



# Harney Street Viaduct

ENVIRONMENTAL ASSESSMENT

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## Appendix C - Cultural Resources Coordination



# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation Office  
Barrett Building, 3rd Floor  
2301 Central Avenue  
Cheyenne, WY 82002  
Phone: (307) 777-7697  
Fax: (307) 777-6421  
<http://wyoshpo.state.wy.us>

Jan 16, 2009

Julie Francis  
Environmental Services  
WYDOT  
5300 Bishop Boulevard  
Cheyenne, WY 82009

Re: WYDOT preparation of an EA for construction of a new viaduct along Harney Street in Laramie (SHPO File # 0109KLH002)

Dear Ms. Francis:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that sites 48AB617 (WPA bathhouse and pond), 48AB618 (concrete and brick foundation for a possible water storage facility), and 48AB620 (railroad bridge No. 0.70 over Laramie River) are not eligible for the National Register of Historic Places. We find that the proposed project will have no effect on these sites.

However, we find that site 48AB619 (Wyoming-Colorado, Segment A-F) is contributing to the eligibility of the Laramie, Hahn's Peak, and Pacific Railway. The railroad maintains integrity of location. It still has integrity of design, material, and workmanship as the railbed and a level grade remain. In addition, both the ballast and track are in place. Overgrown vegetation and lack of use may affect condition, but not integrity. The setting and association while somewhat altered are still maintained. Originally, this segment was located at the edge of town in a mixed-use area; it is still in a residential, small business, and industrial area. The presence of new warehouses is in keeping with the setting and association. The integrity of feeling is still present, as the segment conveys the feeling of a linear resource. Tracks are visible in both directions and this segment still looks and feels like a railroad. Depending on the alternative chosen, the effect on this segment may vary.

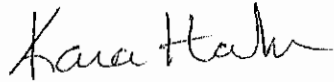
At this point in the planning process, when examining the effect on the Wyoming Territorial Prison, we recommend Alternative 1- Options B or C. These alternatives appear to have the least impact or effect on site 48AB101.



Dave Freudenthal, Governor  
Milward Simpson, Director

This letter should be retained in your files as documentation of consultation with the SHPO. Please refer to SHPO project # 0109KLH002 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-7828.

Sincerely,



Kara Hahn



Dave Freudenthal, Governor  
Milward Simpson, Director

# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation Office  
Barrett Building, 3rd Floor  
2301 Central Avenue  
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19 January 2010

Julie Francis  
Archeologist  
Wyoming Department of Transportation  
5300 Bishop Boulevard  
Cheyenne, WY 82009-3340

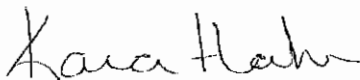
Re: WYDOT Proposed Harney Street Viaduct Determination of Eligibility for  
Midwest/Standard Oil Refinery -WYDOT Project P261022  
(SHPO File # 0109KLH002)

Dear Dr. Francis:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that the Midwest/Standard Oil Refinery, 48AB1894, does not retain sufficient integrity and is not eligible for listing in the National Register of Historic Places.

This letter should be retained in your files as documentation of a SHPO concurrence on your determination of eligibility. Please refer to SHPO project # 0109KLH002 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-7828.

Sincerely,



Kara Hahn  
National Register Coordinator



Dave Freudenthal, Governor  
Milward Simpson, Director





Dave Freudenthal  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

May 27, 2010

Mr. Randy Strang, P.E.  
Federal Highway Administration  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001

P261022  
Laramie Streets  
Harney Street viaduct  
Albany County  
48AB619

Dear Randy:

Enclosed please find three copies of the historical evaluation and determination of effects to 48AB619, the Laramie-Hahn's Peak Railroad, for three alternatives for construction of the Harney Street viaduct in Laramie, Wyoming. All three alternatives will adversely effect a contributing element of the NRHP eligible railroad, known as the Wye. The Laramie-Hahn's Peak railroad is in the process of abandonment. The Wye is situated at the intersection of the Union Pacific Mainline and the Laramie-Hahn's Peak mainline. This was the articulation point between the two railroads, at which train cars and goods were transferred from one railroad to the other; locomotives were turned around, tracks were switched, etc. The Wye conveys important aspects of how two railroads, and the associated freight and passenger service were integrated and serviced needs of remote portions of Albany County, Wyoming and northern Colorado. The southwest arm of the Wye originally serviced the Laramie-Hahns Peak depot and machine shop south of what is now the Snowy Range Road. The depot was demolished in 1951; some buildings related to the machine shop are still extant. Train cars can no longer reach these, as the track has been truncated at the Snowy Range Road. The latest information available to WYDOT is that tracks from the Wye will be removed this coming summer. Should the tracks be removed, it does not alter determination of effects for this particular project.

Alternative 1A would construct a new bridge over the UPRR, come down Harney Street and turn southwest on the west side of Cedar Street to connect with the Snowy Range Road. This alternative would cross the mainline and, as currently conceived fill over about 600 ft of the southwest arm of the Wye. It is presumed the grade would be removed on both the mainline and the SW arm of the Wye, with a total of about 700 ft of grade directly impacted. . This would alter the physical aspects of how the SW arm of the Wye reached the depot and associated buildings, which was an integral part of how the railroad functioned up until the 1950s. The effect is considered adverse in that integrity of design, material, workmanship, feeling and association with an early 20<sup>th</sup>

century railroad would be altered. Setting would also be altered. However, integrity of setting is not considered good due to the presence of two large modern industrial buildings which dominate the area.

Alternative 1D would construct a new bridge over the UPRR skewed slightly to the north, skirt the neighborhood on the northside, and turn south of the west side of Cedar to connect with the Snowy Range Road. As currently conceived (this is subject to change as there has been no formal design), the mainline would be crossed once, and there would be three discrete crossings of the SW arm of the Wye, resulting in a total of about 400 feet of grade directly impacted. At the time WYDOT consultants prepared the report, WYDOT was investigating the possibility of constructing at grade crossings, with no removal of track. Owing to traffic and transportation concerns, three at-grade crossings of the SW arm of the Wye were considered undesirable and would not meet purpose and need of the project (which is to construct a new arterial east-west connector). Effects of construction of Alternative 1D are considered adverse, for the same reasons as cited above for Alternative 1A.

Alternative 1C would cross the UPRR at Harney and trend southwest, following the Wye to connect with the Snowy Range Road. This alternative would remove the northeast arm of the Wye, several hundred feet of the mainline, and most of the southwest arm. Approximately 2300 ft of the are estimated to be impacted. Construction of this alternative would leave only the southeast arm as an isolated remnant, with connections to the mainline severed. This alternative would essentially remove all aspects of how the UPRR and Laramie-Hahn's Peak railroad functioned together. This alternative would have an adverse effect due to loss of location, setting, design, materials, workmanship, feeling, and association.

Two additional copies of the report (one for SHPO and one for ACHP) are included with this package. We are requesting SHPO's comments on eligibility and effect for each of the three alternatives. A separate report, detailing eligibility and effects to individual properties within the North Clark Street neighborhood will be submitted to your office in the near future.

If you need any additional information, please do not hesitate to contact me.

Sincerely,

Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services





# Harney Street Viaduct EA

## Draft Technical Memo

### Preliminary Noise Impacts Evaluation of Historic Properties

#### June 15, 2010

#### **Introduction**

The following summarizes the preliminary noise analysis for historic properties within the Harney Street Viaduct project area. A total of 10 properties eligible for listing on the National Register of Historic Place were identified within the 66dBA noise contours associated with the three build alternatives. This summary provides a discussion of the anticipated extent of impacts related to Section 4(f) “constructive use” and Section 106 “effects” and the historic structure(s) located on each of the ten properties. This summary also provides recommended design modifications to avoid noise impacts, as appropriate.

The receivers are presented roughly from north to south and are identified by alternative presenting the impact. The following approach was used to determine the extent of noise impact as it relates to Section 4(f) and Section 106.

1. Does the noise level exceed the WYDOT NAC? (Consistent with WYDOT Noise Analysis and Abatement Guidelines, a traffic noise impact occurs when the predicted levels approach (66 dBA) or exceed 67 dBA.
2. Does the noise level resulting from the build alternative significantly increase over existing conditions (15 dBA or more increase)?
3. Does the interior noise level (using the 10 dBA reduction according to the FHWA guidance) exceed the 51 dBA WYDOT NAC?

If a noise impact is identified after the three steps, then a “constructive use” under Section 4(f) and an adverse effect under Section 106 are determined for that particular historic structure.

#### **Property A1:**

This property is located on the east side of Cedar Street and within the 66dBA noise contour for Alternative A. The predicted noise level at this location for Alternative A is 67.1 dBA which exceeds the WYDOT NAC of 66 dBA for activity category B (residences). The estimated existing noise level is 57.3 dBA, indicating an increase of 9.8 dBA resulting from Alternative A. Noise levels within the historic structure itself are expected to be lower than the predicted exterior noise level. FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance (1995) document considers that interior noise level predictions could be 10 decibels lower than exterior levels. As such, the interior noise level within the historic structure at this property is expected to be 57.1 dBA which is 6.1 dBA greater than the WYDOT’s Noise Abatement Criteria of 51 dBA for activity category E (interior noise levels) as presented in the Noise Analysis and Abatement Guidelines (1996).



**Conclusion:** For Property A1, Alternative A would be considered a “constructive use” of the historic structure under Section 4(f) and would result in an “adverse effect” to the historic structure under Section 106.

**Avoidance/Minimization Recommendation:** The alignment of Alternative A nearest the receptor would need to be shifted approximately 136 feet to the south to avoid noise impacts to this receptor. The traffic on Cedar Street has a major effect on noise levels at this location. This shift in alignment could require the acquisition of an additional 9 properties.

**Property C1:**

This property is located on the north side of Flint Street and within but near the outer edge of the 66dBA noise contour for Alternative C. The predicted noise level at this location for Alternative C is 66.4 dBA which slightly exceeds the WYDOT NAC of 66 dBA for activity category B (residences). The estimated existing noise level is 52.6 dBA, indicating an increase of 13.8 dBA resulting from Alternative C. Noise levels within the historic structure itself are expected to be lower than the predicted exterior noise level. FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance (1995) consider that interior noise level predictions could be 10 decibels lower than exterior levels. As such, the interior noise level within the historic structure at this property is expected to be 56.4 dBA which is 5.4 dBA greater than the WYDOT’s Noise Abatement Criteria of 51 dBA for activity category E (interior noise levels) as presented in the Noise Analysis and Abatement Guidelines (1996).

**Conclusion:** For Property C1, Alternative C would be considered a “constructive use” of the historic structure under Section 4(f) and would result in an “adverse effect” to the historic structure under Section 106.

**Avoidance/Minimization Recommendation:** The alignment of Alternative C nearest the receptor would need to be shifted approximately 15 feet to the south to avoid noise impacts to this receptor.

**Property C2:**

This property is located on the north side of Flint Street. A portion of the property is located within the 66dBA noise contour for Alternative C. The predicted noise level at this location for Alternative C is 65.1 dBA which is below the WYDOT NAC of 66 dBA for activity category B (residences). Furthermore, the historic structure is located outside the 66 dBA contour and thus is not expected to be impacted. The estimated existing noise level is 53.1 dBA, indicating an increase of 12 dBA resulting from Alternative C.

**Conclusion:** For Property C2, Alternative C would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “no adverse effect” to the historic structure under Section 106 based on noise impacts alone.



**Property C3:**

This property is located on the east side of Cedar Street and would be potentially acquired due to construction of Alternative C.

**Conclusion:** *For Property C3, Alternative C would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “no adverse effect” to the historic structure under Section 106 based on noise impacts alone.*

**Property C4:**

This property is located on the west side of Cedar Street and would be potentially acquired due to construction of Alternative C.

**Conclusion:** *For Property C4, Alternative C would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “no adverse effect” to the historic structure under Section 106 based on noise impacts alone.*

**Property C5:**

This property is located on the east side of Cedar Street and a portion of the property is located within but near the outer edge of the 66dBA noise contour for Alternative C. However, the historic structure itself lies outside the 66 dBA noise contour. The predicted noise level at this location for Alternative C is 65.7 dBA which is below the WYDOT NAC of 66 dBA for activity category B (residences). The estimated existing noise level is 60.1 dBA, indicating an increase of 5.6 dBA resulting from Alternative C.

**Conclusion:** *For Property C5, Alternative C would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “no adverse effect” to the historic structure under Section 106.*

**Property CD1:**

This property is located on the west side of Cedar Street and the entire property is within the 66dBA noise contour for Alternative C. However, only the western portion of the property is within the 66dBA contour for Alternative D. The noise level at this property in general was predicted to be 67.1 dBA for Alternative C and 63.9 dBA for Alternative D. Therefore, no impacts are anticipated to the historic structure for Alternative D.

The predicted noise level at this location for Alternative C is 67.1 dBA which exceeds the WYDOT NAC of 66 dBA for activity category B (residences). The estimated existing noise level is 58.7 dBA, indicating an increase of 8.4 dBA resulting from Alternative C. Noise levels within the historic structure itself are expected to be lower than the predicted exterior noise level. FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance (1995) consider that interior noise level predictions could be 10 decibels lower than exterior levels. As such, the interior noise level within the historic structure at this property is expected to be 57.1 dBA which is 6.1 dBA greater than the



WYDOT's Noise Abatement Criteria of 51 dBA for interior residences as presented in the Noise Analysis and Abatement Guidelines (1996).

**Conclusion:** For Property CD1, Alternative D would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “**no** adverse effect” to the historic structure under Section 106.

*For Property CD1, Alternative C would be considered a “constructive use” of the historic structure under Section 4(f) and would result in an “adverse effect” to the historic structure under Section 106.*

**Avoidance/Minimization Recommendation:** *The alignment of Alternative C nearest the receptor would need to be shifted approximately 36 feet to the west to avoid noise impacts to this receptor.*

#### **Property CD2:**

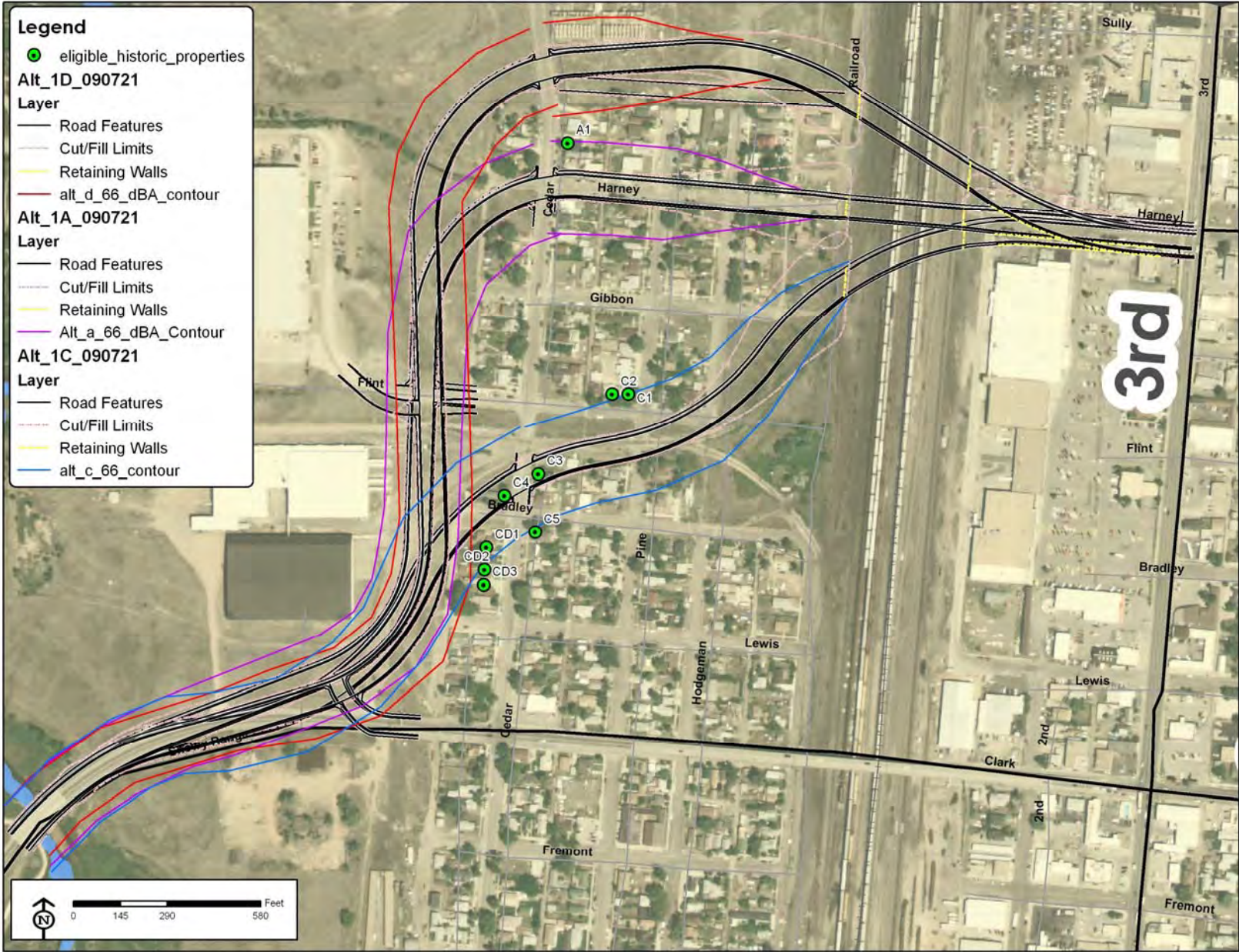
This property is located on the west side of Cedar Street and a portion is located within the 66dBA noise contour for both Alternative C and Alternative D. The noise level at this property in general was predicted to be 65.6 dBA for Alternative C and 64.1 dBA for Alternative D. Although impacts to the property are anticipated, the historic structure lies outside the 66 dBA noise contour for both alternatives. The estimated existing noise level is 58.1 dBA, indicating an increase of 7.5 dBA resulting from Alternative C and 6.0 dBA resulting from Alternative D.

