APPENDIX C: SECTION 4(f) DE MINIMIS COORDINATION LETTERS

This appendix includes recent correspondence concerning environmental impacts, particularly with Section 4(f) resources. Specifically, Appendix C contains the following correspondences:

- CO FLAP 34(1) & 36(1) Section 4(f) Letter from CFLHD to Town of Estes Park dated June 14, 2016 informing of FHWA’s intent to make a *de minimis* determination.
- CO FLAP 34(1) & 36(1) Section 4(f) Letter to the Town of Estes Park dated November 16, 2016 requesting that the Town, as owner of Baldwin Park and Children’s Park, concur with the determination of a *de minimis* effect.
- CO FLAP 34(1) & 36(1) Section 4(f) Letter from CFLHD to Town of Estes Park dated April 11, 2017 clarifying the square footage of Section 4(f) and 6(f) impact areas for the project.
June 20, 2016

Mr. Greg Muhonen
Public Works Director
Town of Estes Park
170 MacGregor Avenue
Estes Park, Colorado 80517

Re: FHWA CLFHD, CO FLAP 34(1) & CO FLAP 36(1), Estes Park Moraine Avenue and Riverside Drive Environmental Assessment, FHWA Intent to Make a Section 4(f) de minimis determination

Dear Mr. Muhonen:

This letter is in regard to Section 4(f) coordination for the Downtown Estes Loop project. Per 23 CFR 774.5, we are coordinating with you as the owner with jurisdiction responsible for Section 4(f) and 6(f) resources in the Town of Estes Park. We are writing to you in your position as Director of Public Works, which oversees five divisions including the Parks Division.

The Central Federal Lands Highway Division (CFLHD) of the Federal Highway Administration (FHWA) is preparing an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for the proposed Downtown Estes Loop project. This project is intended to improve access to Rocky Mountain National Park (RMNP) by addressing capacity, safety, mobility and access constraints in the Downtown portion of the roadway network serving the Beaver Meadows entrance to RMNP. The Proposed Action involves conversion of existing roadways from two-way to one-way through downtown Estes Park. The two-lane one way couplet has a total length of 0.92 miles. The project begins at the Elkhorn Avenue/Riverside Drive intersection, continues west on Elkhorn Avenue (US 36) to the intersection of Moraine Avenue/Big Horn Drive for 0.15 miles, then turns south on Moraine Avenue (US 36) for 0.3 miles to the intersection of Moraine Avenue and Riverside Drive/Crags Drive. These two-way roadway segments would be converted into one-way roads, west and south, respectively. The two-lane one way couplet is completed in the returning northerly direction via a reconstructed Riverside Drive. This segment begins at the Moraine Avenue/West Riverside Drive/Crags Drive intersection then follows near West Riverside Drive, Ivy Street and East Riverside Drive for 0.40 miles back to the beginning of the project at the East Riverside Drive/Elkhorn Avenue intersection, completing the loop.

Pavement rehabilitation (including grinding the existing pavement and adding new pavement to repair the deteriorating asphalt) would occur on Elkhorn Avenue from just west of the US 34/US 36 intersection to the Elkhorn/Moraine intersection and along Moraine from the Elkhorn/Moraine intersection to the Moraine/Crags/West Riverside intersection. Pavement rehabilitation on Rockwell would also occur from Moraine Ave to Riverside Avenue. New signals would be added to the Elkhorn/Riverside, and Elkhorn/Moraine intersections. The Moraine/Crags/West Riverside intersection would be reconstructed as either a traditional signalized intersection or a roundabout. New sidewalk, on street bike lanes and trail connection improvements would be installed. Directional signage along the corridors would be installed, as well as landscaping.
Historic Resources

One historic NRHP-eligible property, a portion of SH 262 (Moraine Avenue), will be impacted by the Proposed Action. The documented segment begins at the intersection of US 34 and US 36 at the east end of Elkhorn Avenue, continues west along Elkhorn Avenue to its intersection with Moraine Avenue and south along Moraine Avenue, turns to the west-southwest near Crags Drive, and ends approximately 400 feet west of 351 Moraine Avenue. SH 262 was originally a local road used by residents of Estes Park. After the RMNP opened in 1915, it was used as an entrance road into the park. The road was designated SH 262 in 1939 and, by 1946 it had been extended into the RMNP, ending at the intersection of Fall River Road (US 34) and Deer Ridge Junction. This route was used until 1965, when the Beaver Meadows park entrance opened. At this time, the road was renamed SH 66 and, in 1977, it became part of US 36.

