



December 20, 2019

Re: FAA Denver Metroplex (DEN Metroplex) Final Environmental Assessment and Errata:
Section 106 comments

**Historic Preservation
Advisory Commission**
Bret Johnson, Chair

Commissioners

Jack Hida
Scott Danfeler
Susan Meade
B. Travis Wright
Sarah Russell

**Historic Preservation
Advisory Commission
Liaison**

Tami Archer

Located in the Historic
Gilpin County Courthouse
P.O. Box 661
203 Eureka Street
Central City, Colorado 80427

303.582.5831
303.582.5440 fax

www.gilpincounty.org

The Gilpin County Historic Preservation Advisory Commission provides the following comments regarding the Denver Metroplex project and its effect on our historic resources. Gilpin County is home to numerous individual historic properties and districts whose setting is dependent on the area's peace and beauty, ranging from early 20th century vacation and recreational cabins and developments, to mining ghost towns and mountain ranches. While some of these have been identified in cultural resource surveys and have been listed on the National Register of Historic Places or as National Historic Landmarks, there are many more that have yet to be identified. We believe that the current proposed alternative, which routes additional aircraft from Boulder County into Gilpin County has an adverse effect on our historic resources, and that the FAA's report does not adequately provide an assessment of this impact; in fact, the report completely ignores the requirements of Section 106 review on the impact of the proposal on our historic resources.

First, the Gilpin County Historic Preservation Advisory Commission (HAC), along with the Gilpin County Board of County Commissioners (BoCC), are both requesting "consulting party" status per the regulations of Section 106 of the National Historic Preservation Act.

Next, the HAC is requesting that a thorough review of the impact of the proposal on the county's historic resources be completed per the requirements of Section 106. This request includes the following: a review of all National Register listed and eligible properties; soliciting comments from the County's Historic Preservation Advisory Commission as to what other not-yet-identified historic resources may be impacted; an accurate study of the impact of noise and visual intrusions using metrics recommended by the National Park Service; inclusion of metrics that take into account the terrain and topography of Gilpin County; studies showing the impacts of alternative routes; and provision for adequate time for Gilpin County to review and comments on these findings.

We are also providing comments on several flaws in the methodology and conclusions of the FAA's response to the requirements of Section 106.

Flaws in Methodology, Evaluation, and Conclusions¹

- **Public involvement**
Per the FAA's handbook on Section 106, the first step is "Initiate the Process," which includes a plan to involve the public and identifying consulting parties. This should occur *prior* to identifying historic properties. Without the input of consulting parties and relevant jurisdictions, how can the FAA possibly identify the extent of historic properties, particularly those not yet identified? Local preservation commissions, particularly those that have been recognized as Certified Local Governments, are the best source for information on potentially eligible historic properties that are not yet identified. The purpose of the Certified Local Government program is to establish a federal, state and local partnership for the purpose of preserving historic resources. This partnership includes notification of federal actions within a local jurisdiction. As Gilpin County is a Certified Local Government, we believe we should be a partner in reviewing the proposed actions of the FAA, and our advice on how to protect our historic resources should be solicited and heeded.

¹ Categories of Section 106 discussed below are taken from the FAA's *Section 106 Handbook: How to Assess the Effects of FAA Actions on Historic Properties under Section 106 of the National Historic Preservation Act*, June 2015..

The Colorado State Historic Preservation Office (SHPO), in at least two letters from 2019, requested that the FAA contact local governments with historic preservation commissions Gilpin County was on that list. Yet the FAA chose to contact only three government jurisdictions, when this project clearly impacts a much larger area. We believe the Area of Potential Effect should include Gilpin County, and that numerous historic properties in our jurisdiction were overlooked. Thus, the effect of the increased air traffic on historic resources was not correctly assessed.

Second, using the NEPA method for contacting the public for *historic and cultural resources*, although technically allowable, is not a good faith effort to address impacts on these resources. This was pointed out by SHPO, and we concur. Those with knowledge and concern about the impact on historic resources would not expect to look in environmental assessment reports. We request additional time to review the DEN Metroplex project, once the FAA conducts a more thorough analysis that includes Gilpin County's historic resources.

