	NAE	NAE	NAE	NAE
32	Guerca/Perez Residence 4446 Fillmore Street (5D10013)	NAE	NAE	NAE	NAE	NAE

Exhibit 5.6-5 Historic Resources within the APE and Their Effects Determination

#	Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative
		North Option	South Option	North Option	South Option	
33	Lopez/Hartzell Residence 4461 Milwaukee Street (5DV10065)	NAE	NAE	NAE	NAE	NAE
34	Alfred R. Wessel Historic District (5DV10126)	AE two contributing resources	NAE	AE seven contributing resources	AE two contributing resources	AE nine contributing resources
35	Union Pacific Railroad Segment (5DV6248.4)	NAE	NAE	NAE	NAE	AE
36	York Street/East 40th Ave. Brick Sanitary Sewer (5DV11283)	NAE	NAE	NAE	NAE	AE
37	Ralston Purina Plant/Nestlé Purina PetCare Company 2151 East 45th Avenue (5DV9245)	NAE	AE	NAE	AE	NAE
38	Riverside Cemetery 5201 Brighton Boulevard (5AM125)	NAE	NAE	NAE	NAE	NAE
39	National Western Historic District (5DV10050)	NE	NE	NAE	NAE	NAE
40	Banker's Warehouse Co. (5DV11720)	NAE	NAE	NAE	NAE	NAE
41	E.G. Trading Post 1630-1632 East 47th Avenue (5DV9805)	NAE	NAE	NAE	NAE	NAE
42	Kosik Residence 4681-4683 Baldwin Court (5DV1247)	NAE	NAE	NAE	NAE	NAE
43	Torres Residence 4656 Baldwin Court (5DV9660)	NAE	NAE	NAE	NAE	NAE
44	Miller Residence 4675 Williams Street (5DV9823)	NAE	NAE	NAE	NAE	NAE
45	Herzberg Property 4665-4669 Williams Street (5DV9828)	NAE	NAE	NAE	NAE	NAE
46	Adams Clock LLC/Mann Residence 4645 Williams Street (5DV9795)	NAE	NAE	NAE	NAE	NAE
47	Allen Investment Group, Inc./Kretschmar Residence 4662-4664 Williams Street (5DV10085)	NAE	NAE	NAE	NAE	NAE
48	Garcia Residence 4695 High Street (5DV10040)	NAE	NAE	NAE	NAE	NAE
49	McGee Residence 4460 Adams Street (5DV9968)	NAE	NAE	NAE	NAE	NAE
50	Yoshimura Residence 4450 Adams Street (5DV9966)	NAE	NAE	NAE	NAE	NAE

Exhibit 5.6-5 Historic Resources within the APE and Their Effects Determination

#	Property Name and Address	No-Action Alternative		Revised Viaduct Alternative		Partial Cover Lowered Alternative
		North Option	South Option	North Option	South Option	
51	Vasquez Residence 4450 Cook Street (5DV10003)	NAE	NAE	NAE	NAE	NAE
52	Tri-R Recycling 3600 East 48th Avenue (5DV9227)	NAE	NAE	NAE	NAE	NAE
53	Core Power Construction/Buckley JD Inc.- Buckley Explosives of Wyoming 4701 Jackson Street (5DV10047)	NAE	NAE	NAE	NAE	NAE
54	General Motors Corporation-Goalie Construction Business 4715 Colorado Boulevard (5DV9988)	NAE	NAE	NAE	NAE	NAE
55	4800 Colorado LLC/United States Rubber Company 4800 Colorado Boulevard (5DV9989)	NAE	NAE	NAE	NAE	NAE
56	Safeway Distribution Center Historic District (5DV9232)	NE	NE	NAE	NAE	NAE
57	Univar 4300 Holly Street (5DV9231)	NE	NE	NAE	NAE	NAE
58	Burlington Ditch/ O'Brien Canal (5AM465.9)	NE	NE	NE	NE	NE
59	Delgany Common Interceptor Sewer (5DV4725.5)	NE	NE	NE	NE	NAE
60	Burlington and Colorado/Chicago, Burlington, and Quincy Railroad Segment (5DV6247.3)	NE	NE	NE	NE	NE
61	Market Street RR/ Chicago Burlington & Quincy Railroad Segment (5AM1298.2)	NAE	NAE	NAE	NAE	AE
62	Union Pacific Beltline RR Segment (Denver Rock Island Railroad, 5AM2083.1)	NE	NE	NAE	NAE	NAE
63	Rocky Mountain Arsenal Railroad Segment (5DV7048.2)	NE	NE	AE	AE	AE
64	High Line Canal (5AM261.2) (Not pictured in Exhibit 5.6-2)	NE	NE	NE	NE	NE
65	Garden Place District	NAE	NAE	NAE	NAE	NAE
66	Globeville District	NAE	NAE	NAE	NAE	NAE