As part of this project, SH 262 will be overlain over the original road’s alignment. A new intersection configuration will be built, requiring the removal of a non-historic building (commercial property, the Donut Haus) at the current intersection. Both a signalized intersection and roundabout intersection are currently under consideration at this location. Under either configuration (signalized or roundabout), the intent is to make geometric and grade changes to improve operational efficiency and additional sight distance, thereby improving safety conditions. The historic short rock retaining wall and rock-lined curb, along the west side of the curve in front of sites 5LR13751 and 5LR13753 (the former Rocky Mountain Park headquarters), will remain in place. A new short retaining wall will be added, if necessary, in front of these older wall features in conjunction with the lower road grade. The retaining wall along the east side of Moraine Avenue that stretches from 250 Moraine to 281 Moraine Avenue will also not be directly impacted and will be located more than 100 feet north of the proposed new construction. In short, the proposed improvements to Moraine Avenue will not adversely affect the historic integrity of SH 262 or any of its associated features.

Section 4(f) Historic Determination

The project has been determined to have “no adverse effect” on SH 262 under Section 106. SHPO concurred in writing with the Section 106 “no adverse effect” determination for this property as stated in a letter to CFLHD dated May 19th, 2016. SH 262 and its associated facilities (retaining walls, curb) are located in the highway right-of-way. If a historic resource is within right-of-way, the Section 4(f) Policy Paper (July 2012, page 36) states the following: “when a future transportation project is advanced resulting in a Section 106 determination of no historic properties affected or no adverse effect to such resources, there would be no Section 4(f) use.” Thus, Section 4(f) would not apply to SH 262.

Park Resources

The proposed project would require the conversion of approximately 18,611 square feet of existing park land in portions of Baldwin Park and Children’s Park to transportation use:

- Baldwin Park is currently 61,940 square feet in size. The proposed roadway realignment along Riverside would require partial acquisition (14,463 square feet) of the park, which represents a loss of approximately 23%. The portion of Baldwin Park near Ivy Street is where the majority of parkland losses would occur. The proposed horizontal curve from the West Riverside alignment to the proposed alignment of the new bridge over the Big Thompson and the resulting alignment on the other side of the river (East Riverside) cause this impact. The proposed curve radius is necessary to meeting engineering standards. An existing asphalt pavement area currently utilized for parking will be removed. The plaza and seating area currently located at the entry to Baldwin Park
(across from the Post Office) will be moved to the former asphalt parking area further south.

- Children’s Park is approximately 16,211 square feet in size. Approximately 4,148 square feet (26%) would be required to reconstruct the intersection at Elkhorn/Riverside including the accommodation of two right-turn lanes from northbound Riverside onto eastbound Elkhorn, sidewalks and a pedestrian crosswalk. The area to be acquired is currently used for sidewalk and landscaping. In addition, restrooms currently located adjacent to Riverside along the Big Thompson River (within Children’s Park) would need to be removed to accommodate the roadway cross-section. No impacts are anticipated to the existing playground or other amenities within Children’s Park.

Proposed Enhancements

The project team recognizes the importance of park land to the downtown environment and larger community. Thus, we have worked to reduce impacts to the extent feasible while identifying replacement properties for conversion to park land. The intent is to benefit the community by constructing new formal and informal natural spaces for recreation and river access, and connecting and improving the park and river walk experience between Baldwin Park and the Big Thompson Riverwalk.