- Identify historic properties

Establish Area of Potential Effect (APE)

The methodology of establishing the APE appears to be flawed in several ways, and the metrics to determine it is not defined. It appears to be based on noise impact, which in turn is based in DNL measurements (more comments on this under "Assess Effects"). Furthermore, the FAA erroneously believes this is an *indirect* impact². Based on the proposed action that greatly increases the number of flights over Gilpin County, we believe the APE is incorrect, and that Gilpin County is clearly impacted by the preferred alternative that is proposed. Furthermore, the proposed change seems to be based on one comment from Boulder County, but the increased impact that resulted from this single comment does not appear to have been evaluated.

Identify and Evaluate Historic Properties

The report looks only at properties within the extremely limited APE, and also incorrectly looks at *only* those that already listed on the National Register of Historic Places; it does not include properties that are or may be eligible. This is a very significant oversight. Furthermore, in reviewing the extensive list of historic resources provided by the FAA (a list that appears to be designed to obfuscate information), there are both listed and eligible properties in Gilpin County that are not included. We request that Gilpin County's historic resources be included in this list, both NRHP and NHL listed properties, as well as inventoried properties not yet listed. Our preservation commission can provide information on historic properties and potential historic district not yet inventoried, but we require 180 days to be able to complete this study. Once the list of historic properties is finalized, then the assessment of effects can take place.

Determine if Historic Properties are Affected

Since the FAA did not take into account any historic properties in Gilpin County, it is clearly impossible to "determine if historic properties are affected." As noted above, once an accurate list of properties is prepared, we next request a map that shows the flight paths and reveals the increased number of flights *as it affects Gilpin County* (i.e. at a scale that is legible).

Assess Effects

In a letter from June 7, 2016, the National Park Service (NPS) provided the FAA with valuable information on the impact of sounds on historic and cultural resources. Most significantly, it was pointed out the NPS uses a different standard than those used by other agencies to determine if there is an impact. As the NPS is the only federal agency that is qualified to assess effects *on historic resources*, the FAA's definition of "significant impact" is not relevant. According to the FAA, places that experience a current level of noise must be subjected to a higher number of DNLs before it considers that a "significant" impact. These metrics are furthermore established for cities and communities. A comparatively smaller noise increase in rural and natural areas, that depend upon quiet and solitude as part of the setting, results in a more substantive effect than the FAA's metric. Furthermore, the mountainous terrain and topography need to be taken into account when reviewing the impact in Gilpin County, where noise reverberates and is amplified.

² Audible and visual effects are considered direct effects, as per the memo from the Advisory Council on Historic Preservation.

More specifically, the Gilpin County HAC recommends that the FAA use the methodologies and metrics described in the NPS letter from June 6, 2016 to Marina Landis, FAA to determine the effect of noise on the historic properties in Gilpin County. As pointed out in that letter, the DNL metric alone is not adequate to capture other characteristics of noise exposure.

The NPS provided additional guidance for characteristics to review in the acoustical analysis:

This includes supplemental metrics, which include:

- Sound exposure level (SEL)
- Maximum sound level (L max)
- Equivalent sound level (L eq)
- Time above (TA)
- Number above (e.g. number of events per day above natural ambient)
- Time audible (with respect to natural ambient)

Thus, in order to effectively evaluate the impact of noise on our historic resources, we request that alternative methodologies be used to determine the effect of the increased air traffic in the quiet soundscapes of Gilpin County. We further request that this analysis include a comparison with existing conditions as well as other alternatives, so that we can provide comment on the alternatives.