**Conclusion:** For Property CD2, Alternative C or Alternative D would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “**no** adverse effect” to the historic structure under Section 106.

#### **Property CD3:**

This property is located on the west side of Cedar Street and a portion is located within the 66 dBA noise contour for both Alternative C and Alternative D. The noise level at this location was predicted to be 64.2 dBA and 63.8 dBA for Alternative C and Alternative D, respectively. Although impacts to the property are anticipated, the historic structure lies outside the 66 dBA noise contour for both alternatives. The estimated existing noise level is 59.1 dBA, indicating an increase of 5.1 dBA resulting from Alternative C and an increase of 4.7 dBA resulting from Alternative D.

**Conclusion:** For Property CD3, Alternative C or Alternative D would **not** be considered a “constructive use” of the historic structure under Section 4(f) and would result in a “**no** adverse effect” to the historic structure under Section 106.





# Harney Street Viaduct EA Draft Technical Memo Preliminary Visual Impacts Evaluation of Historic Properties June 16, 2010

## **Introduction**

The following summarizes the preliminary visual assessment for inclusion in the Harney Street Viaduct Environmental Assessment but is specifically directed, at this time, to historic properties within the Harney Street Viaduct project area. This summary provides a discussion of the anticipated extent of visual impacts and a conclusion as to how the results of the assessment relate to Section 4(f) “constructive use” and Section 106 “effects”.

The properties are generalized by alternative. The following views were considered as the existing visual resources to determine the affect of the proposed project for each of the alternatives and how these impacts relate to Section 4(f) and Section 106.

1. Views within the neighborhood with regard to the natural environment; land, water, and wildlife.
2. Views within the neighborhood of cultural resource elements; buildings and structures.
3. Views within the neighborhood of existing transportation facilities.

In general, the existing foreground viewshed of the West Side Neighborhood area is limited to views of transportation facilities including urban roadways, the elevated Clark Street Viaduct, a railroad yard and a railroad wye and associated spurs, commercial buildings west of the neighborhood, and residential houses and buildings within the neighborhood. Views of the extreme northern area of West Side Neighborhood also encompass the abandoned Amoco refinery facility. Background viewsheds are available of the Laramie River and its associated plant and wildlife habitat.

## **Alternative A**

Alternative A would use the existing Harney Street alignment.

### Existing Views

The existing views of the natural environment within this corridor are limited to trees and vegetation typical of a residential urban setting in the foreground with a narrow view of the Laramie River riparian vegetation in the northwest background. Views of cultural elements are again limited to an urban setting including both residential and commercial buildings. The residential neighborhood does not use covenants to guide or enforce aesthetics treatments or maintenance of property. Properties, along the Harney Street and Cedar Street corridors, currently experience views of the street system serving the community.

### Visual Impact Assessment

The view of the natural environment for Alternative A would not change from the existing conditions.

The area is not listed as a Historic District and impacts to cultural resource views would not occur.

The roadway improvements associated with Alternative A would substantially increase the width of the roadway, add a viaduct structure, and result in the visual intrusion of a higher volume of traffic. These same transportation improvements would also result in a maintained and aesthetically landscaped roadway and viaduct corridor, minimizing the visual impacts for those properties immediately adjacent to the proposed roadway.

Once through the West Side Neighborhood, the roadway would extend between the western edge of the West Side Neighborhood and the existing commercial buildings to the west. The current view to the west from the historic properties located along the west side of the West Side Neighborhood consists of commercial buildings in the foreground. With Alternative A, these views would include the commercial buildings and the new roadway in the foreground.

### **Alternative C**

Alternative C would generally follow the existing railroad spur alignment from the UPRR rail yard to the Snowy Range Road.

### Existing Views

The existing views of the natural environment within this corridor are limited to trees and vegetation typical of an urban setting. The commercial buildings located between the West Side Neighborhood and the Laramie River obstruct views of the river. Views of cultural elements are again limited to an urban setting including both residential and commercial buildings. The residential neighborhood does not use covenants to guide or enforce aesthetics treatments or maintenance of property. Properties, along the Alternative C alignment, currently experience views of the street system serving the community, a foreground view of an unmaintained railroad spur corridor, and a background view of the existing elevated Clark Street Viaduct.

### Visual Impact Assessment

The view of the natural environment for Alternative C would not change from the existing conditions.

The area is not listed as a Historic District and as such, impacts to cultural resource views would not occur.

The roadway improvements associated with Alternative C would construct a new roadway, add a viaduct structure, and result in the visual intrusion of a higher volume of traffic; however, these transportation improvements would also result in a maintained



and aesthetically landscaped roadway and viaduct. For this alternative, the proposed roadway would generally follow the transportation corridor presently developed as a railroad spur line with limited maintenance.

Current views from historic properties along the Alternative C alignment include existing transportation facilities; the UPRR rail yard and the railroad wye and associated spur extending from the rail yard to the commercial buildings west the neighborhood. With the exception of one historic property located within the railroad wye, views from the historic properties of the rail yard would be obstructed by the elevated Harney Street Viaduct.

The roadway would then extend between the western edge of the West Side Neighborhood and the existing commercial buildings to the west. The current view to the west from these properties includes the commercial buildings in the foreground. With Alternative C, these views would include the commercial buildings and the new roadway in the foreground.

#### **Alternative D**

Alternative D would extend to the north of the West Side Neighborhood between the neighborhood and the abandoned Amoco refinery facility. The alignment would extend south along the same general alignment of Alternative A.

#### Existing Views

Existing views of the natural environment within this corridor are limited to trees and vegetation typical of a residential urban setting in the foreground with a narrow view of the Laramie River riparian vegetation in the northwest background. Views of cultural elements are again limited to an urban setting including both residential and commercial buildings. The residential neighborhood does not use covenants to guide or enforce aesthetics treatments or maintenance of property. Properties, along the proposed Alternative D corridor, currently experience views of the street system serving the community.

Views of the extreme northern area of West Side Neighborhood also encompass the abandoned Amoco refinery facility.

#### Visual Impact Assessment

The view of the natural environment for Alternative D would not change from the existing conditions. The narrow view of the Laramie River riparian vegetation in the background would be minimally obstructed by the roadway since the roadway would be at grade at that point.

The area is not listed as a Historic District and as such, impacts to cultural resource views would not occur.

The roadway improvements associated with Alternative D would construct a new roadway, add a viaduct structure, and result in the visual intrusion of a higher volume of



traffic; however, these transportation improvements would also result in a maintained and aesthetically landscaped roadway and viaduct. For this alternative, the proposed roadway would generally separate the residential community from land presently unused but dominated by the presence of the abandoned Amoco refinery facility and no ongoing maintenance.

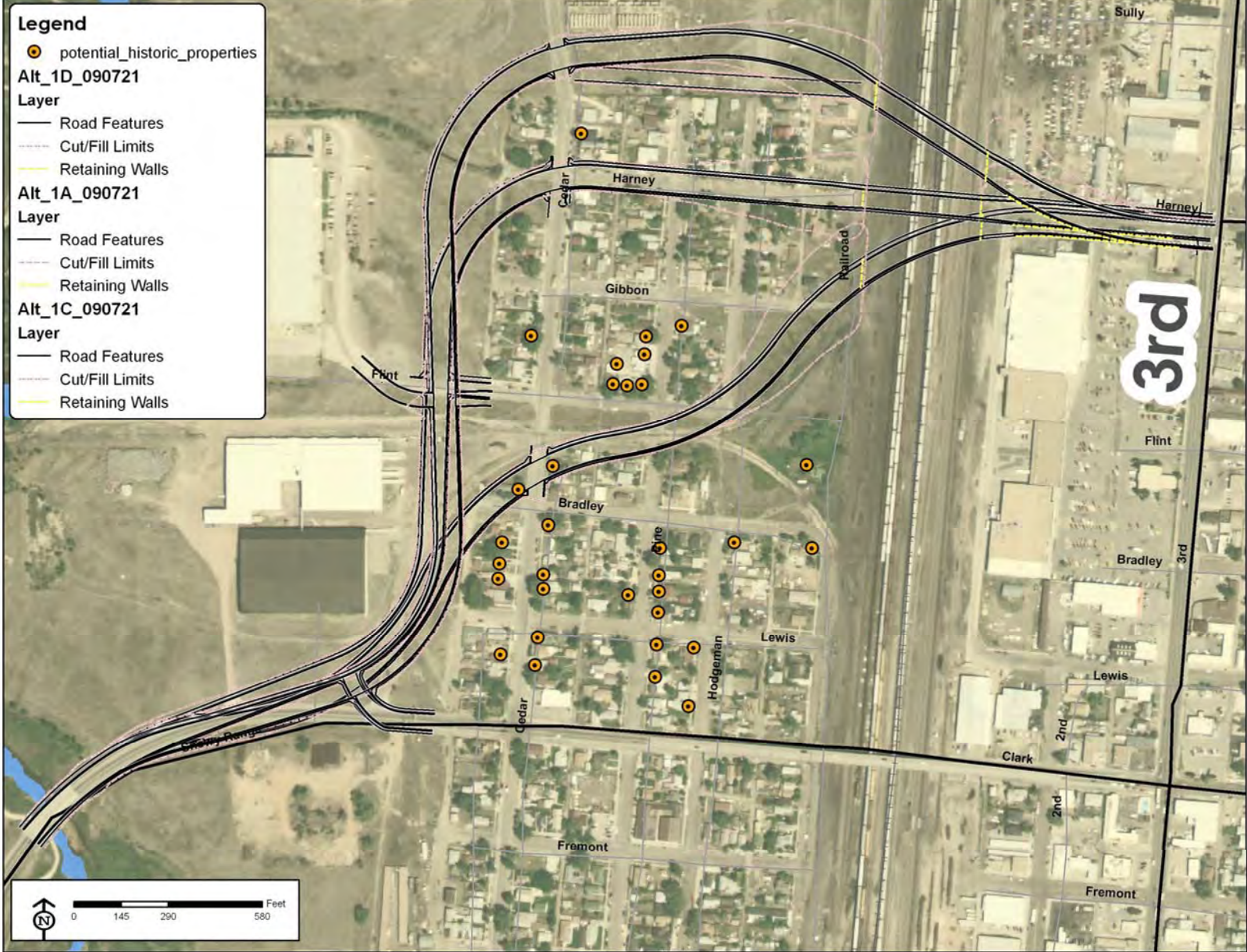
South of Gibbon Street, the roadway would extend between the western edge of the West Side Neighborhood and the existing commercial buildings to the west. The current view to the west from the historic properties located along the west side of the West Side Neighborhood consists of commercial buildings in the foreground. These views would include the commercial buildings and the new roadway in the foreground.

### **Conclusion**

The immediate project area has limited natural environment, lacks aesthetically pleasing cultural elements including commercial buildings, and existing views are of transportation facilities including urban roadways, a railroad yard and a railroad wye and associated spurs. All alternatives would result in a transportation facility that would be aesthetically landscaped and maintain.

Regarding impacts as related to Section 4(f) and Section 106:

- Based on the existing viewsheds, no visual impacts would result from Alternative D and would result in no “constructive use” of the historic properties under Section 4(f) and would result in a “no effect” to the historic properties under Section 106.
- Based on the existing viewsheds, the visual impacts resulting from Alternative A and C would be minimal, potentially beneficial to some properties, and would **not** be considered a “constructive use” of the historic properties under Section 4(f) and would result in a “**no** adverse effect” to the historic properties under Section 106.





## ALBANY COUNTY HISTORIC PRESERVATION BOARD

### IMPACT OF HARNEY STREET VIADUCT ON LARAMIE'S WEST SIDE

Three potential routes have been determined for the path the projected new viaduct, utilizing Harney Street to cross the railroad tracks, could take once over the tracks. We have examined all three routes for the impact each would have on historic structures, cohesiveness of the West Side community, sense of neighborhood and ease of access to all parts of the West Side. We have also considered possible mitigation of any adverse effects for each route.

From the outset we have noted that when the West Side was surveyed for historic structures and neighborhood impact, only the portion north of the current viaduct at Clark Street was included. During a very recent survey of the southern portion of the West Side (Clark Street southward) it has become evident that the neighborhood is in fact one very cohesive neighborhood and had it been surveyed in its entirety in the beginning it is extremely likely that the whole would have been eligible for nomination to the National Register of Historic Places. Thus it appears that the bisecting of the West Side was from the start in the minds of the people at WYDOT who were considering possible routes for a new viaduct.

It should be noted that the viaduct currently in use in the central part of Laramie, which follows Clark Street straight across the railroad tracks, is supported on pylons or standards and beams from a point east of the railroad tracks and continues across on pylons and beams for about two blocks west of the railroad tracks, so that although it does cut through the West Side, dividing the area into a north community and a south community, it does not in fact function to isolate one area from the other because it provides a north-south sight line through most of its west side path. In fact it is possible to walk or ride or drive under the bridge, allowing free physical access from one side to the other as well as visual access.

#### ROUTE 1A

The Clark Street viaduct comes to grade level on the west side some few feet east of Cedar Street, and Alternative 1A for Harney Street appears to do about the same along Harney Street on the West Side. It is proposed to be supported by a large earth bank reinforced with block walls on the outer vertical (or sloping?) surfaces. It will block all north-south sight lines from the railroad on the east nearly to Cedar Street on the west, which will cut off the northern ten percent of the West Side and leave it an orphan, isolating some 21 structures. It will require the elimination or removal of 13 structures (and it should be noted that moving an historic building from its original site removes its historic value) and will bring serious adverse effects to about 7 others as they will be a very few feet away from a huge wall and will in addition have the noise of the traffic. Another half dozen will be close enough to the wall to have it loom over their Residents remaining north of the viaduct would have access to the rest of the West Side only via Cedar Street, whereas they presently have Hodgeman and Pine as well.

This route does not impact the railroad wye at all, remaining to the north of any part of the wye unless either the earthen support or the pylons which cross the railroad impinge on a portion of the northern arm of the wye where it joins the Union Pacific track network.

## ROUTE 1C

This route, which angles south as soon as it crosses the railroad, has the least adverse effect in terms of requiring demolition or removal of structures. It would necessitate the removal of four, possibly six, structures. Again, moving an historic structure to a new location destroys its historic value, as it removes it from context. The road follows a curving path and would be supported by a wider earth bank but appears to descend to grade on the west side about half a block farther to the east of where 1A would do so (this is not clear on maps and may be inaccurate). There are three or four structures to the south, along Pine Street, which would be adversely affected by the huge stone wall and the traffic noise, two of them severely and two or three less so in varying degrees; there are also some structures near the intersection of Cedar and Bradley streets which would see some adverse effects, though the wall at that point would not be a factor.