Several areas along Riverside Drive are recommended for conversion to park area as part of the implementation of the Proposed Action. The addition of these park areas would constitute acreage greater than the park lands impacted along the corridor (an acreage of 41,390 square feet/0.95 acre, which represents 22,779 square feet/0.52 acre of new park area). Proposed conversion of lands to park is shown in the attached exhibits and includes the following (from south to north along Riverside Drive):

- Baldwin Park (Parcel 11): The proposed shift in the Riverside Drive alignment would create a triangular shaped parcel of space adjacent to Baldwin Park. This area is recommended to be transferred to park land (part of Baldwin Park).
- Upstream River Corridor (Parcels 17-18): The relocation of commercial and residential properties along Riverside Drive (east of the River) will create an opportunity for parkland conversion, enhanced river access and floodplain mitigation area. With the wider floodplain boundaries assumed under recent flood flow data, the existing buildings are located within the floodplain. Conversion to park/open space area helps restore natural conditions. The intent of the planned design is to improve park land interconnections. An existing sidewalk located along the west edge of the river (along the Post Office lot and across from parcels 20 and 21) would be widened and a new pedestrian access point would be added to provide connectivity to the river.
- Riverside Bridge (Parcels 12-13): Parcels 12 and 13 are private properties that need to be acquired to reconstruct Riverside Drive. It is recommended that these two parcels be transferred to the Town for parkland. Conversion to park would provide enhanced access to the river, as well as the opportunity to extend a future trail (shown in dashed line on Exhibit A) parallel to the river.

The recommendations described above are proposed enhancements to offset impacts to parks due to the project.
De Minimis Finding
As a part of the environmental review process, the FHWA has responsibilities to comply with Section 4(f) of the Department of Transportation Act of 1966 (which has been later revised and recodified but still referred to as Section 4(f)). The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to avoid transportation use of historic sites and publicly owned recreational areas, parks, and wildlife and waterfowl refuges. If the FHWA determines that a transportation use of these types of properties, also known as Section 4(f) properties, results in a de minimis impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete. De minimis impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

The finding of a de minimis impact on recreational and wildlife resources can be made when:

1) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);

2) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and

3) The official(s) with jurisdiction over the property are informed of FHWA’s intent to make the de minimis impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Through the detailed screening process, the proposed project alternative was determined to be the least environmentally damaging alternative. We have found through the screening process that there is no reasonable alternative that would meet the identified transportation needs without impacting these parklands. Together as a team and with the partner agencies, we have worked to reduce impacts to parkland through the proposed design and have identified opportunities to provide replacement lands that will become long-term amenities and assets for the community. The proposed enhancements, including informal natural lands, plaza/seating areas, sidewalks, pathways, river access and restrooms will be constructed under the proposed design. A preliminary concept plan for parkland and amenity replacements is shown in Exhibits A and B. Thus, the characteristics and features that make the properties eligible for Section 4(f) protection will remain.

It is FHWA’s intent to make a determination that the impacts to Baldwin Park and Children’s Park are de minimis. Per requirements of 23 CFR 774.5(a)(2)(ii), the public will receive notice and an opportunity for public review and comment concerning the effects on park lands during the Environmental Assessment public comment period. Following the public comment period, FHWA will present the comments received to your office and request that your office concur with the FHWA finding in writing. This determination, public outreach and subsequent concurrence will satisfy the Section 4(f) requirements for this project.

Section 6(f)
State and local governments often obtain grants through the Land and Water Conservation Fund (LWCF) to develop or make improvements to parks and outdoor recreation areas. Section
6(f) properties are those purchased or improved with LWCF grants. Section 6(f) prohibits the conversion of property acquired or developed with LWCF grants to a non-recreational purpose without the approval of the DOI's National Park Service (NPS). In Colorado, the Colorado State Trails Program implemented by the Department of Natural Resources by Colorado Parks and Wildlife (CPW) administers the LWCF Grant program.

Children's Park, as well as portions of Baldwin Park, were purchased with LWCF grants. Since portions of these parks will be converted, the official with jurisdiction of the Section 6(f) property (the Town of Estes Park) is to be consulted with concerning the anticipated impact area and proposed replacement land that is of reasonably equivalent size, usefulness and location, and of at least equal fair market value. Consultation and coordination with Colorado State Trails Program staff members for this project began in September of 2014 and has continued since that time. A letter to you requesting concurrence with the anticipated area of parkland to be converted (for the project) along with proposed replacement land, is forthcoming.

