

June 24, 2010

Mr. Ed Nichols
State Historic Preservation Officer
1560 Broadway
Suite 400
Denver, CO 80202

Subject: Denver Union Station MOA Annual Report

Dear Mr. Nichols,

The purpose of this submittal is to provide all parties and signatories to the Denver Union Station (DUS) Memorandum of Agreement (MOA) a summary report detailing the work undertaken pursuant to its terms.

This report shall be made available for public review by copies being sent to all consulting parties and signatories and being posted at www.denverunionstation.org. Therefore, potentially interested members of the public will be made aware of its availability and are invited to provide comments to the SHPO, RTD and FTA within a 30 day comment period. Following the 30-day comment period and any necessary meetings, the Federal Transit Administration (FTA), Regional Transportation District (RTD), Colorado Department of Transportation (CDOT) and State Historic Preservation Officer (SHPO) shall determine whether this MOA shall continue in force, be amended or terminated.

Comments on the attached report are requested by July 23, 2010.

If you have any questions regarding this report, please contact me at (303) 299-2437.

Sincerely,



Liz Telford
Manager Corridor Planning (Environmental)

Cc: Terry Rosapep, FTA
Blythe Semmer, ACHP
Catherine Kauffman, FRA
Jerry Nery, DUS Engineering Project Manager
Ellen Ittelson, City and County of Denver
Annie Levinsky, Historic Denver



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Dianna Litvak, CDOT Region 6
Lane Ittelson, Colorado Historical Foundation
Amy Cole, National Trust for Historic Preservation
William Roettker, Sierra Club-Rocky Mountain Chapter
Luke O'Kelley, Union Station Advocates
Gunther Vogt, Lower Downtown District, Inc.
Bert Melcher, Open Space Initiative Group
Jim Hare, Colorado Preservation Inc.
Aaron McMichael, Kiewit Environmental Compliance Officer
Project File



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1. Project Status

The DUS MOA was completed in September 2008 and was included in the DUS Record of Decision (ROD) published in November 2008. Since then the administration for the project has been delegated to the Denver Union Station Project Authority (DUSPA). The DUSPA has secured commitments to fund the full \$480 million project budget and construction began in February 2009. At this point the construction is approximately 10% completed and all aspects of the station are expected to be fully functional by 2015.

2. Status of MOA Mitigations

Numbering in this section replicates the numbering in the MOA for easy reference.

I.A. Archival Documentation

The Delgany Street Sewer and the tunnel at Denver Union Station have been documented by the gathering of old drawings and plans of those facilities. Archival photographs have also been taken of the Delgany Street Sewer, passenger tunnel and of the existing railroad tracks to the west of Denver Union Station. A detailed list of historical resources including books, maps and plans providing detailed information on DUS, the railroad tracks located behind the station and the Delgany Street Sewer have been compiled. Three copies of the archival documentation described above have been provided - one for the SHPO, one for the Western History Collection at the Denver Public Library, and one for RTD.

I.B. Additional Information

A Historic Structure Assessment for the DUS building began in February 2010 and is expected to be finalized in the fall of 2010. This document will provide information on the structure to help direct future decisions on maintenance and repair. This document shall be completed prior to the demolition of the passenger tunnel.

I.C Salvage

The demolition of the passenger tunnel is anticipated to occur in 2011. Prior to that demolition, RTD will salvage the existing large historical photographs in the passenger tunnel, the gate signs and brass light fixtures (green paint shall be removed to restore the original brass fixtures) and relocate them on-site in consultation with the SHPO within one year of completion of the undertaking (2015).

I.D Interpretive Display

A comprehensive interpretive display on the importance of DUS and its environs shall be prepared in consultation with the SHPO within one year of completion of the undertaking.

Walking tour brochures addressing 6-12 interpretive signs for the station area shall be prepared. Items to be addressed in the comprehensive interpretive display shall include, but not be limited to, tunnels at DUS, the railroad tracks behind DUS and the Delgany Street Sewer. The City shall be consulted for the placement of the interpretive signage.

I.E Review and Comment

The SHPO's office and the consulting parties were provided information by the City on the proposed design standards and guidelines for the private development on the DUS site. The SHPO's office and the consulting parties reviewed and commented.

The SHPO's office and the consulting parties were provided 30% design plans on the design of the pedestrian bridge over passenger rail. Consultation on this topic continued with SHPO and the consulting parties from October 2008 through a final design decision in February 2010.

At the February 9, 2009 Executive Oversight Committee meeting, RTD initiated a discussion with the Executive Oversight Committee to consider the possibility of a historic preservation easement or another form of protection for the interior and exterior of Denver Union Station.

3. Problems or Unexpected Issues

Three post-review discoveries have been identified since the MOA was signed.

The first one was a finding that the removal of the passenger tunnel will expose a portion of the exterior DUS historic building wall and need to be repaired. Potential treatments to the exposed wall were discussed with SHPO, the consulting parties and the Landmark Preservation Commission at meetings in January and February 2010. Materials and design were agreed to by all parties and a finding of no adverse effect was documented in a letter from SHPO on April 29, 2010.

The second post review discovery was the need for a canopy connection between the commuter rail facility and the historic building. SHPO and the consulting parties provided comment on the design options for this canopy. Again, all parties agreed on a preferred design which will not physically connect to the historic building.

The third post review discovery was actually a series of three separate items found during excavation. In all three cases, the construction team temporarily stopped work, and consulted a paleontologist. On April 29, 2010 a paleontologist was called to the site to assess a potential fossil find in excavations for the eastern light rail wall. Her assessment indicated that the bone in question is most likely of "Recent age" (defined as less than 10,000 years old) and not fossil (defined as greater than 10,000 years old)." She continued that "... the bone appears to be a broken mammal rib, but because rib fragments are undiagnostic I can't determine the species of mammal it came from. Because the rib

fragment has no paleontological importance, I recommend that construction in the area should continue without delay.” In this case the County Coroner was contacted and determined that the bones found were not human and therefore they had no further interest.

On May 7, 2010 a second bone was found and the paleontologist said that it was a bison humerus with “no paleontological importance [and therefore], I recommend that construction in the area should continue without delay”.

The third find was a small singular piece of petrified wood. In the case of the third find on May 25, 2010 of a petrified wood stump the paleontologist said “Because there is no provenance associated with the fossil, an age determination is impossible and it subsequently has no paleontological importance.” None of these instances required further investigation. After the first find, FTA was notified of the find and the process to analyze the find and when to resume work. They endorsed for that process for any potential future finds.

4. Changes that FTA or RTD believe should be made in the implementation of this MOA

Because a significant component of the funding has been secured through railroad infrastructure financing, FTA has invited the Federal Railroad Administration to be party to this MOA. FRA agreed and a fully executed copy of the signed MOA was distributed February 8, 2010.

5. Disputes Regarding RTD and FTAs ability to carry out the terms of the MOA

To date, there have been no disputes regarding RTD and FTA’s ability to carry out the terms of this MOA.