This alternate in effect would cut off about one third of the West Side community from the rest, as everything north of Flint Street could have no access to the southern area except by Cedar Street. In terms of integrity of the community they would be very much cut off by the huge earth wall cutting from Harney Street over a two-block area to Flint. There are a number of structures just south of this route which would be adversely impacted by being close to a five-lane highway and the sense of bustle and industry that will bring to what is now a very peaceful, residential area with a strong sense of neighborhood. This route will effectively alter a great deal more of the community landscape and viewscape that Route 1A would do.

In addition this route will destroy the northern arm of the railroad wye and about one half of its westward extension. The railroad is the reason for Laramie's existence and we have lost a tremendous number of our historic railroad artifacts: the last remaining UP telegraph office in the world was razed about two years ago and nothing has been done with the site. The wye has two signals and some other artifacts, a crossing guard for one, associated with it, and also what is pretty certainly a signalman's house, built for that purpose by the Union Pacific. It is true that the owner of the wye, WyColo, has abandoned its old right of way and is tearing up all the track for salvage, but at present the wye is still intact and could be the focus of a park and interpretive/informative information center. In fact, the wye is still in use, however informally—trains use it weekly.

## ROUTE 1D

The third alternative has very little impact physically on the West Side, as it crosses the railroad tracks at an angle to the north, then curves around the north perimeter of the West Side community following what would be Canby Street, crossing Cedar Street and somehow traversing the relatively open area west of the Cedar Street block until it connects to Snowy Range Road. It also is supported west of the railroad tracks on a huge earthen bank until just to the east of Cedar Street, which would create a visual barrier to the north for the houses in the two blocks to the south of the wall. That would impact two historic structures north of Harney Street. The route would also create the bustle and transient feel of a five-lane highway to the west of the northern two thirds of the West Side down to Clark Street/Snowy Range Road.

This route would also compel everyone on the West Side to go to Clark Street or Flint Street and take the viaduct route around to the north in order to get to Laramie's downtown area, which would probably make for a feeling of isolation and separate them more from the rest of the town. It is true that the railroad separates the West Side from the rest of Laramie now, but because of the Clark Street viaduct there is much less sense of being cut off.

This route would also impact the wye by cutting its southwest arm off and severing the east-west path, but it would leave the eastern part intact.

## MITIGATION

As all three routes are going to adversely impact the West Side in the sense of either cutting part of it off from the rest physically and also visually, or of making access to the rest of Laramie more difficult, and they all will involve thrusting a five-lane highway in the middle or right next to a cohesive, rather compact and well defined neighborhood, all three need to involve some form of mitigation. In addition, it is the opinion of this board, and of preservationists we have consulted, that while the study commissioned by WYDOT of the community north of Clark Street did not find that a sufficient number of structures exist to make the area eligible for nomination to the NRHP, if the West Side were considered as a whole it might very well be eligible. Certainly the residents of the West Side consider it all one neighborhood, and because it is on pylons for most of its path on the West Side, the Clark Street viaduct does not divide it.

Structures, peoples' houses with a lot of history attached to them, are going to be removed, either by physically relocating them or by razing them. Other properties will drop in value in varying degrees depending upon the proximity of that huge wall with a busy five-lane highway on it. In the case of the historically significant structures, recompense needs to be made and if possible the structures should be moved if acceptable locations can be found. Likewise compensation for the adverse effect on quality of life (traffic roaring by at all times, lights all night, loss of normal neighborhood views because of facing a huge wall, etc.) and sense of security. And as has been emphasized earlier, removing an historic structure from its original location also removes its historic significance.

However, those mitigations do not address the chief problems posed by Routes 1A and 1C, which include the bisecting of the neighborhood (and remember, Clark Street viaduct is on pylons and provides a sightline, which a wall will not allow), the introduction of a major thoroughfare in a very quiet, close-knit neighborhood and the further isolation of the entire West Side from Laramie. The solution which was advanced at some meetings was to create a little park, perhaps with a kiosk with information about the wye and any historic structures impacted. The idea was apparently to give residents of the West Side something to make up for what they will lose.

That solution is woefully inadequate. In the first place, where would this little "park" be, and would anyone bother to stop (they'll be traveling about 45 mph at the western end of the viaduct regardless of speed limits, by popular observation) for a kiosk three blocks out of their

way? Doubtful. That sort of feature is an accidental find, not a destination. Nor does it contribute particularly to local community sense of pride and cohesion.

Far better to have the entire road on the West Side up on pylons. In that event Alternatives 1A and 1C would not orphan the area north of the roadway because streets could still pass under it as they do today under Clark Street. Houses located within half a block would not be completely dominated by a huge wall of stone extending over a two to three block stretch. Houses would still have to be moved, but fewer of the others would be severely adversely affected. The sense of community would not be destroyed.

In the case of Alternative 1C, which destroys about half of the wye, a mitigation which would go very far toward reconciling the residents of the West Side would be a significant park, one which would be a destination, not an accidental pause, and would also permit some restoration of the connection between West and East sides of town. It seems to this board that the railroad wye provides the ideal solution in terms of a park. All three routes destroy or cut a portion of the wye, two on the western end and one, 1C, destroys the northeast arm and the central portion of it. Locating a park, with as much of the wye as can be saved, at the eastern end of it, would permit a decent amount of space (the triangle formed by the arms of the wye to the north and south and west, and the railroad to the east) and also offer the possibility of locating a part of the Greenbelt/Bike Path which could connect that park along the west side of the tracks with the Garfield Street footbridge to lead into the rest of Laramie and also could follow one of the streets westward to join the Greenbelt at its main entry point, off Garfield Street by the Laramie River.





Dave Freudenthal  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

June 29, 2010

Mr. Randy Strang, P.E.  
Federal Highway Administration  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82002

P261022  
Laramie Streets  
Harney Street viaduct  
Albany County

Dear Randy:

Enclosed for your review and transmittal to the Wyoming SHPO and Advisory Council on Historic Preservation is the historic investigations report for Harney Street viaduct (SHPO Review # 0109KLH002). This should be the last report for this project, and it details the historical evaluations for the Clark Street bridge and buildings over 50 years of age within the APE. In consultation with the Wyoming SHPO, the APE was defined as the area west of the UPRR, north of the existing Clark Street viaduct, west to about the Laramie river, and north to just past the remains of the Midwest/Standard Oil refinery. East of the UPRR, the APE included buildings over 50 years at the east end of the bridge adjacent to Harney Street. The APE includes approximately 150 cultural resources of which only a small portion have been determined eligible to the NRHP.

This project moves the existing crossing over the modern UPRR freight yard in Laramie from Clark Street (built in 1963) five blocks north to Harney Street. 48AB357/48AB358 is the 1868 alignment of the Union Pacific Railroad determined eligible for the NRHP. This grade has not been documented in the APE. The Laramie freight yard is fully modern, with multiple sets of tracks, sidings, switches, switching yards, and spurs from south of I-80 to nearly one mile north of the Harney Street project area. This yard is constantly maintained. Constant growth and expansion of the freight yard facilities, removal of historic buildings, and constant maintenance have long since removed any vestiges of the original grade. A new bridge over the freight yard will not physically impact or affect the operation of the modern UPRR freight yard in Laramie, and there will be no effect as a result of this project.

The attached spreadsheet summarizes determinations of eligibility for all cultural resources in the APE and presents determinations of effect for each of the three alternatives under consideration in the Environmental Assessment. Please note that 48AB619 is included in this spreadsheet, although results of that investigation have been submitted to SHPO as a separate report. Also note that 48AB1894, the Midwest-Standard Oil refinery is included on the spreadsheet. In a separate report, the remains of this refinery have been determined not eligible to the NRHP with

concurrence from SHPO (#0109KLH002).

There are several actions which are common to all three alternatives. First, all three alternatives will affect two buildings over 50 years of age on the east side of the UPRR yard. These are 48AB2320, the concrete block Big Pro Auto store, and 48AB2321, a quonset hut. Both of these buildings have been evaluated as not eligible to the NRHP.

Second, the Clark Street viaduct will be demolished as part of this project. This bridge, although less than 50 years old, was recorded as 48AB2319. It is a composite steel, welded plate girder bridge, with three continuous spans and six simple spans at each approach. Welded steel plate girder bridges are one of the most common types of bridges used in highway construction and are still being designed and built in the 21<sup>st</sup> century. Although this structure is long, there is nothing unique or of extraordinary engineering complexity in the use of multiple spans to construct one long bridge. Because of its recent age and modern engineering, it has been evaluated as not eligible to the NRHP.

Third, the effects of removal of the Clark Street viaduct on historic properties must also be considered. When the Clark Street viaduct was built in 1963, it bisected what is known as Laramie's Westside, one of the oldest neighborhoods in Laramie dating to the late 19<sup>th</sup> century. The Westside developed as a modest, workingman's neighborhood associated with the Union Pacific Railroad, the Laramie Hahns Peak Railroad (which was operated by the UPRR from 1936 to 1951), the tie plant, brickyard, the early 1920s Midwest/Standard Oil refinery, and a variety of other businesses whose employees lived within walking distance of their jobs. The modern Clark Street viaduct is not historically associated with the development of Laramie's Westside. It provided direct access through the Westside neighborhood to areas west of the Laramie River and the developing West Laramie residential area. The Clark Street viaduct constitutes a recent divisive intrusion into what was once an integrated Westside residential community complete with a school, church, and modest commercial district. Construction of the Clark Street viaduct physically isolated the area north of the bridge (recorded here as 48AB2178 - the Clark Street North neighborhood) from the school, church and commercial district south of the bridge. Historic properties in the immediate vicinity of the Clark Street viaduct lack integrity of setting, owing to the viaduct's presence. Removal of the modern, intrusive Clark Street viaduct somewhat restores the Westside to its original historic condition and does not affect any characteristics which may confer historic significance to the Westside as a whole or to individual buildings on either side of the bridge. As such, removal of the Clark Street viaduct will have no adverse effect on any historic properties (36CFR800.16[i]).

The attached report designates the area north of the Clark Street viaduct as the Clark Street North Neighborhood (48AB2178). The North Clark Street North neighborhood is one of the earliest residential districts in Laramie, and as noted above, is associated with the early industrial development of the town. It is associated with events that have made a significant contribution to broad patterns of our history (National Register Criterion A). At present, there are 158 residences in the Clark Street North neighborhood, of which 143 are over 50 years of age. Of these, only 32 (23%) have been evaluated as individually eligible. The majority of the buildings are examples of the manufactured vernacular style, with several other architectural styles represented. The buildings determined eligible have not been heavily modified and have been sufficiently well-maintained so

as to retain the defining characteristics of their style and to reflect late 19<sup>th</sup> to 20<sup>th</sup> century working class housing. In addition, depending upon location within the neighborhood, some of the individually eligible buildings also retain integrity of setting, feeling, and association. The eligible buildings still yet convey a sense of the history and associated economic and industrial development of Laramie. Due to the very low relative frequency of eligible buildings, the Clark Street North neighborhood is not considered eligible as a National Register District. Each of the alternatives under consideration has some impacts to the neighborhood. However, since 48AB2178 is recommended as ineligible as a National Register District, none of the three will have an effect to the neighborhood as a whole under Section 106.

Effects to individually eligible properties are summarized on the attached spreadsheet. Please note that the individual impacts and effects on the attached spreadsheet have been assessed using large scale aerial photos with the centerline and projected toe-of-slope for each alternative plotted. These photos differ slightly from the reduced scale Figure 12 in the report, resulting in differing assessments of impacts.

### **Alternative 1A**

Alternative 1A would construct a new viaduct perpendicular to the UPRR, follow Harney Street due west, and then turn south on the west side of the Clark Street North neighborhood to connect with the Snowy Range Road. This alternative would directly impact 13 buildings on either side of Harney Street. None of these have been determined eligible to the NRHP, and removal of these structures would constitute no effect under Section 106. Only one eligible property lies north of this alternative (48AB2297 - #130). There are no direct effects to this property from Alternative 1A. 48AB2297 is the only historic property on the block. It is flanked by non-historic homes with prominent modern additions, and a modern house across the street. As such, 48AB2297 has poor integrity of setting, though it still retains feeling and association with the Clark Street North residential neighborhood. The new bridge (several blocks east or behind this building) would not be visible from this property due to screening by trees and other buildings. Removal of the residence immediately south of this house is unlikely. The reconstructed Harney Street would be at the same elevation as the present street and partially screened by other homes and mature vegetation. Under Alternative A, the intersection of Cedar and Harney would be signalized, with resultant increases in traffic in front of the building. Noise analysis in accordance with FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance completed by Jacobs Engineering Group predicts that noise levels from the adjacent roadway would exceed the WYDOT Noise Abatement Criteria by 6.1 dBA. As a result, WYDOT is making a determination of adverse effects to this NRHP eligible building due to the introduction of auditory factors which diminish the property's significance.

The new bridge for Alternative 1A would be screened by other residential buildings and mature trees from several historic properties on the north side of the Wye of 48AB619. Alternative 1A would be screened by trees, vegetation, residential buildings and out buildings from several historic properties on North Cedar Street. Thus, Alternative 1A will have no effect to any of these properties.

## Alternative 1C

Alternative 1C would build a bridge across the UPRR skewed from northeast to southwest, trend southwest along the Wye of 48AB619 and through the Clark Street North neighborhood before connecting with the Snowy Range Road. This alternative would directly impact all or portions of 12 buildings or lots. Two of these buildings are evaluated as eligible to the NRHP. 48AB2279 (#110) would be completely removed. This would constitute an adverse effect.

A small portion of the lot at the rear of 48AB2275 (#106) would be clipped by the toe of the slope for the new roadway. It is only the main residence on this lot which is considered eligible. 48AB2275 retains integrity of setting, feeling, and association. First, the existing Clark Street viaduct is nearly two blocks south and several blocks east of this home. The Clark Street viaduct is screened from view by houses and mature trees and is not intrusive into the setting of this house. Second, this house is located on a block where over 50% of the residences individually qualify for National Register eligibility, and the street layout and access has not changed since the area was platted. As such the setting remains much as it was when 48AB2275 was constructed in 1930. The Alternative 1C roadway at the rear of this house would be somewhat screened from view by mature trees in the back yard. No other buildings within the viewshed of this house will be removed. In addition, the predicted noise levels from Alternative 1C, as originally laid out, fall within the 66 dBA contour, exceeding WYDOT's noise abatement criteria by 6.1 dBA for residential structures. However, preliminary analysis by WYDOT Project Development engineers indicates that the alignment of Alternative 1C can be shifted slightly away from this building, thus reducing noise levels to acceptable limits. Assuming noise levels are reduced to acceptable levels, construction of Alternative 1C would have no adverse effect to 48AB2275.

Alternative 1C would result indirect effects to several other historic properties. On the north side of the Laramie-Hahn's Peak Railroad, these include 48AB2230 (#57), 48AB2232 (# 59), 48AB2233 (#60), 48AB2235 (#62), 48AB2238 (# 65), 48AB2306(#144), and 48AB2307 (#145). These houses are all located on either side of Pine Street in the same block. Seven of the 12 houses on this block retain sufficient integrity to be considered eligible to the NRHP. These houses were built immediately north of the Wye of the Laramie Hahn's Peak Railroad right-of-way (48AB619), and three buildings directly face the railroad. The Laramie-Hahn's Peak railroad corridor was established in 1901, and the majority of houses in the Clark Street North neighborhood (including all of the above-mentioned buildings) were built about 20 years later. The Clark Street North neighborhood developed around the railroad corridor and the Wye, which is an integral part of the neighborhood's history, association with the early industrial and economic development of Laramie, and the historic setting. The Wye has been determined to be a contributing element of the Laramie Hahn's Peak Railroad. Similarly, the UPRR freight yard which borders the east side of the Clark Street North neighborhood is also an integral part of the historic association and setting. Street layout and access across the Wye and to individual houses has not changed since construction of these properties. The setting of these properties has changed little since their construction, either through modification of the street layout, updating and alteration of individual houses on the same block, or through modification of the Wye. These buildings all retain integrity of setting, as well as feeling and association with an early 20<sup>th</sup> century working class neighborhood in the industrial section of Laramie.