We would like to thank the Town of Estes Park for their cooperation with this project. Please contact me if you have any questions regarding this matter.

Sincerely,

James Herlyck
Project Manager

Exhibits
- A: Anticipated Impacts to Park Property
- B: Proposed Replacement Park Lands
Exhibit A: Anticipated Impacts to Park Property

PROPOSED PARK AREAS
- POST CONSTRUCTION PARK AREAS
- POTENTIAL NEW PARK AREAS
Exhibit B: Proposed Replacement Park Lands
November 16, 2016

Mr. Greg Muhonen
Public Works Director
Town of Estes Park
170 MacGregor Avenue
Estes Park, Colorado 80517

Re: FHWA CLFHD, CO FLAP 34(1) & CO FLAP 36(1), Estes Park Moraine Avenue and Riverside Drive Environmental Assessment, FHWA Intent to Make a Section 4(f) de minimis determination

Dear Mr. Muhonen:

This letter is in regard to Section 4(f) coordination for the Downtown Estes Loop project. Per 23 CFR 774.5, we are coordinating with you as the owner with jurisdiction responsible for Section 4(f) resources in the Town of Estes Park. We are writing to you in your position as Director of Public Works, which oversees five divisions including the Parks Division. A similar letter was previously sent to the Town and included in the Environmental Assessment (EA). This letter provides additional information and requests concurrence from the Town on a de minimis finding.

The Central Federal Lands Highway Division (CFLHD) of the Federal Highway Administration (FHWA) has prepared an EA under the National Environmental Policy Act (NEPA) for the proposed Downtown Estes Loop project. This project is intended to improve access to Rocky Mountain National Park (RMNP) by addressing capacity, safety, mobility and access constraints in the Downtown portion of the roadway network serving the Beaver Meadows entrance to RMNP. The Proposed Action involves conversion of existing roadways from two-way to one-way through downtown Estes Park. The two-lane one way couplet has a total length of 0.92 miles. The project begins at the Elkhorn Avenue/Riverside Drive intersection, continues west on Elkhorn Avenue (US 36) to the intersection of Moraine Avenue/Big Horn Drive for 0.15 miles, then turns south on Moraine Avenue (US 36) for 0.3 miles to the intersection of Moraine Avenue and Riverside Drive/Crags Drive. These two-way roadway segments would be converted into one-way roads, west and south, respectively. The two-lane one way couplet is completed in the returning northerly direction via a reconstructed Riverside Drive. This segment begins at the Moraine Avenue/West Riverside Drive/Crags Drive intersection then follows near West Riverside Drive, Ivy Street and East Riverside Drive for 0.40 miles back to the beginning of the project at the East Riverside Drive/Elkhorn Avenue intersection, completing the loop.

Pavement rehabilitation (including grinding the existing pavement and adding new pavement to repair the deteriorating asphalt) would occur on Elkhorn Avenue from just west of the US 34/US 36 intersection to the Elkhorn/Moraine intersection and along Moraine from the Elkhorn/Moraine intersection to the Moraine/Crags/West Riverside intersection. Pavement rehabilitation on Rockwell would also occur from Moraine Ave to the new bridge across the Big Thompson.

New signals would be added at two of the three main intersections (Elkhorn/Riverside and
Elkhorn/Moraine). The Moraine/Crags/West Riverside intersection would be reconstructed as a roundabout. New sidewalk, on-street bike lanes and trail connection improvements would be installed. Directional signage along the corridors would be installed, as well as landscaping.

**Historic Resources**

One historic NRHP-eligible property, a portion of SH 262 (Moraine Avenue), will be impacted by the Proposed Action. The documented segment begins at the intersection of US 34 and US 36 at the east end of Elkhorn Avenue, continues west along Elkhorn Avenue to its intersection with Moraine Avenue and south along Moraine Avenue, turns to the west-southwest near Crags Drive, and ends approximately 400 feet west of 351 Moraine Avenue. SH 262 was originally a local road used by residents of Estes Park. After the RMNP opened in 1915, it was used as an entrance road into the park. The road was designated SH 262 in 1939 and, by 1946 it had been extended into the RMNP, ending at the intersection of Fall River Road (US 34) and Deer Ridge Junction. This route was used until 1965, when the Beaver Meadows park entrance opened. At this time, the road was renamed SH 66 and, in 1977, it became part of US 36.