Also, the FAA only reviewed effects on properties when “setting” was used in the integrity discussion of properties listed on the NRHP. Many of these nominations are quite old, and inadequately discuss the importance of setting. Instead, these properties should be reviewed by the more stringent standards used by the NPS today, where setting is more commonly discussed in the eligibility of properties. In Gilpin County, setting is a key aspect of eligibility for our historic properties, particularly for our historic vacation and recreational resources, our ghost towns, and our historic ranches. Furthermore, by focusing only on *listed* properties, instead of including eligible properties, the importance of setting in non-surveyed historic resources was not evaluated at all. A historic preservation professional, meeting requirements in 36 C.F.R. 61, should review Gilpin County’s listed and eligible resources to determine the importance of setting.³

Finally, the method of assessing **visual** impacts was flawed. The FAA counted this as an impact only if there were new areas that had not been overflowed in the past. It then determined that if an area had seen even a single flight in the past, there was “no potential to introduce new visual elements.” Clearly, this assessment is woefully inadequate to address a significant increase of air traffic, which in turn impacts the scenic views in the setting of our historic resources. We request information for Gilpin County that clearly reveals the current traffic numbers, the proposed traffic numbers, and the alternative numbers so we can provide informed comments.

Report Format

The information required by Section 106 is not presented in a manner that is consistent with the standards set forth by 36 CFR 800.11(e). We agree with the Colorado SHPO that the information for historic resources should include:

- 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, include photographs, maps and drawings;
- 2) A description of the steps taken to identify historic properties
- 3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register (not *just* NRHP listed properties)
- 4) A description of the undertaking’s effects on historic properties
- 5) An explanation of why the criteria of adverse effect were found applicable, or inapplicable, including any conditions of future actions to avoid, minimize or mitigate adverse effects.
- 6) Relevant comparisons of alternatives and how historical assets are affected.

³ As noted by the Colorado SHPO, Google Maps street view is *not* an appropriate method to evaluate resources in our county, as the vast majority is not covered. This review will require both site visits and archival research.

Adverse Effect on Gilpin County's Historic Resources

Due to the flawed analysis and metrics used to determine effects, the APE, the incomplete list of historic resources, and the report's unclear presentation of its findings, it is difficult to provide a full and adequate response to this massive project as it specifically relates to Gilpin County. We provide one example below where a quiet setting, chosen for its natural scenic beauty and solitude, is home to a nationally significant historic resource.

Lincoln Hills was the preeminent historic African American resort of the segregation era in the Rocky Mountain West. It was a welcoming destination for vacationers with limited options for travel and leisure due to discrimination. In the early 20th century, African Americans were forced to create their own opportunities for safe travel and leisure due to segregation. The Lincoln Hills Development Company (LHDC) was formed in 1922 by two African American entrepreneurs to provide a safe haven for travelers. The LHDC promoted the development as being “nestled within the grandeur of the everlasting hills, bathed in perpetual sunshine and fragrant with the odors of wild flowers and the health giving pine forests. . .”

Within the Lincoln Hills resort community, Winks Lodge (NRHP listed, and currently being reviewed as a National Historic Landmark) was a major destination in the Rocky Mountain West, and cabin lots within the development attracted African American owners from across the country. Lincoln Hills also contains three buildings in Camp Nizhoni, the first dedicated camp for African American girls in Colorado and one of the earliest in the nation.

Lincoln Hills flourished because of the outdoor opportunities it offered in the Rocky Mountain West. The mountain experience includes the peaceful, *quiet* setting with an emphasis on the beautiful natural environment. Increased noise and visual impacts will be a clear and adverse effect on the setting of Lincoln Hills, and would negatively impact its eligibility for historic designation. *The HAC is requesting 180 days to review the new impacts to Gilpin County's historical assets after more information has been provided in the EA and/or Errata.*

If the county had received adequate notification of the public process with complete information, we would have informed you of these significant historic resources and the potential adverse effects. We request that this project be delayed until a corrected response by the FAA under the requirements of Section 106 can be prepared. Gilpin County's historic resources should be adequately reported, and the effect of the proposal should be adequately evaluated by metrics that are relevant to historic properties. Gilpin County should then be provided time to prepare a response to the corrected report, and we are requesting “consulting party” status to ensure that we are notified of all actions in the future.

Respectfully submitted,



Bret Johnson, Chair
Gilpin County Historic Preservation Advisory Commission

Cc:

Jason O'Brien, Section 106b compliance Manager, Colorado State Historic Preservation Office, History Colorado
Sarah Stokely, Advisory Council on Historic Preservation
Gilpin County Commissioners