Construction of Alternative 1C adjacent to these properties would result in physical removal of the Wye of 48AB619, with replacement by an urban arterial roadway carrying an estimated AADT of 20,000 vehicles per day. In addition, several houses and mature vegetation would be removed to the south, and a signalized intersection at about Cedar and Bradley Streets would be constructed. This would result in alterations to and removal of contributing elements of the historic setting within the front door viewshed of 48AB2230, 48AB2306 and 48AB2307 and changes to the street layout and access across the railroad. In addition, 48AB2230 falls within the 66 dBA contour for noise for the original layout of Alternative 1C. However, a minor alignment shift (by only a few feet) away from the building would result in this structure being within the acceptable range for residential structures. The new bridge and an elevated roadway, along with slopes and walls, would be visible to the east from 48AB2232 (#59), 48AB2235 (#62) and 48AB2238 (#65), where now there is a mostly unobstructed view of the UPRR. 48AB2233 is screened by other historic buildings.

On the south side of the proposed Alternative 1C alignment, 48AB2277 sits at the southeast corner of the intersection of Cedar and Bradley. Layout of these streets has not changed since the neighborhood was originally platted. Six of 11 homes on either side of Cedar Street in this block are all individually eligible to the NRHP, and there is another historic property located at the northwest corner of Cedar and Bradley (48AB2279). All but two of the homes on this block were constructed between 1900 and 1938. Industrial features such as the Laramie Hahn's Peak Railroad or the UPRR are not visible from 48AB2277. The historic setting of 48AB2277 has changed little since the first quarter of the 20<sup>th</sup> century, and the home retains integrity of setting, as well as feeling and association with the historic significance of the Clark Street North neighborhood. Construction of Alternative 1C would result in removal of a neighboring historic property, as well as four other houses and mature vegetation to the north of 48AB2277. The residential block immediately north of this home would be replaced with an urban arterial roadway, and the intersection of what is now Cedar and Bradley would be signalized. 48AB2277 is outside the 66 dBA contour interval and would be within acceptable noise limits.

Construction of Alternative 1C changes the relatively unmodified urban historic setting for all of the above-mentioned historic properties except for 48AB2233 (this house is screened by either neighboring historic properties, other homes and/or mature vegetation). Removal of the Wye would result in loss of one of the historic associations for the working class homes in the Clark Street North Neighborhood; removal of other nearby homes and historic properties would also result in change in the historic character of specific blocks within the neighborhood. Construction of a major urban thoroughfare in front of the above-mentioned historic properties alters and interrupts the residential character and traffic patterns of the North Clark Street neighborhood. In the case of those properties bordering Alternative 1C, their historic associations with the early industrial development of Laramie would largely be lost. The alterations resulting from Alternative 1C meet the criteria for a determination of adverse effect under 36CFR800.5 1(a) (1) through loss of integrity of setting, feeling, and association.

## Alternative 1D

Alternative 1D would construct a new viaduct skewed from the southeast to the northwest across the UPRR, skirt the Clark Street North neighborhood on the north side, and then turn south and southwest to connect with the Snowy Range Road. Only one modern residence would be impacted by this alternative. This alternative would impact a small portion of 48AB1894, the ineligible Midwest/Standard Oil refinery. Owing to the skew of the proposed bridge, visibility of the new bridge and associated slopes or walls would be minimal and mostly screened by other buildings and mature vegetation from historic properties north of the Wye of 48AB619. Alternative 1D would also be screened by trees, vegetation, residential buildings and out buildings from several eligible buildings along North Cedar Street. In addition, all historic properties fall outside the 66 dBA noise contour. Alternative 1D will have no effect to any of these residential historic properties.

In summary, Alternative 1A has a adverse effect on one historic residence (48AB2297) due to auditory concerns. It also adversely affects a small portion of the mainline and the southwest arm of the Wye of 48AB619. Alternative 1C has direct adverse effects on one residential historic property (48AB2279) and adverse effects due to loss of setting, feeling and association to seven residential historic properties (48AB2230, 48AB2232, 48AB2235, 48AB2238, 48AB2277, 48AB2306, and 48AB2307). In addition, Alternative 1C adversely affects 48AB619 through removal of northeastern, southwestern arms of the Wye and partial removal of the southeast arm and mainline. Alternative 1D has no effect to any residential historic properties and adversely affects a small portion of the mainline and the southwest arm of the Wye of 48AB619. All three alternatives would require an memorandum of agreement for mitigation of adverse effects. Mitigation for alternative 1C would be extremely complex. Once a preferred alternative is chosen, consultation with the State Historic Preservation and interested parties will continue.

If you need any further information, please do not hesitate to contact me.

Sincerely,



Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services

# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation Office  
Barrett Building, 3rd Floor  
2301 Central Avenue  
Cheyenne, WY 82002  
Phone: (307) 777-7697  
Fax: (307) 777-6421  
<http://wyoshpo.state.wy.us>

18 August 2010

Randy Strang  
Environmental Program Engineer  
U.S. Department of Transportation  
Federal Highway Administration  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001

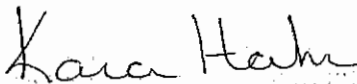
Re: WYDOT Proposed Harney Street Viaduct Determination of Eligibility for Clark Street North Neighborhood -WYDOT Project P261022 (SHPO File # 0109KLH002)

Dear Mr. Strang:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur that the Clark Street North Neighborhood, 48AB2178, is not eligible, as a historic district, for listing in the NRHP. In addition, we also concur that 32 properties within the neighborhood are individually eligible for listing in the NRHP. Those individually eligible historic properties are 48AB1603, 48AB2181, 48AB2182, 48AB2185, 48AB2189, 48AB2213, 48AB2216, 48AB2218, 48AB2219, 48AB2220, 48AB2223, 48AB2230, 48AB2232, 48AB2233, 48AB2235, 48AB2238, 48AB2261, 48AB2262, 48AB2263, 48AB2267, 48AB2269, 48AB2270, 48AB2271, 48AB2272, 48AB2275, 48AB2277, 48AB2279, 48AB2290, 48AB2297, 48AB2302, 48AB2306, and 48AB2307.

This letter should be retained in your files as documentation of a SHPO concurrence on your determination of eligibility. Please refer to SHPO project # 0109KLH002 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-7828.

Sincerely,



Kara Hahn  
National Register Coordinator



Dave Freudenthal, Governor  
Milward Simpson, Director





# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation Office  
Barrett Building, 3rd Floor  
2301 Central Avenue  
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18 August 2010

Randy Strang  
Environmental Program Engineer  
U.S. Department of Transportation  
Federal Highway Administration  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001

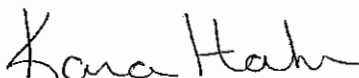
Re: WYDOT Proposed Harney Street Viaduct Determination of Eligibility for the Wyoming-Colorado Railroad -WYDOT Project P261022  
(SHPO File # 0109KLH002)

Dear Mr. Strang:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur that the Wyoming-Colorado Railroad, segments A-F, historic property 48AB619, is eligible for listing in the National Register of Historic Places.

This letter should be retained in your files as documentation of a SHPO concurrence on your determination of eligibility. Please refer to SHPO project # 0109KLH002 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-7828.

Sincerely,



Kara Hahn  
National Register Coordinator



Dave Freudenthal, Governor  
Milward Simpson, Director





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

**Wyoming Division**

2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001-5671

January 19, 2011

Ms. Mary Hopkins  
State Historic Preservation Officer  
State Historic Preservation Office  
Dept. of State Parks and Cultural Resources  
2301 Central Avenue, Barrett Bldg.  
Cheyenne, WY 82002

SUBJECT: Project No. P261022, Laramie Streets, Harney Street Viaduct, Albany County,  
SHPO # 0109KLH002

Dear Ms. Hopkins:

On July 20, 2010, FHWA submitted the results of historical investigations on the Harney Street project, SHPO #0109KLH002 for eligibility determinations. FHWA is now requesting concurrence in effects in accordance with 36 CFR Part 800.4(d)(2).

If you have any questions or comments, contact Randy Strang at 771-2949.

Sincerely yours,

Randy Strang, P.E.  
Environmental Program Engineer

cc:

Mr. Jay Gould, P.E., District Engineer, WYDOT

Mr. Timothy Stark, P.E. Environmental Services, WYDOT





# ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation  
Office  
Barrett Building, 3<sup>rd</sup> Floor  
2301 Central Avenue  
Cheyenne, WY 82002  
307-777-7697

2 February 2011

Randy Strang  
Environmental Program Engineer  
U.S. Department of Transportation  
Federal Highway Administration  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001

Re: WYDOT Proposed Harney Street Viaduct Determination of Effect for Three Alternatives -  
WYDOT Project P261022 (SHPO File # 0109KLH002)

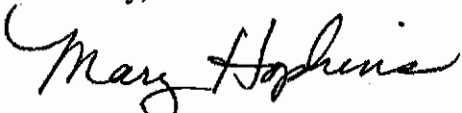
Dear Mr. Strang:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). For all three alternatives, we concur with your finding that historic properties, as defined in 36 CFR § 800.16(l)(1), will be adversely affected.

Specifically, we concur that Alternative 1A will adversely affect two historic properties, 48AB2297, a residence, and 48AB619, a segment of the Wyoming-Colorado Railroad. We also concur that Alternative 1C will adversely affect multiple historic properties, 48AB2279, 48AB2230, 48AB2232, 48AB2235, 48AB2238, 48AB2277, 48AB2306, and 48AB2307, eight historic residences, as well as 48AB619, a segment of the Wyoming-Colorado Railroad. In addition, we concur that Alternative 1D will adversely affect one historic property, 48AB619, a segment of the Wyoming-Colorado Railroad.

This letter should be retained in your files as documentation of SHPO concurrence on your finding of an adverse affect to historic properties for each of the proposed alternatives. Pursuant to 36 CFR 800.5-6, additional consultation between your staff and the SHPO is necessary in order to develop a Memorandum of Agreement, specifying the terms under which the adverse effects to the historic properties will be minimized or mitigated. Please refer to SHPO project # 0109KLH002 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-6311.

Sincerely,



Mary Hopkins  
State Historic Preservation Officer



Matt Mead, Governor  
Milward Simpson, Director





Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

November 10, 2011

Mr. Wilfred Ferris  
THPO - Eastern Shoshone Tribe  
P.O. Box 538  
Ft. Washakie, WY 82514

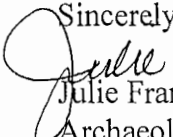
Project 0261020  
Laramie Streets  
Harney Street viaduct  
Albany County

Dear Wilfred:

Due to its rapidly deteriorating condition, the Wyoming Department of Transportation is proposing to replace the Clark Street viaduct over the Union Pacific Railroad in downtown Laramie. Based upon state and city long-range plans, the viaduct would be moved north to Harney Street. This would also require re-rerouting a short section of State Highway 130/230 from Harney to join with the Snowy Range Road. Under the proposal, the old Clark Street viaduct would be demolished, and Clark would no longer cross the UPRR.

WYDOT is in the process of preparing an environmental assessment for this project. Three alternatives have been carried forward for full analysis. The alternatives either go through or around the edges of the Westside Neighborhood, and all alternatives affect portions of the Laramie-Hahns Peak-Pacific Railroad (LHPPRR), which has been evaluated as eligible to the National Register. The vast majority of cultural resource work on this project has entailed historical evaluation of the homes north of Clark Street in the Westside Neighborhood. No archaeological sites have been identified from the area of potential effect. I have enclosed copies of the historical reports with evaluations of the houses in the Westside Neighborhood, the LHPPRR, and the old Midwest Standard Oil Refinery.

I am writing to ask if there are cultural resources or concerns to the Eastern Shoshone of which WYDOT should be aware as we proceed with the environmental analysis. I very much appreciate your input on this project, and if I can provide any other information, please do not hesitate to call.

Sincerely,  
  
Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services







Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

November 10, 2011

Ms. Darlene Conrad  
THPO - Northern Arapaho Tribe  
P.O. Box 396  
Ft. Washakie, WY 82514

Project 0261020  
Laramie Streets  
Harney Street viaduct  
Albany County

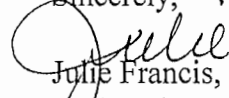
Dear Darlene:

Due to its rapidly deteriorating condition, the Wyoming Department of Transportation is proposing to replace the Clark Street viaduct over the Union Pacific Railroad in downtown Laramie. Based upon state and city long-range plans, the viaduct would be moved north to Harney Street. This would also require re-rerouting a short section of State Highway 130/230 from Harney to join with the Snowy Range Road. Under the proposal, the old Clark Street viaduct would be demolished, and Clark would no longer cross the UPRR.

WYDOT is in the process of preparing an environmental assessment for this project. Three alternatives have been carried forward for full analysis. The alternatives either go through or around the edges of the Westside Neighborhood, and all alternatives affect portions of the Laramie-Hahns Peak-Pacific Railroad (LHPPRR), which has been evaluated as eligible to the National Register. The vast majority of cultural resource work on this project has entailed historical evaluation of the homes north of Clark Street in the Westside Neighborhood. No archaeological sites have been identified from the area of potential effect. I have enclosed copies of the historical reports with evaluations of the houses in the Westside Neighborhood, the LHPPRR, and the old Midwest Standard Oil Refinery.

I am writing to ask if there are cultural resources or concerns to the Northern Arapaho of which WYDOT should be aware as we proceed with the environmental analysis. I very much appreciate your input on this project, and if I can provide any other information, please do not hesitate to call.

Sincerely,

  
Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services





Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

January 10, 2012

Mr. Randy Strang  
Federal Highway Administration  
2617 E, Lincolnway, Suite D  
Cheyenne, WY 82002

P261022  
Laramie Streets  
Harney Street Viaduct  
Albany County  
SHPO #0109KLH002

Dear Randy:

After discussion with the City of Laramie over the last several weeks about the Harney Street viaduct, FHWA and WYDOT have decided to proceed with consultation, identification of interested parties, and negotiation of a Memorandum of Agreement for mitigation of adverse effects for Alternative 1C. SHPO has already concurred on NRHP eligibilities of all buildings, sites and structures over 50 years old in the APE (see attached correspondence from SHPO dated January 10, 2010 - Midwest Standard Oil Refinery; August 18, 2010 - North Clark Street neighborhood; August 18, 2010 - Laramie Hahn's Peak and Pacific Railroad). On February 2, 2011, SHPO concurred on the determinations of effect for all three alternatives as outlined in the June 29, 2010 to FHWA. This letter summarizes the adverse effects of Alternative 1C for the purposes of notifying the Advisory Council on Historic Preservation as per 36CFR800.6(a)(1).

Alternative 1C would replace the aging and badly deteriorated Clark Street viaduct (48AB2319) over the Union Pacific Railroad with a new structure located five blocks north on Harney Street and relocate State Highway 130/230 (Snowy Range Road) through the Clark Street North Neighborhood (48AB2178) with a five-lane east-west arterial roadway connecting the east and west sides of Laramie. Both the existing Clark Street viaduct and the North Clark Street Neighborhood have been determined not eligible to the National Register of Historic Places. Demolition of the structure has been determined to have no adverse effect on any adjacent historic properties, and the Clark Street North Neighborhood lacks sufficient integrity to be considered eligible as a district. However, several buildings within this area have been determined individually eligible to the National Register of Historic Places. Furthermore, the eastern terminus or Wye of the Laramie Hahn's Peak and Pacific Railroad (48AB619) bisects the North Clark Street Neighborhood and has been determined to be a contributing element of the NRHP eligible railroad.

Briefly, Alternative 1C adversely effects nine historic properties. First approximately 2300 ft of the Wye would be removed. This includes the northeast arm, several hundred feet of the

mainline, most of the southwestern arm, switches and crossing devices. Construction of Alternative 1C would leave only the southeast arm of the Wye as an isolated remnant, with connections to the mainline severed. Alternative 1C would essentially remove all aspects of how the UPRR and the Laramie Hahns Peak and Pacific railroad functioned together. This is an adverse effect due to loss of location, setting, design, materials, workmanship, feeling, and association.

Eight residences determined individually eligible to the NRHP would be adversely effected. Alternative 1C would completely demolish 48AB2279, a residence at 552 N. Cedar Street. There may be indirect auditory effects to 48AB2275 at 464 N. Cedar. However, preliminary analysis by WYDOT Project Development indicates that the alignment can be slightly shifted away from this building to reduce noise levels to acceptable limits.