As part of this project, SH 262 will be overlain over the original road's alignment. A new intersection configuration will be built, requiring the removal of a non-historic building (commercial property, the Donut Haus) at the current intersection. Both a signalized intersection and roundabout intersection are currently under consideration at this location. Under either configuration (signalized or roundabout), the intent is to make geometric and grade changes to improve operational efficiency and additional sight distance, thereby improving safety conditions. The historic short rock retaining wall and rock-lined curb, along the west side of the curve in front of sites 5LR13751 and 5LR13753 (the former Rocky Mountain Park headquarters), will remain in place. A new short retaining wall will be added, if necessary, in front of these older wall features in conjunction with the lower road grade. The retaining wall along the east side of Moraine Avenue that stretches from 250 Moraine to 281 Moraine Avenue will also not be directly impacted and will be located more than 100 feet north of the proposed new construction. In short, the proposed improvements to Moraine Avenue will not adversely affect the historic integrity of SH 262 or any of its associated features.

**Section 4(f) Historic Determination**

The project has been determined to have “no adverse effect” on SH 262 under Section 106. SHPO concurred in writing with the Section 106 “no adverse effect” determination for this property as stated in a letter to CFLHD dated May 19th, 2016. SH 262 and its associated facilities (retaining walls, curb) are located in the highway right-of-way. If a historic resource is within right-of-way, the Section 4(f) Policy Paper (July 2012, page 36) states the following: “when a future transportation project is advanced resulting in a Section 106 determination of no historic properties affected or no adverse effect to such resources, there would be no Section 4(f) use.” Thus, Section 4(f) would not apply to SH 262.

**Park Resources**

The proposed project would require the conversion of approximately 18,611 square feet of existing park land in portions of Baldwin Park and Children's Park to transportation use:

- Baldwin Park is currently 61,940 square feet in size. The proposed roadway realignment along Riverside would require partial acquisition (14,463 square feet) of the park, which represents a loss of approximately 23%. The portion of Baldwin Park near Ivy Street is where the majority of parkland losses would occur. The proposed horizontal curve from the West Riverside alignment to the proposed alignment of the new bridge over the Big Thompson and the resulting alignment on the other side of the river (East Riverside)
cause this impact. The proposed curve radius is necessary to meeting engineering standards. An existing asphalt pavement area currently utilized for parking will be removed. The plaza and seating area currently located at the entry to Baldwin Park (across from the Post Office) will be moved to the former asphalt parking area further south.

- **Children’s Park** is approximately 16,211 square feet in size. Approximately 4,148 square feet (26%) would be required to reconstruct the intersection at Elkhorn/Riverside including the accommodation of two right-turn lanes from northbound Riverside onto eastbound Elkhorn, sidewalks and a pedestrian crosswalk. The area to be acquired is currently used for sidewalk and landscaping. In addition, restrooms currently located adjacent to Riverside along the Big Thompson River (within Children’s Park) would need to be removed to accommodate the roadway cross-section. No impacts are anticipated to the existing playground or other amenities within Children’s Park.

**Proposed Enhancements**

The project team recognizes the importance of park land to the downtown environment and larger community. Thus, we have worked to reduce impacts to the extent feasible while identifying replacement properties for conversion to park land. The intent is to benefit the community by constructing new formal and informal natural spaces for recreation and river access, and connecting and improving the park and river walk experience between Baldwin Park and the Big Thompson Riverwalk.