AE = Adverse Effect, NAE = No Adverse Effect, NE = No Effect

5.6.6 How are the adverse effects from the project alternatives mitigated for historic resources?

Section 106 of the National Historic Preservation Act requires that federal agencies take into account the effects that a proposed action may have on cultural resources. The most effective mitigation measure is to avoid resources, but this is not always possible. Where avoidance is not possible, alternatives or modifications have been evaluated for the project that minimize or mitigate adverse effects to historic resources. Mitigation is designed to take into account the magnitude of the undertaking and the nature of its effects on historic resources.

A draft Programmatic Agreement that provides a process to agree on mitigation of adverse effects and reevaluate eligibility and effects to historic properties, as appropriate, has been developed and is in review with SHPO and the consulting parties. The Programmatic Agreement also includes examples of mitigation measures that could be implemented. The Programmatic Agreement will be executed prior to the ROD and will be included as an attachment. At a minimum, mitigation will include Level II archival documentation, as defined by the Colorado Office of Archaeology and Historic Preservation in Form 1595. CDOT also has committed to provide funding and participation in a documentary covering the history of I-70 East and its relationship to the neighborhoods of Elyria, Swansea, and Globeville, where the majority of adverse effects to historic resources are created by the project. CDOT has completed this mitigation measure, and the documentary is available to view at www.i-70east.com.

Additional mitigation as prescribed in the Programmatic Agreement will be identified through consultation with SHPO and consulting parties. **Exhibit 5.6-6** summarizes possible mitigation for each alternative.

If unidentified historic resources are encountered during construction, they will be treated in a manner consistent with 36 CFR 800.13 for post-review discoveries. Work will cease and CDOT and SHPO will be notified immediately. FHWA and CDOT will notify the two consulting Indian tribes, the Pawnee Nation of Oklahoma and the Northern Cheyenne Tribe, if Indian cultural materials are discovered during any phase of construction.

Cumulative effects to historic resources are discussed in Chapter 6, Cumulative Impacts.

Exhibit 5.6-6 Summary of Historic Preservation Impacts and Mitigations

Alternative	Impacts	Mitigation Measures Applicable to All Alternatives
No-Action Alternative	<ul style="list-style-type: none"> • Adverse Effect—1 to 7 historic resources • No Adverse Effect—50 to 56 historic resources • No Effect—9 historic resources • Temporary impacts may include dust and debris, visual and auditory degradation related to construction activities, and decreased access 	<ul style="list-style-type: none"> • Establish a Programmatic Agreement with SHPO and consulting parties • Provide Level II archival documentation for adversely affected resources • Provide funding and participate in the creation of a documentary covering the history of I-70 East and its relationship to the Elyria and Swansea and Globeville Neighborhoods (mitigation has been completed, and is available to view at www.i-70east.com) • Implement other mitigation measures, as identified, in consultation with SHPO and consulting parties as described in the Programmatic Agreement • Cease work during construction if unidentified historic resources are encountered and notify CDOT and SHPO immediately • Contact consulting Indian tribes if Indian cultural materials are identified at any time during construction
Revised Viaduct Alternative	<ul style="list-style-type: none"> • Adverse Effect—8 historic resources • No Adverse Effect—54 historic resources • No Effect—4 historic resources • Temporary impacts may include dust and debris, visual and auditory degradation related to construction activities, and decreased access 	
Partial Cover Lowered Alternative	<ul style="list-style-type: none"> • Adverse Effect—13 historic resources • No Adverse Effect—50 historic resources • No Effect—3 historic resources • Temporary impacts may include dust and debris, visual and auditory degradation related to construction activities, and decreased access 	

This page intentionally left blank.