Several other homes will suffer indirect adverse effects. On the north side of the Wye (48AB619) these include 48AB2230 (650 N. Pine), 48AB2232 (652-656 N. Pine), 48AB2233 (652 ½ N. Pine), 48AB2235 (658 N. Pine), 48AB2238 (667 N. Pine), 48AB2306 (357 W. Flint), and 48AB2307 (359 W. Flint). These houses are all located on either side of Pine Street in the same block. Seven of the 12 houses on this block retain sufficient integrity to be considered eligible to the NRHP. Three of the houses directly face the Wye. The Laramie Hahn's Peak and Pacific Railroad corridor was established in 1901, and the majority of houses in the Clark Street North neighborhood (including all the above-mentioned buildings) were built about 20 years later. The Clark Street North Neighborhood developed around the railroad corridor and the Wye, which is an integral part of the neighborhood's history, association with the early industrial development of Laramie, and the historic setting. Similarly, the UPRR, which borders the east side of the neighborhood is also an integral part of the historic association and setting. Street layout and access across the Wye and to individual houses has not changed since construction of these properties, and overall setting of these houses has changed little since their original construction. These buildings all retain integrity of setting, feeling and association with an early 20<sup>th</sup> century working class neighborhood in the industrial section of Laramie.

Construction of Alternative 1C adjacent to these properties would result in physical removal of the Wye of 48AB619, with replacement by an urban arterial roadway carrying an estimated AADT of 15,000 to 20,000 vehicles per day. In addition, several houses and mature vegetation would be removed to the south, and a signalized intersection at Cedar and Bradley would be constructed. This would result in alterations to and removal of contributing elements of the historic setting within the front door viewshed of 38AB2230, 48AB2306 and 48AB2307, as well as changes to the street layout and north-south access. There may be indirect auditory effects of 48AB2230 (which could be alleviated by a slight alignment shift). The new bridge and elevated roadway, along with slopes and walls, would be visible to the east from 48AB2232, 48AB2235, and 48AB2238, where there is now a mostly unobstructed view of the UPRR. 48AB2233 would be screened by other buildings from the new bridge.

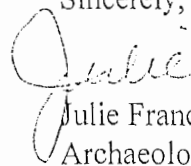
To the south, the Alternative 1C alignment would be visible from only one historic property: 48AB2277 at the southeast corner of the intersection of Cedar and Bradley. Six of 11 homes on either side of Cedar Street on this block are individually eligible, and 48AB2279 sits at the northwest corner of the intersection. All but two of the homes on this block were constructed between 1900

and 1938, and street layout has not changed since the neighborhood was originally platted. The historic setting of 48AB2277 has changed little since the first quarter of the 20<sup>th</sup> century, and the home retains integrity of setting, feeling and association with the historic significance of the North Clark Neighborhood. Construction of Alternative 1C would result in removal of a neighboring historic property (48AB2279), as well as four other neighboring houses and mature vegetation. The residential block immediately north of this home would be replaced by an urban arterial roadway, and the intersection of what is now Cedar and Bradley would be signalized. 48AB2277 is within acceptable noise limits.

Construction of Alternative 1C changes the relatively unmodified urban historic setting for all of the above-mentioned properties. (Please note that in the June 29, 2010 determination of effects, I indicated that 48AB2233 was screened from visual effects of the new bridge and roadway by other historic properties and mature vegetation and considered the effect to be not adverse. However, SHPO considered the effect to be adverse. Given the level of impact, this is not a point worth debating.) More specifically, removal of the Wye would result in loss of one of the historic associations for the working class homes in the Clark Street North Neighborhood; removal of other nearby homes and historic properties would also result in change in the historic character of specific blocks within the neighborhood. Construction of a major urban thoroughfare through the neighborhood alters and interrupts the residential character and traffic pattern of the Clark Street North Neighborhood. In the case of the historic properties bordering Alternative 1C, their historic associations with the early industrial development of Laramie would largely be lost. The alterations resulting from 1C meet the criteria for a determination of adverse effect under 36CFR800.5(a)(1) through loss of integrity of setting, feeling, and association.

In summary, two historic properties are physically removed by Alternative 1C and indirect adverse effects will occur to seven other historic properties. I have included the other consultation letters with this correspondence. You should already have additional copies of the reports to send to the Advisory Council. I have also pulled a copy of the map from Volume 1 of the North Clark Street Neighborhood report to include with this letter. If you need any additional information, please do not hesitate contact me.

Sincerely,



Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services

cc. Tim Carroll, WYDOT Environmental Services  
Pat Persson, District 1 Engineer  
Mary Hopkins, SHPO



Figure 12. Site map of Clark Street North Neighborhood (48AB2178), showing the three alternatives for connecting routes that could affect the district.



Matthew H. Mead  
Governor

# Wyoming Department of Transportation

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5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

January 17, 2012

Project P261022  
Laramie Streets  
Harney Street viaduct  
Albany County

Dear Interested Party:


The Wyoming Department of Transportation and the Federal Highway Administration invite your organization to participate as an interested party in the negotiation of a Memorandum of Agreement for mitigation of adverse effects to historic properties as a result of future construction of a new bridge over the Union Pacific Railroad at Harney in the City of Laramie.

After discussions with the City of Laramie, WYDOT and FHWA have decided to pursue negotiation of an MOA for Alternative 1C. As you are aware, this alternative adversely affects several historic properties. Alternative 1C, removes a major portion of the Wye of the Laramie Hahn's Peak and Pacific Railroad (48AB619) and one residence (48ABB2279 - 552 N. Cedar). In addition, adverse effects due to loss of setting, feeling, and association will occur to several other residences (48AB2230, 48AB2232, 48AB2235, 48AB2238, 48AB2277, 48AB2306, and 48AB2307) on either side of the Wye. The Wyoming State Historic Preservation Office has concurred on the determinations of adverse effects to these properties, and the Advisory Council on Historic Preservation has been notified.

Participation as an interested party will include discussion and negotiation of a plan to mitigate the adverse effects and review of drafts of the MOA and quite likely materials generated as a result of the mitigation plan. This will be done through a series of meetings in Laramie (most likely at the WYDOT District Office) and conference calls. WYDOT will set up conference calling capabilities for those parties unable to travel to Laramie for meetings. WYDOT and FHWA foresee an ambitious schedule. We would like to start meeting the first part of February and continue regular meetings every two weeks until terms of the MOA have been reviewed and approved. Meeting notes and drafts will be circulated via email. WYDOT and FHWA would greatly appreciate your designating a specific representative to attend these meetings on a regular basis, should you choose to participate.

We look forward to your participation in this very important process. Please let me know by January 30, 2012 whether you would like to participate, along with contact information for your designated representative and scheduling information (are there any days or times when your representative would not be available). We will schedule our initial gathering from sometime the first two weeks of February based upon that information. I can be reached at 307-777-4740 or at [julie.francis@wyo.gov](mailto:julie.francis@wyo.gov). I look forward to working with you on this project.

Sincerely,

A handwritten signature in blue ink that reads "Julie". The signature is written in a cursive style with a large, looping initial "J".

Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services

cc. Lee Potter, FHWA  
Mary Hopkins, SHPO  
Pat Persson, District 1 Engineer





Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

January 17, 2012

Project P261022  
Laramie Streets  
Harney Street viaduct  
Albany County

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Sincerely,



Julie Francis, Ph.D.  
Archaeologist,  
Environmental Services

cc. Lee Potter, FHWA  
Mary Hopkins, SHPO  
Pat Persson, District 1 Engineer

Sent to Albany County Historic Preservation Board  
Laramie Railroad Depot Association  
Tracks Across Wyoming  
Alliance for Historic Wyoming  
National Trust for Historic Preservation  
WYCOLO  
City of Laramie

Westside League of Neighbors contacted on 2/14/12

 Interested Party Invitation - Harney Street viaduct

**Julie Francis** <julie.francis@wyo.gov> Thu, Jan 19, 2012 at 12:10 PM  
To: Amy Williamson <akwwy@hotmail.com>, "Ostresh, Lawrence M." <ostresh@uwyo.edu>, "Buddenborg, Jennifer" <jennifer\_buddenborg@nthp.org>, janine jordan <jjordan@cityoflaramie.org>, hiley lindmier <ExecDirector@historicwyoming.org>, greg kissel <greg@thewesterngroup.net>  
Cc: Lee Potter <Lee.Potter@dot.gov>, mary hopkins <hopkins@uwyo.edu>, karl morell <kmorell@balljanik.com>, Pat Persson <pat.persson@wyo.gov>, Bob Quinlan <Robert.Quinlan@jacobs.com>, Timothy Carroll <timothy.carroll@wyo.gov>

Hello Everyone,

I will get more formal letters out via the regular post to each of you individually, but I wanted to get this process rolling to invite your organization to participate in the MOA negotiation process for the Harney Street viaduct. The attached letter briefly explains the current status. Please forward to the appropriate individuals within your organization. Just a couple of quick notes: Larry O. - you are my contact person for both the Laramie Railroad Depot Association and Tracks Across Wyoming. Please let me know if we need to get another individual from either of those groups involved. Greg - I have also copied your attorney, Karl Morrell, on this correspondence. Please let me know the best primary contact. We will be meeting regularly, and it would be most helpful to have one person from each organization to commit to that participation.

I look forward to hearing back from you in the very near future and to working with you all.  
Julie

Julie Francis, Archaeologist  
WYDOT-Environmental Services  
5300 Bishop Blvd.  
Cheyenne, WY 82009  
307-777-4740  
julie.francis@wyo.gov

 Copier-LabBasement@wyo.gov\_20120117\_172357.pdf  
336K

**Julie Francis** <julie.francis@wyo.gov> Thu, Jan 19, 2012 at 3:32 PM  
To: Nick Hines <nick.hines@wyo.gov>

[Quoted text hidden]

[Quoted text hidden]

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336K

**Lawrence M. Ostresh** <Ostresh@uwyo.edu> Fri, Jan 20, 2012 at 7:41 AM  
To: Julie Francis <julie.francis@wyo.gov>  
Cc: Cecily Goldie <cagoldie@msn.com>, Jerry Hansen <jerykathy5@msn.com>, "Jerry Hansen (Ironhorse82072@hotmail.com)" <Ironhorse82072@hotmail.com>

Hi Julie

I am happy to represent both TRACKS and the Railroad Depot. However, I would like to recommend additional representatives for each of these organizations:

TRACKS: Cecily Goldie

Depot: Jerry Hansen

I'm copying this email to both of them and hope that they will agree to participate. I'll also send them the letter in PDF form that you sent me.

Thanks, .

Larry

---

**From:** Julie Francis [mailto:[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)]

**Sent:** Thursday, January 19, 2012 12:11 PM

**To:** Amy Williamson; Lawrence M. Ostresh; Buddenborg', 'Jennifer; janine jordan; hiley lindmier; greg kissel

**Cc:** Lee Potter; Mary M. Hopkins; karl morell; Pat Persson; Bob Quinlan; Timothy Carroll

**Subject:** Interested Party Invitation - Harney Street viaduct

Hello Everyone,

[Quoted text hidden]

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act, and may be disclosed to third parties.

---

**Julie Francis** <[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)>

Fri, Jan 20, 2012 at 9:44 AM

To: "Lawrence M. Ostresh" <[Ostresh@uwyo.edu](mailto:Ostresh@uwyo.edu)>

Cc: Cecily Goldie <[cagoldie@msn.com](mailto:cagoldie@msn.com)>, Jerry Hansen <[jerrykathy5@msn.com](mailto:jerrykathy5@msn.com)>, "Jerry Hansen (Ironhorse82072@hotmail.com)" <[Ironhorse82072@hotmail.com](mailto:Ironhorse82072@hotmail.com)>

Thanks Larry!! Cecily and Jerry - please let me know if you are able to participate.

Julie

[Quoted text hidden]

Julie Francis, Archaeologist  
 WYDOT-Environmental Services  
 5300 Bishop Blvd.  
 Cheyenne, WY 82009  
 307-777-4740  
[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)

---

**C A GOLDIE** <[cagoldie@msn.com](mailto:cagoldie@msn.com)>

Fri, Jan 20, 2012 at 10:16 AM

To: "Lawrence M. Ostresh" <[Ostresh@uwyo.edu](mailto:Ostresh@uwyo.edu)>, Julie Francis <[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)>

Cc: Jerry Hansen <[jerrykathy5@msn.com](mailto:jerrykathy5@msn.com)>, [Ironhorse82072@hotmail.com](mailto:Ironhorse82072@hotmail.com)

I would be pleased to be involved! Thanks!

Cecily

[Quoted text hidden]

---

**Janine Jordan** <[jjordan@cityoflaramie.org](mailto:jjordan@cityoflaramie.org)>

Mon, Jan 30, 2012 at 4:59 PM

To: Julie Francis <[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)>

Good Afternoon:

I will serve as the City's designated representative. I intend to convene an internal working group of city staff members and intend to selectively invite members of the working group to attend MOA meetings as their respective expertise is needed. My contact information is below. Please let me know if you need anything further.

Thanks, Julie!

Janine Jordan, MPA

City Manager | Ph: 307.721.5226 | Cell: 307.760.2749 | Fax: 307.721.5211

Email: [jjordan@cityoflaramie.org](mailto:jjordan@cityoflaramie.org)Website: [www.cityoflaramie.org](http://www.cityoflaramie.org)

Mailing Address: P.O. Box C, Laramie, WY 82073

ALL CITY OF LARAMIE ELECTRONIC CORRESPONDENCE AND ATTACHMENTS MAY BE TREATED AS PUBLIC RECORDS AND SUBJECT TO PUBLIC DISCLOSURE.

**From:** Julie Francis [mailto:[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)]**Sent:** Thursday, January 19, 2012 12:11 PM**To:** Amy Williamson; Ostresh, Lawrence M.; Buddenborg', 'Jennifer; Janine Jordan; hilery lindmier; greg kissel**Cc:** Lee Potter; mary hopkins; karl morell; Pat Persson; Bob Quinlan; Timothy Carroll**Subject:** Interested Party Invitation - Harney Street viaduct

Hello Everyone,

[Quoted text hidden]

E-Mail to and from me, in connection with the transaction  
of public business, is subject to the Wyoming Public Records  
Act, and may be disclosed to third parties.

**Quinlan, Robert E.** <[Robert.Quinlan@jacobs.com](mailto:Robert.Quinlan@jacobs.com)>

Tue, Jan 31, 2012 at 8:17 AM

To: Julie Francis <[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)>Cc: Timothy Carroll <[timothy.carroll@wyo.gov](mailto:timothy.carroll@wyo.gov)>, "Stark, Timothy" <[timothy.stark@wyo.gov](mailto:timothy.stark@wyo.gov)>, Nick Hines <[nick.hines@wyo.gov](mailto:nick.hines@wyo.gov)>, "lee.potter@fhwa.dot.gov" <[lee.potter@fhwa.dot.gov](mailto:lee.potter@fhwa.dot.gov)>, "McAfee, Gina L." <[Gina.McAfee@jacobs.com](mailto:Gina.McAfee@jacobs.com)>

Greetings Julie!

Just thought I would check on the status of organizing the first meeting?

Also, if I remember correctly, it was suggested that WYCOLO should be invited to participate in the process. Maybe one of the addressees is a WYCOLO rep and it is all ready covered.