Several areas along Riverside Drive are recommended for conversion to park area as part of the implementation of the Proposed Action. The addition of these park areas would constitute acreage greater than the park lands impacted along the corridor (an acreage of 41,390 square feet/0.95 acre, which represents 22,779 square feet/0.52 acre of new park area). Proposed conversion of lands to park is shown in the attached exhibits and includes the following (from south to north along Riverside Drive):

- **Baldwin Park** (Parcel 11): The proposed shift in the Riverside Drive alignment would create a triangular shaped parcel of space adjacent to Baldwin Park. This area is recommended to be transferred to park land (part of Baldwin Park).
- **Upstream River Corridor** (Parcels 17-18): The relocation of commercial and residential properties along Riverside Drive (east of the River) will create an opportunity for parkland conversion, enhanced river access and floodplain mitigation area. With the wider floodplain boundaries assumed under recent flood flow data, the existing buildings are located within the floodplain. Conversion to park/open space area helps restore natural conditions. The intent of the planned design is to improve park land interconnections. An existing sidewalk located along the west edge of the river (along the Post Office lot and across from parcels 20 and 21) would be widened and a new pedestrian access point would be added to provide connectivity to the river.
- **Riverside Bridge** (Parcels 12-13): Parcels 12 and 13 are private properties that need to be acquired to reconstruct Riverside Drive. It is recommended that these two parcels be transferred to the Town for parkland. Conversion to park would provide enhanced access to the river, as well as the opportunity to extend a future trail (shown in dashed line on Exhibit A) parallel to the river.

The recommendations described above are proposed enhancements to offset impacts to parks due to the project.
Public Comments on the Environmental Assessment

Per requirements of 23 CFR 774.5(a)(2)(ii), the public was notified and had an opportunity for public review and comment on the effects to park lands during the EA and Section 4(f) public comment period. The Downtown Estes Loop EA and proposed de minimis finding for Section 4(f) resources was released for public comment on July 5, 2016. The public comment period ended on August 5, 2016. The EA was available for viewing at six locations as well as on the project website (www.downtownestesloop.com). During the public comment period we received 253 comments from 229 commenters. This included about a dozen comments regarding Baldwin and Children’s Parks, including eight about the increases in traffic and noise and four about the loss of shade and green space, as well as three additional comments about the meaning of the de minimis finding. The meaning of de minimis is clarified in detail below.

Subsequent to the public comment period, and in an effort to address public comments received on the project, the project team developed detailed renderings to better illustrate the future condition of Riverside Drive and Baldwin Park. These more clearly demonstrate how the Park Replacement Concept Plan (as shown in the EA) will be implemented in the future. These renderings support the finding that the impacts to the park are considered de minimis, and that implementation of mitigation measures described in the EA will help alleviate impacts to the park from this project.

De Minimis Finding

As a part of the environmental review process, the FHWA has responsibilities to comply with Section 4(f) of the Department of Transportation Act of 1966 (which has been later revised and recodified but still referred to as Section 4(f)). The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to avoid transportation use of historic sites and publicly owned recreational areas, parks, and wildlife and waterfowl refuges.

The de minimis finding is specific to resources protected under Section 4(f) of the Department of Transportation Act. This Act stipulates that the FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or historic sites unless a determination is made that:

- There is no feasible and prudent avoidance alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use; or
- FHWA determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) will have a de minimis impact on the property.

If the FHWA determines that a transportation use of these types of properties, also known as Section 4(f) properties, results in a de minimis impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete. De minimis impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.
The finding of a *de minimis* impact on recreational and wildlife resources can be made when:

1) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);

2) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource; and

3) The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Through the detailed screening process, the proposed project alternative was determined to be the least environmentally damaging alternative. We have found through the screening process that there is no reasonable alternative that would meet the identified transportation needs without impacting these parklands. Together as a team and with the partner agencies, we have worked to reduce impacts to parkland through the proposed design and have identified opportunities to provide replacement lands that will become long-term amenities and assets for the community. The proposed enhancements, including informal natural lands, plaza/seating areas, sidewalks, pathways, river access and restrooms will be constructed under the proposed design. A preliminary concept plan, as presented in the EA, for parkland and amenity replacements are shown in Exhibits A and B. Visual renderings of the concept plan are shown in Exhibit C. Thus, the characteristics and features that make the properties eligible for Section 4(f) protection will remain.