Thanks,

Bob

*Robert E. Quinlan  
Senior Project Manager  
Jacobs Engineering Group  
707 17th Street, Suite 2300  
Denver, Colorado 80202  
Office: (303) 820-5283*

**From:** Julie Francis [mailto:[julie.francis@wyo.gov](mailto:julie.francis@wyo.gov)]**Sent:** Thursday, January 19, 2012 12:11 PM**To:** Amy Williamson; Ostresh, Lawrence M.; Buddenborg', 'Jennifer; janine jordan; hilery lindmier; greg kissel**Cc:** Lee Potter; mary hopkins; karl morell; Pat Persson; Quinlan, Robert E.; Timothy Carroll**Subject:** Interested Party Invitation - Harney Street viaduct

[Quoted text hidden]

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3/19/12

State of Wyoming Mail - Interested Party Invitation - Harney Street viaduct

Tue, Jan 31, 2012 at 11:58 AM

**Julie Francis** <julie.francis@wyo.gov>

To: Robert.Quinlan@jacobs.com

Your message

To: Julie Francis

Subject: RE: Interested Party Invitation - Harney Street viaduct

Sent: 1/31/12 8:17:08 AM MST

was read on 1/31/12 11:58:56 AM MST

Agenda  
Harney Street Viaduct Historical Group  
February 21, 2012  
WYDOT District 1 Office, Laramie

- I. Introductions - who you are and who you represent
- II. Why Are We All Here /History of Investigations
  - A. WYDOT studies and consultation with SHPO
  - B. Adverse effects and historical integrity
  - C. The MOA process and how it relates to NEPA
  - D. Role of Interested Parties in the Section 106 process
  - E. Advisory Council Comments
- III. Today's Goals
  - A. Preferred alternative selection status report (**PAT**)
  - B. Review adverse effects of Alternative 1C and brainstorm potential mitigation strategies for Alt 1C.
- IV. What Mitigation of Adverse Effects to Historic Properties Must Address (**MARY and KARA**)
  - A. Should address history and historic preservation
  - B. Must be adequate to compensate for the loss of the historic property
  - C. Must be of public benefit
  - D. Examples of activities that would generally not be considered mitigation of adverse effects to historic properties (e.g. bike trails, beautification that was not previously an element of the historic property, pedestrian access).
- V. Review of Alt 1C Adverse Effects to Historic Properties
  - A. The Wye
  - B. Individual Homes
- VI. FHWA perspectives on appropriate mitigation strategies (**LEE**)
- VII. Ideas??/Brainstorming
- VIII. Meeting schedule







Matthew H. Mead  
Governor

# Wyoming Department of Transportation

*"Providing a safe, high quality, and efficient transportation system"*

5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

February 24, 2012

## Harney Street Viaduct Historical Group MOA Meeting Minutes

### Attendees present

Larry Ostresh – Laramie Rail Road Depot Association  
Jerry Hanson – Laramie Rail Road Depot Ass. & Albany County Historic Preservation Board  
Billie Gross -  
Lesley Wischmann - Alliance for Historic Wyoming  
Mary Hopkins – Wyoming SHPO  
Janine Jordan – City Manager City of Laramie  
Paul Harrison – Parks and Recreation City of Laramie  
Randy Hunt – City of Laramie  
Pat Persson – WYDOT District Engineer  
Charles Bloom – City of Laramie  
Dicksie May - Westside League of Neighbors  
Gina Chavez – Westside League of Neighbors  
Sonya Moore - Albany County Historic Preservation Board  
Julie Frausto – Westside League of Neighbors  
Steve Cook – WYDOT Resident Engineer  
Julie Francis – WYDOT Archeologist

### Attendees via phone

Kara Hahn – Historian Wyoming SHPO  
Charlene Vaughn – Advisory Council on Historic Preservation  
Najah Gabriel – Advisory Council on Historic Preservation  
Guy Lopez – Advisory Council on Historic Preservation

### Attendees via video conference

Lee Potter – FHWA  
Tim Stark – WYDOT Environmental Services Engineer  
Tim Carroll – WYDOT Harney Street Environmental Project Manager  
Tom Dehoff – WYDOT District Construction Engineer  
Nick Hines – WYDOT Environmental Coordinator

After introductions and a few glitches with the telephone connections, Mary Hopkins (SHPO) provided a short discussion of the Section 106 process. The ACHP noted that Section 106 is a consultative process between signatories (FHWA, WYDOT, SHPO, ACHP) and interested parties, that consultation must address alternatives, that there are provisions within the Section 106 regulations (36CFR800.8(c)(4) - added by Julie) to address avoidance, minimization, and then mitigation, and that ideally the interested parties should be involve in the selection of a preferred alternative

Pat Persson (WYDOT) and Lee Potter (FHWA) provided a brief review of selection Alt 1C as the preferred alternative, noting that it appears to best meet the City of Laramie's needs. Lee also noted that the three alternatives carried forward in the EA (which is not yet out for public review) are the ones that minimize affects to historic properties and that we are at this meeting to discuss Alt 1C to see if we can come up with a mitigation plan.

There was a lengthy discussion about impacts of 1C in general. Several members of the group expressed concerns about Alt 1C, including division of the neighborhood, loss of homes, loss of historic fabric, loss of pedestrian access, isolation, and that at the Westside League of Neighbors meetings, most residents support Alt 1D. It was noted that many Westside residents term Alt 1C as the iron curtain. It was noted that neighborhood concerns should be provided to WYDOT and FHWA. The results of the WYDOT study and the Albany County Historic Preservation (conducted by Mary Humstone) study north and south of the existing viaduct were also extensively discussed, and there were questions about why there are differences in NR eligibility from the north to the south side of the neighborhood. As explained by Mary (SHPO), there were some differences in criteria, inclusion of oral histories, and physical differences between the north and south sides of the viaduct. Dicksie May (Westside League of Neighbors) noted that there is a broader history to the Westside neighborhood, encompassing the Ft. Sanders military reservation and homesteading. Julie reviewed the criteria for eligibility, and the seven aspects of integrity for the group, noting that there are differences in the integrity between the north and south sides.

Janine Jordan (City of Laramie) reviewed the reasons why the City prefers Alt 1C, including the thought that the RR will go away one way or another and that through mitigation a portion of the Wye can be preserved.

There was a brief discussion about Section 4(f). Lee noted that we are working on the 4(f) analysis and that it is not yet ready to be released. Julie noted that we are working on the least harm analysis. The Advisory Council on Historic Preservation (ACHP) mentioned that it would be useful to get input from the interested parties on balancing the factors of the least harm analysis. The ACHP also indicated that, at present, all alternatives should be on the table for discussion by the interested parties.

After a brief break, Mary Hopkins reviewed general aspects to consider for mitigation - mitigation must be commensurate with the impacts, it should address the historic properties affected and she provided a long list of examples of mitigation that have been done - documentation, preservation of similar properties , interpretation, DVD's, internships, and purchasing of land, etc. The ACHP also provided some ideas - relocation, walking tours. The ACHP also noted that mitigation ideas come from communities.

There was a brief discussion of traffic volumes - 15,000 vehicles per day. Pat clarified that there would be no through streets under the new viaduct or roadway and that whether there can be a pedestrian walkway will be determined during design.

There was a brief discussion of purpose and need - noting that all alternatives meet purpose and need.

Lee presented FHWA perspectives on mitigation - noting that mitigation needs to be related to the impacts to historic properties, that we can include ideas beyond those listed by Mary, and WYDOT cannot condemn properties for mitigation. Wyoming state law indicates that there can be no condemnation beyond what is needed for the roadway itself. The City has previously suggested that a railroad heritage park may be one way to mitigate. The ACHP noted again that the mitigation should come from the consultation with all parties.

Julie showed the area previously suggested as a potential park location on the large map - encompassing what would remain of the southeast arm of the Wye, and the historic home between the two eastern arms of the Wye. She noted that we cannot acquire this property through condemnation, and that there are legal limitations as to what FHWA/WYDOT can pay for purchase of property, and that property acquisition cannot actually begin until after the environmental document has been released and approved. It is also necessary to have an executed MOA for mitigation of adverse effects to historic properties before the environmental document can be approved. It is of great concern to build an MOA based on land acquisition - that it ultimately may not be possible to actually acquire those land parcels. The ACHP noted that this is an extremely risky mitigation strategy.

Larry stated that if we cannot obtain the land to build a park then the impacts of 1C cannot be mitigated. Lee noted that it might be possible to buy the rest of the land without condemnation through negotiation with Wycolo for all the lands as one parcel - assuming that Wycolo was a willing seller.

The ACHP and Larry noted that, as alt 1C destroys one railroad property, it is appropriate to acquire and preserve another railroad related property to compensate for the loss. Julie noted that, if we were to proceed down that route for mitigation, we would need to formulate a Plan B or perhaps a Plan C as part of the MOA in the event it was impossible to acquire the necessary properties.

The ACHP asked if the public wants a park.

The ACHP asked if all alternatives adversely affect the railroad. This is the case; Julie noted that Alts 1A and 1D have much smaller impacts.

Janine noted that other types of impacts must also be considered, that the railroad has been abandoned, and that the City needs to look at the entire city and just the Westside neighborhood. The ACHP asked if the residents of the Westside bear the brunt of the impacts. Janine noted that this was correct. Gina (Westside League of Neighbors) asked what the perspectives of the rest of the City are. Janine stated that the rest of the City wants 1C and that they must look at the entire transportation system. Gina asked about economics. Janine discussed business who rely upon traffic - these include Bernie's, Chelos, and Bud's Bar on the Westside. Gina discussed her interview (as part of Mary Humstone's study) with the owner of Bud's Bar, who bought property on Snowy Range Road when the Clark Street viaduct replaced the crossing at University. Bud's is on University - he noted that the Clark Street viaduct did not negatively affect his business and he has never moved the establishment off University Street.

Gina noted that historically the neighborhood is an island and that it is secluded and quiet. The neighborhood has not been as active since the UPRR pulled its crews out of Laramie and that there is a desire to unify the neighborhood. Mary noted that removal of Clark Street viaduct will help unify the neighborhood. Gina expressed concerns about loss of pedestrian use on the Clark Street viaduct and that mitigation (not necessarily related to historic impacts) should include pedestrian facilities. Janine noted that this was under consideration.

Going back to Alt 1C, Larry noted that the old engine house and steel works is south of Clark Street. This is the old Spielgerberg Lumber building. He noted that this building might be an appropriate property to acquire as mitigation for loss of the Wye. Lee noted that we can certainly look at off-site mitigation options. Lesley Wischmann (Alliance for Historic Wyoming) asked if private citizens could talk to property owners to find out if they would be willing sellers. Lee stated that, yes probably, but that ultimately any acquisitions would need to meet the Uniform Relocation Act. Tim Carroll (WYDOT) stated that any talk must be explicit that this is not a formal offer or negotiation. That must ultimately come from WYDOT.

The City (either Paul or Randy) suggested the possibility of reconstructing the Wye at Optimist Park as potential mitigation. Who is going to pay for maintenance? Relocation should certainly be discussed, but the long-term implications and costs must be addressed or else we have not gotten a public benefit. If it is not feasible to make a park, then perhaps the area under the old viaduct might be useful as a location for off-site mitigation, presuming that this is already owned by the City.

The ACHP asked about cost estimates for each alternative. Pat mentioned that 1C is more expensive to construct because it is a longer bridge. Julie mentioned that costs for all three are roughly comparable. Mary asked about overall costs. Pat discussed user costs - mileage air quality. Pat also discussed that the EA and MOA processes are trying to proceed currently. The ACHP suggested that a calendar with milestones for the Section 106 process would be useful.

The meeting concluded with asking the participants to think about potential mitigation ideas, that we would discuss the other alternatives at the next meeting. The next meeting was set for Feb 29 from 1-3 pm at the Laramie Recreation Center.

Mary stated that we need to remember the need for sustainability in any mitigation.

Harney Street Viaduct

March 14, 2012

Agenda

Laramie Recreation Center

1-3 pm

1. Welcome and Introductions
2. Discussion of City Council Resolution in Support of Alt 1D (City Staff)
3. Section 106 and Section 4(f) Critical Path for Completion of EA (Lee Potter)
4. Detailed Discussion of Impacts Common to All Alternatives
  - A. Documentation of the Entire Wye Complex (including south of Snowy Range Road)
    - HABS/HAER - where shall electronic copies of photos reside
    - Exhibits – what kind, where (Lincoln Center, Depot, other places)
    - Other documentation??
  - B. Walking Tour
    - How to integrate with existing tours?
    - Markers along route
    - How to publicize - maps, brochures, on-line
    - Signage on highway
  - C. Acquisition of RR appurtenances, if possible
    - Who would assume the custodial role?
    - Where stored?
    - How used??
  - D. Modern murals on Clark Street piers
    - Is leaving a portion of the piers on Clark Street in place safe?
    - Long-term in-place preservation?
    - Documentation - HABS/HAER photo standards, displays - is there a way to use these on the new bridge structure or other places??
  - E. Other ideas
5. Alternative 1C - is mitigation feasible?
6. Next steps??





*Preserving America's Heritage*

March 30, 2012

Mr. Lee D. Potter, P.E.  
Project Development Engineer  
Federal Highway Administration  
Wyoming Division  
2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001

Ref: *Proposed Harney Street Viaduct Project*  
*Albany County, Wyoming*

Dear Mr. Potter:

On February 23, 2012 and March 14, 2012, the Advisory Council Historic Preservation (ACHP) participated via teleconference in the Federal Highway Administration's (FHWA's) Section 106 consultation meeting for the referenced undertaking. The initial consultation meeting on February 23, 2012 was convened to share with other consulting parties, including the Wyoming State Historic Preservation Officer (SHPO), the status of Section 106, the four-step review process, the status of this undertaking, and the applicability and status of Section 4(f) of the Department of Transportation Act and the National Environmental Policy Act. We subsequently notified the Administrator of FHWA on March 20, 2012, that we would be participating in this consultation because of the potential for the proposed Harney Street Viaduct Project to have a substantial impact on historic properties. To ensure that our involvement is helpful and that other consulting parties fully understand the four-step Section 106 review process, we offer the following comments and observations to FHWA and the Wyoming Department of Transportation (DOT).

#### Step One: Initiation of Section 106 (Section 800.3)

Based upon our observations during the consultation meetings, it seems that the other consulting parties would benefit from understanding the roles and responsibilities of all consulting parties. The implementing regulations for Section 106, "Protection of Historic Properties" (CFR Part 800), explains the role of the Federal agency, the applicant, the Wyoming SHPO and other consulting parties. In order to fully understand the status of the Section 106 actions taken thus far, we request that FHWA respond to the following questions:

- Who are the consulting parties that were invited to participate in the Section 106 consultation?
- What actions have been taken to involve the public in the Section 106 review process? Has FHWA sought their views regarding the various alternatives? Was this done as a NEPA review or Section 106 review?

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

- What effort has been made to identify any Indian tribes that might attach religious and cultural significance to the historic properties? Were they contacted by Wyoming DOT in defining the area of potential effects? What role does the City of Laramie play in the consultation process? Has FHWA made it clear to consulting parties that FHWA remains legally responsible for all findings and determinations?

#### Step Two: Identification and Evaluation (Section 800.4)

Regarding activities discussed during the meetings related to Section 800.4, identification and evaluation, there were concerns raised regarding the two distinct historic surveys that were conducted. There appeared to be some confusion regarding the scope of the surveys, which were conducted by two different contractors.

- What efforts are being taken to reconcile the conclusions reached in each survey with regard to the boundary for the National Register eligible historic district that encompasses the Clark Street South Neighborhood?
- Has FHWA established the area of potential effect (APE) in which identification and evaluation efforts will occur?
- Has FHWA sought information from other consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the APE? In the letter of August 18, 2010, from the Wyoming SHPO to FHWA, the SHPO concurred that the Clark Street North neighborhood is not eligible. Is there any intent to re-evaluate this determination? How has FHWA addressed the concerns expressed by the Clark Street North neighborhood regarding eligibility?

#### Step Three: Assessment of effects (Section 800.5)

We understand that FHWA is still in the process of determining its preferred alternative for this undertaking. Given that no preferred alternative has been selected to date, it may be premature for FHWA to discuss adverse effects.

- What historic properties would be affected in each of the alternatives under consideration?
- How has FHWA evaluated alternatives that would avoid or minimize adverse effects to historic properties?
- Does FHWA plan to share with the community its application of the “Criteria of Adverse Effect” for historic properties within the APE?
- How was the community engaged in the identification of alternatives?
- Why has FHWA allowed discussions to focus on mitigation of adverse effects to the Depot to the exclusion of considering potential effects to other historic properties?
- What is the nexus between the Section 106 review and the Section 4(f) analysis?

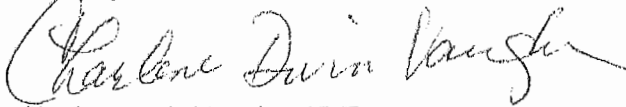
In closing, many of the questions we have asked above have been broached by consulting parties either directly or indirectly during the meetings held to date. Since FHWA wants to move forward with this undertaking, we think that the preparation of responses to the questions will assist consulting parties in



better understanding the planning process. Further, in preparing this information, FHWA will be developing its administrative record so that we will be able to move into Section 4 (Resolution of Adverse Effects) when appropriate.

We appreciate your ongoing cooperation in this matter. If you have any questions, please contact Ms. Najah Duvall-Gabriel at (202) 606-8585, or via e-mail at [ngabriel@achp.gov](mailto:ngabriel@achp.gov).

Sincerely,

A handwritten signature in cursive script that reads "Charlene Dwin Vaughn". The signature is written in black ink and is positioned above the typed name and title.

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





Matthew H. Mead  
Governor

# Wyoming Department of Transportation

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5300 Bishop Boulevard  
Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

April 12, 2012

## Harney Street Viaduct Historical Group MOA Meeting Minutes

### Attendees present

Billie Gross	464 N. Cedar
Carmen Clayton	Westside League of Neighbors
Cecily Goldie	Nici Self Museum, Centennial
Charles Bloom	City of Laramie
Gina Chavez	Westside League of Neighbors
Jerry Hansen	Laramie Rail Road Depot Assn & Albany County Historic Preservation Board
Julie Francis	WYDOT Archeologist
Larry Ostresh	Laramie Rail Road Depot Association
Lee Potter	FHWA
Lesley Wischmann	Alliance for Historic Wyoming
Mary Hopkins	Wyoming SHPO
Guy Lopez	Advisory Council on Historic Preservation (by telephone)
Nick Hines	WYDOT Environmental Coordinator
Paul Harrison	Parks and Recreation City of Laramie
Sonya Moore	Albany County Historic Preservation Board
Steve Cook	WYDOT Resident Engineer
Tim Carroll	WYDOT Harney Street Environmental Project Manager

Introductions followed by an update from FHWA on where we are at in the Environmental Assessment (EA) process.

FHWA and WYDOT met on Monday (4-9-12) and decided on which alternative was going to be perused in the EA. FHWA and WYDOT are drafting a letter to the city that states that FHWA/WYDOT are enforcing alternative 1D. As said in past meetings, all three meet the purpose and need; however, 1D best meets the needs of the city and neighborhood. Therefore, the MOA group will not focus only on mitigation for alternative 1D. The MOA will be included in the EA that is sent through legal sufficiency.

SHPO asked if WYDOT would like a letter from them endorsing Alt 1D too. FHWA/WYDOT response was that a letter is not necessary. SHPO mentioned that they are short staffed and that if it is not necessary than they are not going to write one.

Tim C. brought up the ACHP letter and asked if FHWA needed to resubmit it since the letter mentioned, FHWA/WYDOT was looking at mitigation for Alt 1C. FHWA said they were going to send the ACHP another letter. It was decided that further discussion on this topic would happen outside this meeting since it does not involve everyone in the meeting.

There were a couple of corrections to last meetings minutes.

- Page 4 of 5 – Fourth paragraph – Change spelling of name from Chavanne Kelly to Chavawn Keelly.
- Page 4 of 5 – Fourth paragraph – Strike sentence “It was also noted that we do not use piers anymore” This statement is incorrect piers are still used however to reduce costs earthen berms are used more frequently.
- Page 4 of 5 – Fourth paragraph – Gina clarified that in her statement she did not necessarily mean murals had to be painted but that the architecture or texturing of the new structure should be reflective of the neighborhood.
- Page 5 of 5 – Fifth paragraph – Strike “Since the ACHP has not officially decided to participate, the FHWA is not calling this consultation. However SHPO says yes this is considered consolation”.

After the minutes were corrected the group reviewed the draft MOA. The majority of the comments and corrects will be reflective in the second draft of the MOA so not all corrections are listed in the minutes.

There was discussion on what level of HABS/HAER needed to be performed. It was mentioned that the level of HABS/HAER is based on the recommendation of the National Park Service. It was discussed there are four levels of documentation with Level 1 being the highest and Level 4 being the lowest ([http://www.cr.nps.gov/local-law/arch\\_stnds\\_6.htm#habs](http://www.cr.nps.gov/local-law/arch_stnds_6.htm#habs)). The best guess is that the level of documentation would be either Level 2 or 3. Larry O. wanted to get the most documentation possible.

Larry O. then handed out a document that described the diorama that the Laramie Railroad Depot would like funded as part of the MOA (see attachment).

There was also discussion about placing signs in the neighborhood for the walking tour. Due to code regulations if the signs were in the right-of-way they would have to conform to code and that means they would be 8’ high. There was also difficulty in finding some group to take responsibility of the signs. So it was decided that there would be no signs for the walking tour but WYDOT would be able to place the brown and white signs directing traffic into the neighborhood as long as the signs were placed on WYDOT right-of-way.

Larry brought up that they do not have equipment for recording the interviews let alone displaying or playing them in the depot. He was requesting that equipment be purchased so that they could do these interviews and then that display cases or other electronic equipment be purchased to display/play these interviews. FHWA mentioned that they do not buy equipment it becomes very complicated. It was decided that maybe a consultant should be hired to record the interviews and edit them so they are in a quality that is ready to be used. There was discussion of a cone that played interviews when people stand under them that is located in Cheyenne at the depot. Direct purchase of equipment would not be allowed according to the FHWA.

FHWA and WYDOT agreed that they would consult with the city, neighborhood, SHPO, etc when it came time to design the bridge so that the enhancements were agreeable to all.

Thanks to Paul H. for correcting the MOA on screen and for all his technical support.

The second Draft of the MOA is going to be distributed via email and snail mailed to Billye Gross. Julie hopes to have the draft by April 27<sup>th</sup>.

There was a question regarding the car lights shinning into houses. ACHP said that we could add trees and plantings into the MOA. However, FHWA/WYDOT seemed to think that it would be better to address this type of issue in the EA since it could possible affect historical and non-historical houses.

SHPO did mention that if there is visual and auditory impacts to historic houses we should be addressing it in the MOA.

Julie reminded everyone that she looked at these impacts and felt there was enough of a barrier from existing trees that it was not an issue. It was presented this way to SHPO in the beginning and SHPO had concurred with Julies determination.

We can add to the MOA that FHWA/WYDOT will address lighting and noise concerns during the design process.

It was reminded that the City of Laramie would need to have the MOA two weeks before the council meeting to get it on the agenda.

There was brief discussion of legal reviews and it was thought that SHPO and WYDOT attorney generals could review the document and then the City attorney could review the document before the council meeting.





Matthew H. Mead  
Governor

# Wyoming Department of Transportation

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Cheyenne, Wyoming 82009-3340



John F. Cox  
Director

July 11, 2012

## Harney Street Viaduct Historical Group MOA Meeting Minutes

### Attendees present

Cecily Goldie	Nici Self Museum, Centennial
Gina Chavez	Westside League of Neighbors
Janine Jordan	City Manager City of Laramie
Jerry Hansen	Laramie Rail Road Depot Assn & Albany County Historic Preservation Board
Julie Francis	WYDOT Archeologist
Larry Ostresh	Laramie Rail Road Depot Association
Lee Potter	FHWA
Mary Hopkins	Wyoming SHPO
Najah Gabriel	Advisory Council on Historic Preservation (by telephone)
Nick Hines	WYDOT Environmental Coordinator
Pat Persson	WYDOT District Engineer
Steve Cook	WYDOT Resident Engineer
Tim Carroll	WYDOT Harney Street Environmental Project Manager
Tim Stark	WYDOT Environmental Services Engineer
Tom Dehoff	WYDOT District Construction Engineer

Introductions followed by a review of the final draft MOA.

ACHP recommends we add the laws and regulations that allow this project to occur into the first clause of the "Whereas" statements. Najah will provide technical edits to the draft via email.

The following are changes to the Stipulation Section of the MOA.

Stip 1: Confirm the level of HABS documentation and insert into the MOA – Julie will call NPS to confirm level. This does not have to be done prior to execution of the agreement.

Stip 4: Strike "through a separate agreement"

Stip 6: The WSLN wants to be included in this section. Also added self-guided walking tour and bumped the print copies to 20,000.

Stip 7: Strike: "through separate agreement"

Stip 8: Add “incompliance with WYDOT signing policies” Pat will check with his traffic and signing personnel to see what the policy is and if we can add signs and how many. It was also noted the City of Laramie had previously requested a sign at the intersection of 3<sup>rd</sup> and Snowy Range pointing to Historic Downtown Laramie. Tom mentioned that WYDOT is sensitive to these sign requests and already has polices for sign placement and addresses these sign requests thoroughly as they come in. Does the sign request need to be placed in the MOA. It was decided that yes the sign request was determined as an appropriate mitigation and should be in the MOA. However further review of WYDOT polices will need to be reviewed to determine if we can place the signs and how many. The ACHP mentioned that this stipulation needs to be more specific. It was determined that, until we review the policies for sign placement we could not be more specific. It was suggested that after the review of the sign placement polices and if the stipulation cannot be more specific than it would be removed, and pursued outside of this MOA. All parties at the meeting concurred with this determination.

### GENERAL COMMENTS

There was a brief discussion on the dollar amounts of the stipulations. Typically, we leave dollar amount out of the MOA. The dollar amounts will be discussed later and handled through WYDOT agreements.

There are minor formatting changes throughout the document and Mary would help format the MOA.

SHPO had not changes to their section in the MOA

LRRDA - wanted to clarify they were not doing the interviews but hiring someone.

ACHP – needs to have a reporting or annual meeting section added before the Dispute Resolution section. It would way that there will be annual reports and if requested meeting will be held. Najah will send language to Julie.

Need to make the last sentence under the Duration clause modified so that it is clear what it is saying.

### ACTION ITEMS

Najah: Provide language for the first “Where-as” statement. Provide annual report language and duration clause language to Julie.

Julie: Check in with NPS to determine HABS level and check on signing policies

Mary: Check with the Spiegelburg’s to make sure SHPO can have access to their building for HABS. Format the MOA once it is completed. Provide annual report language and duration clause language to Julie.

### NEXT STEPS

Julie will revise the MOA with these comments and send to Mary and Najah. Once corrected Julie will send final version to everyone.

Advisory Council, Najah and management, will review and then SHPO can send to the State Attorney General.



The signing order should be as follows:

1. State Attorney General
2. WYDOT
3. FHWA
4. LRRDA
5. SHPO
6. ACHP
7. Concurring parties





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

**Wyoming Division**

July 17, 2012

2617 E. Lincolnway, Suite D  
Cheyenne, WY 82001-5671

Ms. Charlene Dwin Vaughn, AICP  
Assistant Director  
Advisory Council on Historic Preservation  
1100 Pennsylvania Ave., NW, Suite 803  
Washington, DC 20004

**SUBJECT: Proposed Harney Street Viaduct, Albany County, WY,  
March 30, 2012 Letter from ACHP**

Dear Ms. Vaughn:

The ACHP sent a letter to the Federal Highway Administration (FHWA) on March 30, 2012, identifying the four step Section 106 review process. This response addresses the questions and comments contained in that letter. It should be noted that the Environmental Assessment (EA) currently being drafted will provide additional information and a copy will be forwarded to the ACHP after it has been finalized. The Memorandum of Agreement (MOA) also under development is an integral part of the environmental process and will be used to address impacts to historic resources and the resulting mitigation will be included in the EA.

Although the EA has not been finalized, the ACHP is aware the preferred action proposed by FHWA and WYDOT is Alternative 1D due to its participation in the development of the MOA. The following is based on specific cultural resources reports and the information contained in the draft EA.

**Step One: Initiation of Section 106 (Section 800.3)**

The following parties were invited to participate in the Section 106 consultation:

- The City of Laramie
- The Albany County Historic Preservation Board
- The Laramie Railroad Depot Association
- The National Trust for Historic Preservation
- The WYCOLO Railroad
- The Alliance for Historic Wyoming
- The Westside League of Neighbors
- Tracks Across Wyoming

All but the National Trust and WYCOLO Railroad accepted WYDOT's invitation to participate.

For this project, Section 106 is being undertaken as part of the NEPA process. The public has been involved in the NEPA process through a series of scoping meetings held in 2009 with both the residents of the Westside Neighborhood and the entire City of Laramie. It was through the 2009 meetings that Alt 1D was identified as a viable alternative and will be fully analyzed in the EA. The NRHP evaluations were completed in 2010 and it was determined that all three remaining alternatives would have adverse effects to historic properties. In 2011, WYDOT and FHWA met with representatives of the City of Laramie, Wyoming SHPO, the Albany County Historic Preservation Board, and the Laramie Railroad Depot Association to review the adverse effects of all three alternatives, to obtain input regarding other potential consulting parties, and to obtain some preliminary input as to potential mitigation measures for the alternatives under consideration.

The MOA process began with a potential selection of Alt 1C since the alternative would be the most difficult to mitigate. Accordingly, the various parties listed were contacted and initial meetings were organized to begin discussion. This was the first experience with Section 106 for nearly all of the interested parties. Development of the MOA has clearly been an educational process as to historic preservation compared to community and other project impacts. It has been important to provide an opportunity for interested parties to express a variety of concerns beyond historic preservation and to let them know the appropriate venues in which to express those concerns. At present, the group is focused on the historic preservation issues of this project. Through public meetings held by the City of Laramie in early 2012, public support for Alt 1D was voiced. Support for Alt 1D was based largely on minimizing community impacts and adverse effects to historic properties. As a result of public support, the Laramie City Council approved a resolution endorsing Alt 1D. On April 9, 2012, FHWA and WYDOT staff identified Alt 1D as the preferred alternative.

WYDOT contacted both the Northern Arapaho and Eastern Shoshone Tribal Historic Preservation Officers by letter on November 10, 2011 and provided copies of all the cultural resource reports. The primary purpose of this was to seek information on their concerns and with respect to identification of historic properties of religious or cultural significance. Neither THPO responded. The City of Laramie will be a concurring party to the MOA for mitigation of adverse effects for Alt 1D.

### **Identification and Evaluation**

The following background information will help provide context as a response to the ACHP concerns under step two. WYDOT and SHPO met in the spring/early summer of 2009 to establish an APE which would encompass all three alternatives under consideration. The APE extends from Third and Harney across the UPRR to the Laramie River, and from Clark Street north to include the remains of the old Midwest and Standard Oil Refinery. This includes the west side neighborhood north of Clark. Field surveys of all buildings and structures over 50 years of age were initiated in the fall of 2009 and completed in the winter of 2010 by Rosenberg Historical Consultants under contract to WYDOT. This work resulted in a series of reports submitted to SHPO. SHPO concurred with the determinations of eligibility (correspondence already provided to the Council), including that the North Clark Neighborhood was not eligible as a district. This was largely due to loss of integrity of setting, design, materials, workmanship, feeling, and association with the period of historic significance as a result of extensive

modifications, additions, and updating of individual buildings and modern in-fill. Only 23% of the buildings over 50 years of age retain sufficient historic integrity to be considered individually eligible, and nearly 14% of all buildings in the North Clark Neighborhood have been constructed or moved into the neighborhood since 1962 and thus post-date the period of significance.

Unrelated to the Harney Street Viaduct project, the Albany County Historic Preservation Board (ACHPB) received a grant from SHPO through the Certified Local Government program to conduct a survey of the Westside Neighborhood in 2010, with results presented to the public in April 2011. As the WYDOT sponsored studies had already been completed and so as to not duplicate efforts, this survey focused on the Westside Neighborhood south of the Clark Street viaduct and outside the APE for the Harney Street project. The ACHPB contracted with Mary Humstone of the University of Wyoming American Studies Program. She utilized students in her historic preservation class and volunteers to do the inventory and evaluations. The students did not re-inventory the area north of Clark or reevaluate any of the buildings within the Harney Viaduct project APE.

The ACHPB submitted the Humstone report to SHPO for review in September 2011. SHPO has not concurred on the NRHP eligibilities presented and in fact questioned whether some of the contributing buildings south of Clark retained sufficient integrity to warrant that evaluation. As a result of their questions, SHPO staff re-examined the entire Westside Neighborhood, including that area north of Clark on several occasions during the winter of 2011/2012. SHPO has indicated that there is a possibility of a historic district south of Clark and perhaps extending one block to the north of the existing Clark Street viaduct, but there is no reason to change or further review the eligibilities for any of the individual buildings north of Clark.

#### **Assessment of Effects**

As noted above, FHWA and WYDOT reviewed a summary of the findings of the EA and identified Alt 1D as the preferred alternative. There are no alternatives under consideration which completely avoid all historic properties, and Alt 1D minimizes adverse effects to historic properties.

The criteria of adverse effects, including both direct and indirect affects, have been reviewed with the interested parties during the course of several meetings. Alt 1D only has adverse effects to the railroad and recent discussions about mitigation have logically focused on those impacts. Adverse effects of each alternative under consideration are summarized below:

Alt 1A results in physical removal of a portion of the mainline and SW arm of 48AB619 (about 700 feet of contributing rail line) and indirect adverse effects (auditory) to one residence.