It is FHWA's intent to make a determination that the impacts to Baldwin Park and Children's Park are *de minimis*. This determination will satisfy the Section 4(f) requirements for this project. During the design every effort was made to minimize the footprint of the project. The park land to be impacted, as well as proposed enhancements, was discussed with Town of Estes Park staff over the course of the project. The proposed enhancements will provide access to the various recreation opportunities and would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

The FHWA requests that Town of Estes Park, as owner of the parks, concur with the determination of a *de minimis* effect. This can be accomplished by signing the statement provided below and returning a copy of this letter to our office.
Regarding the proposed Downtown Estes Loop project, as described above, I concur that the project will have a de minimis impact on Baldwin Park and Children’s Park. The project will not adversely affect the activities, features, and attributes that make the properties eligible for Section 4(f) protection.

We would like to thank the Town of Estes Park for their cooperation with this project. Please contact me if you have any questions regarding this matter.

Sincerely,

James Hartyck
Project Manager

Exhibits
- A: Anticipated Impacts to Park Property
- B: Proposed Replacement Park Lands
- C: Proposed Baldwin Park Renderings
Exhibit B: Proposed Replacement Park Lands
Exhibit C: Proposed Baldwin Park Renderings

Figure 1: Riverside Drive at Baldwin Park Cross-Sections
Figure 2: Riverside Drive at Baldwin Park Cross Sections

Estes Park Section (2) at Baldwin Park AECOM

DAY 1

20 YEARS
Figure 3: Riverside Drive at Baldwin Park Perspectives

NB Riverside mid-Baldwin Park - EXISTING

NB Riverside mid-Baldwin Park - PROPOSED

Mr. Greg Muhonen  
Public Works Director  
Town of Estes Park  
170 MacGregor Avenue  
Estes Park, Colorado 80517

Subject: FHWA CFLHD, CO FLAP 34(1) & CO FLAP 36(1), Estes Park Moraine Avenue and Riverside Drive Environmental Assessment, Clarification to Children’s Park Section 4(f) Impact

Dear Mr. Muhonen,

This letter is in regard to Section 4(f) coordination for the Downtown Estes Loop project. In our letter to you dated November 16th, 2016, we identified the acreage of impact for Children’s Park specific to Section 6(f), rather than only the Section 4(f) impact. Our intent with this letter is to clarify those impacts.

In the letter dated November 16th, we stated the following:

Children’s Park is approximately 16,211 square feet in size. Approximately 4,148 square feet (26%) would be required to reconstruct the intersection at Elkhorn/Riverside including the accommodation of two right-turn lanes from northbound Riverside onto eastbound Elkhorn, sidewalks and a pedestrian crosswalk. The area to be acquired is currently used for sidewalk and landscaping. In addition, restrooms currently located adjacent to Riverside along the Big Thompson River (within Children’s Park) would need to be removed to accommodate the roadway cross-section. No impacts are anticipated to the existing playground or other amenities within Children’s Park.

The acreage of 4,148 square feet is specific to the total amount of property impacted under Section 6(f). Section 6(f) properties are those purchased or improved with the U.S. Land and Water Conservation Fund (LWCF). A detailed explanation of Section 6(f) is included in the Downtown Estes Loop Environmental Assessment (EA). The 4,148 square feet is the full area of impact needed within the larger 33,668 boundary of land that received LWCF funds. This larger boundary includes Children’s Park (16,211 square feet), as well as the parking lot.

The Section 4(f) impact in this area is much less, and is only 289 square feet of Children’s Park (owned by the Town of Estes Park). This is the portion of land needed from the park to construct the widening of Riverside Drive as well as associated sidewalk and landscaping. The existing restroom in Children’s Park will not be impacted as part of Phase 1. Based on the assumptions in the EA, the restroom would require relocation if the Riverside Bridge is rebuilt in the future. As
stated above, no impacts are anticipated to the existing playground or other amenities within Children’s Park. Because these areas are complex, we have provided an exhibit to help illustrate the impacts, please see Attachment 1.

Please contact me with any questions or to clarify further.

Sincerely,

James Herlyck, P.E.
Project Manager

Enclosures:
1. Revised Section 4(f) Figure

Cc: Mayor Todd Jirsa
Attachment 1: Children’s Park – Section 4(f) and 6(f) Impact Areas