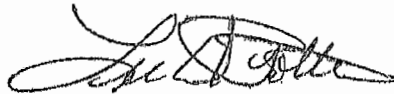
Alt 1C results in physical removal of several hundred feet of mainline and all but the SE arm of the Wye of 48AB619 (about 2300 feet of contributing rail line), physical removal of one NRHP eligible residence, and indirect adverse effects (loss of setting, feeling and association through visual intrusions) to seven other residences determined eligible to the NRHP on either side of the alignment.

Alt 1D results in physical removal of a portion of the mainline and SW arm of 48AB619 (about 400 feet of contributing rail line).

All three alternatives under consideration have adverse effects to historic properties. Section 4(f) requires FHWA to minimize the extent of the projects impacts to those protected resources while balancing the purpose and need of the project. The 4(f) analysis will be contained in the EA. The completed MOA process identifies mitigation for the project's impact to historic resources.

Please contact me if additional information is needed.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lee D. Potter". The signature is fluid and cursive, with a large initial "L" and "P".

Lee D. Potter, P.E.  
Project Development Engineer

cc (transmitted electronically):

Tim Stark, WYDOT

Tim Carroll, WYDOT

Julie Francis, WYDOT

Pat Persson, WYDOT

Mary Hopkins, SHPO

Robert Quinlan, Jacobs Engineering

Najah Gabriel, ACHP

**MEMORANDUM OF AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION  
THE WYOMING DEPARTMENT OF TRANSPORTATION  
THE WYOMING STATE HISTORIC PRESERVATION OFFICE  
THE LARAMIE RAILROAD DEPOT ASSOCIATION  
and THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING MITIGATION OF ADVERSE EFFECTS  
TO THE LARAMIE HAHN'S PEAK AND PACIFIC RAILROAD  
PROJECT P261022 / 0261020**

**WHEREAS, the Federal Highway Administration (FHWA) and the Wyoming Department of Transportation (WYDOT) will implement relocation of the Snowy Range Road (State Highway 230) between reference markers 0.0 to 1.0; and**

**WHEREAS, the FHWA plans to fund the Project pursuant to Title 23 U.S.C. § 315 and its implementing regulations, 23 C.F.R Part 771, thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and**

**WHEREAS, in consultation with Wyoming State Historic Preservation Officer (SHPO), FHWA and WYDOT have determined the Area of Potential Effect (APE) to include either side of Harney Street from its intersection with 3<sup>rd</sup> St to the Union Pacific Railroad right-of-way, and extending west across the UPRR to the Laramie River encompassing the area between the Clark Street viaduct on the south and the Midwest and Standard Oil Refinery on the north; and**

**WHEREAS, the FHWA and WYDOT have determined, and the SHPO concurs, that the Laramie Hahn's Peak and Pacific Railroad (LHPPR) is eligible for listing on the National Register of Historic Places under criterion A of the National Historic Preservation Act of 1966 as amended through 2000 (16 U.S.C. 470; 36 CFR § 60); and**

**WHEREAS, the FHWA and WYDOT have determined, and the SHPO concurs, that construction of the project will have an adverse effect on the LHPPR pursuant to 36 CFR Part 800; and**

**WHEREAS, the FHWA and WYDOT have determined there are no alternatives which avoid this historic property and have completed all possible planning to minimize harm; and**

**WHEREAS, the FHWA and WYDOT have informed the public and City of Laramie as to alternatives under consideration and the impacts of the alternatives on historic properties in public meetings in 2009 and additional meetings with the City of Laramie, SHPO, and potential interested parties in 2011; and**

**WHEREAS, the FHWA and WYDOT have notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470 f and 36CFR§800.6(a)(1), and the ACHP has elected to participate; and**

**WHEREAS, the Northern Arapaho and Eastern Shoshone tribes have been consulted and have chosen not to participate; and**

**WHEREAS, the Laramie Railroad Depot Association (LRDA) has been invited to participate as a signatory to this agreement and has accepted; and**

**WHEREAS, the Albany County Historic Preservation Board (ACHPB), the Alliance for Historic Wyoming (AHW), the City of Laramie (City), Tracks Across Wyoming (TRACKS), and the Westside League of Neighbors (WSLN), have been invited to participate as concurring parties to this agreement, and they have accepted;**

**NOW, THEREFORE, the FHWA, WYDOT, SHPO, LRDA, ACHP and concurring parties agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effects of the project on historic properties and these stipulations shall govern the project and all of its parts until this MOA expires or is terminated.**

**I. STIPULATIONS**

**A. FHWA shall ensure that the following stipulations are implemented after finalization of environmental documents:**

- 1. WYDOT shall provide funding to SHPO for supplies and travel expenses in order to complete HABS/HAER large format photography of the WYE complex of LHPRR and associated buildings and objects from the Union Pacific Railroad west to the Laramie River Bridge and south of Snowy Range Road to include the old engine house and any other associated buildings (see Stipulation B.1 of this agreement). WYDOT shall consult with the National Park Service to determine the appropriate level of HABS/HAER documentation and notify SHPO immediately after finalization of the environmental documents that work can begin. WYDOT or its consultant shall prepare any required narrative and provide the narrative and print and digital copies of the photographs to the NPS, SHPO, LRDA, the Lincoln Community Center, TRACKS, and the Nici Self Museum. Printed photographs shall be suitable for use in educational materials generated as a result of this project.**
- 2. WYDOT shall obtain permission for SHPO and LRDA personnel to enter and document the old engine house located at the western terminus of University Ave.**



3. Any existing associated railroad objects (hand switches, weigh scales, etc.) that are acquired from WYCOLO within the APE as part of the ROW acquisition and that will be directly affected by proposed construction will be removed after documentation has been completed and given to the LRDA.
4. WYDOT shall provide funding to the LRDA to construct a diorama of the wye complex and associated buildings of the LHPPR for display at the Laramie Depot Museum (see Stipulation C.4 of this agreement).
5. In consultation with the LRDA, WYDOT or its consultant shall develop a three panel portable display on the history of the LHPPR and railroad technology and provide this display to the LRDA for use in future displays and interpretive/educational projects. WYDOT shall submit these to SHPO for review at the 30%, 60% and 90% stages of completion. When the final layout has been reviewed and approved by SHPO, LRDA and WSLN, FHWA and WYDOT shall send the final layout to the concurring parties for approval.
6. In consultation with the LRDA, WYDOT or its consultants shall develop a self-guided railroad walking tour potentially including the UP Depot on 1<sup>st</sup> Street and the Westside Neighborhood and produce an associated brochure. The walking tour brochure shall be done in a format consistent with brochures produced by the ACHPB. WYDOT shall submit this to SHPO for review at the 30%, 60% and 90% stages of completion. When the final layout has been reviewed and approved by SHPO, LRDA and WSLN, FHWA and WYDOT shall send the final layout to the concurring parties for approval. A total of 20,000 print copies and a digital copy of the approved brochure shall be provided to the LRDA, TRACKS, the Nici Self Museum, the Lincoln Community Center, the Laramie Chamber of Commerce, Albany County Tourism Board, SHPO, and other appropriate agencies and organizations.
7. WYDOT shall provide funding to the LRDA to complete approximately 20 oral history interviews and transcriptions of former railroad personnel and families about the history and their experiences associated with the railroad industry in Laramie and Albany County and construct an exhibit at the Laramie Railroad Depot Museum so that the public may use the transcriptions. The exhibit shall include a parabolic speaker, digital recorder and motion sensor to start recordings (see Stipulation C.3 of this agreement).
8. WYDOT shall review the bridge and roadway design after each plan issuance to ensure that the determination of effects remains accurate and initiate amendment of this MOA as appropriate.

B. SHPO shall ensure that the following stipulations are implemented.

1. The SHPO photographer shall photograph the Wye complex of the LHPPR (including associated buildings and objects) in large format, as specified by the NPS, including overview photos of setting and the neighborhood, and provide to WYDOT the appropriate number and size of prints for distribution to the above-named facilities. Photography will commence no later than two (2) months after notification from WYDOT that environmental documents have been finalized.
2. SHPO shall post the photographs on their on-line photo database and provide digital copies to the Wyoming State Archives.
3. SHPO shall review plans at the 30%, 60% and 90% stages of completion for the three-panel portable exhibit and upon of the completion of the layout and text, assist with final graphic design.
4. SHPO shall review text at the 30%, 60% and 90% stages of completion for the walking tour brochure and upon completion of the layout and text, assist with final graphic design.

C. LRDA shall ensure the following stipulations are implemented after funding agreements are executed with WYDOT.

1. LRDA shall assist WYDOT and its consultant with historical research, access to existing data, and walking tour concepts for development of the portable museum exhibit and walking tour brochure.
2. LRDA shall review text and layout for the walking tour brochure and portable museum exhibit.
3. LRDA shall utilize a historian specializing in folklore to oversee interviews and transcription, provide copies of the transcriptions to the American Heritage Center, and construct an exhibit at the Laramie Railroad Depot Association so that the public may access and use the interviews.
4. LRDA shall construct and maintain a diorama of the Wye Complex of the LHPPR at the Laramie Railroad Depot Museum.
5. LRDA agrees to store, interpret and utilize as appropriate, and share with other appropriate museums or facilities in Laramie and Albany County, the portable museum exhibits and any collected objects and appurtenances from the LHPPR.

## **II. POST-REVIEW DISCOVERIES**

If potential historic properties are discovered or unanticipated effects on historic properties found, WYDOT and FHWA shall implement the procedures outlined in Section 112.1 of the 2010 edition of the Wyoming Department of Transportation Standard Specifications for Road and Bridge Construction so that any remains can be appropriately evaluated and treated.

## **III. PUBLIC OUTREACH**

WYDOT shall post periodic updates and accomplishments of the mitigation measures outlined in this agreement on the project website and meet with the City of Laramie and other interested parties as needed during the course of the Project. WYDOT shall inform the SHPO and ACHP of the outcome of such meetings.

## **IV. MONITORING AND REPORTING**

WYDOT shall prepare an annual letter report of cultural resources activities pertaining to this Undertaking for all Signatories by December 31 each year through the duration of this PA. The implementation and operation of this PA shall be evaluated on an annual basis by the Signatories. This evaluation, to be conducted after the receipt of the WYDOT letter report, may include in-person meetings or conference calls among these parties, and suggestions for possible modifications or amendments to this agreement. The Signatories have 30 days to comment on the annual report to WYDOT.

## **V. DISPUTE RESOLUTION**

Should any party to this agreement object to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines, within 30 days, that such objection(s) cannot be resolved, FHWA shall:

- A. Forward all documentation relevant to the dispute to the Advisory Council in accordance with 36 CFR § 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30 days. Any comments provided by the Council, and all comments from the parties to the MOA, will be taken into account by FHWA in reaching a final decision regarding the dispute.
- B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. FHWA will transmit information specific to the dispute to all the signatories of the MOA. In reaching its decision, FHWA will take into account all comments received from the signatories regarding the dispute.

- C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. FHWA's decision will be final.
- D. Any recommendations or comments provided by the ACHP will pertain only to the subject of the dispute. FHWA, WYDOT's, SHPO's, and the LRRDA responsibility to carry out the actions under this agreement that are not subjects of the dispute will remain unchanged.
- E. Nothing in this Section shall be construed or interpreted as a waiver of any judicial remedy that would be available to any party of this MOA.

## **VI. AMENDMENT**

Any primary signatory to this agreement may request that the other signatories consider amending this MOA if circumstances change over time and warrant revision of the stipulations. Except in the case of amendments addressing resolution of disputes pursuant to Section III of this MOA, amendments may be executed in writing and shall be signed by all signatories in the same manner as the original MOA.

## **VII. TERMINATION**

Any primary signatory to this MOA may initiate termination by providing written notice to the other Signatories of their intent. After notification by the initiating Signatory, the remaining Signatories shall have 90 business days to consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. In the event of termination, the FHWA shall refer to 36 CFR Part 800 to address any remaining adverse effects.

## **VIII. DURATION**

This agreement shall remain in effect for ten (10) years after the date of execution hereof. FHWA, WYDOT, LRDA, SHPO, and the ACHP shall re-evaluate this MOA at least three months prior to the date of expiration to determine whether to allow the MOA to expire or agree or extend the document as specified in Section III of this agreement. The decision to extend the MOA would be based on whether additional time is needed to complete the MOA stipulations or the scope of the project has been expanded.

## **IX. GENERAL PROVISIONS**

- A. Entirety of agreement. This MOA, consisting of nine (9) pages, represents the entire agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.
- B. Prior Approval. This MOA shall not be binding on any party unless this MOA has been reduced in writing before performance begins as described above under the MOA between FHWA, WYDOT, SHPO and ACHP regarding the relocation of the Snowy Range Road

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terms of this MOA, and unless this MOA is approved to form by the Wyoming Attorney General or his representative.

- C. Severability. Should any portion of this MOA be judicially determined to be illegal or unenforceable, the remainder of the MOA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. Sovereign Immunity. The parties to this agreement do not waive their sovereign immunity by entering into this MOA, and each retains all immunities and defenses provided by law with respect to any action based upon or occurring as a result of this MOA.
- E. Each Signatory to this MOA shall assume the risk of any liability arising from its own conduct. Each Signatory agrees that they are not obligated to insure, defend, or indemnify the other Signatories to this MOA.

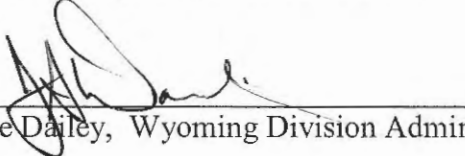
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Execution of this MOA by FHWA, WYDOT, SHPO, the LRRDA, and the ACHP prior to FHWA's approval of the undertaking and implementation of its terms are evidence that FHWA and WYDOT have taken into account the effects of the Harney Street Viaduct project of 48AB619 and afforded the ACHP the opportunity to comment.

**Signatures.** In witness thereof, the parties to this MOA, through their duly authorized representatives have executed this MOA on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOA as set forth herein.

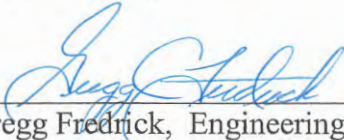
**Signatories:**

**Federal Highway Administration**

  
Joe Dailey, Wyoming Division Administrator

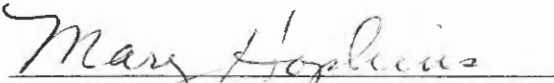
9/18/12  
Date

**Wyoming Department of Transportation**

  
Gregg Fredrick, Engineering and Planning Engineer

9/17/12  
Date

**Wyoming State Historic Preservation Office**

  
Mary Hopkins, State Historic Preservation Officer

9/19/12  
Date

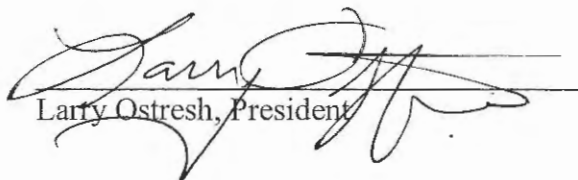
**Advisory Council on Historic Preservation**

\_\_\_\_\_  
John M. Fowler, Executive Director

\_\_\_\_\_  
Date

**Invited Signatory**

**Laramie Railroad Depot Association**

  
Larty Ostresh, President

9/18/12  
Date

**Approval as to Form**

S. Jane Caton #91548  
S. Jane Caton, Senior Assistant Attorney General

8-22-12  
Date

Douglas Moench  
Douglas Moench, Senior Assistant Attorney General

8/27/12  
Date

**Concurring Parties:**

**Albany County Historic Preservation Board**

\_\_\_\_\_  
Amy Williamson, Chair

\_\_\_\_\_  
Date

**Alliance for Historic Wyoming**

\_\_\_\_\_  
Lesley Wischmann, Founding Director

\_\_\_\_\_  
Date

**City of Laramie**

\_\_\_\_\_  
Scott Mullner, Mayor

\_\_\_\_\_  
Date

**Tracks Across Wyoming**

\_\_\_\_\_  
Cecily Goldie, Secretary

\_\_\_\_\_  
Date

**Westside League of Neighbors**

\_\_\_\_\_  
Gina Chavez, President

\_\_\_\_\_  
Date