



I-70 Floyd Hill to Veterans Memorial Tunnels

Section 4(f) Resources Technical Report

May 2021

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List of Acronyms

ADA	Americans with Disabilities Act
CCMRD	Clear Creek Metropolitan Recreation District
CDOT	Colorado Department of Transportation
CFR	Code of Federal Regulations
CMGC	Construction Manager/General Contractor
CR	County Road
CSS	Context Sensitive Solutions
dba	A-weighted decibel
EA	Environmental Assessment
FHWA	Federal Highway Administration
I-70	Interstate 70
MEXL	Mountain Express Lane
MP	Milepost
mph	Miles per hour
NEPA	National Environmental Policy Act
PEIS	Programmatic Environmental Impact Statement
ROD	Record of Decision
US 6	U.S. Highway 6
US 40	U.S. Highway 40
USC	U.S. Code
USFS	U.S. Forest Service

1. Introduction and Purpose of this Report

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA), in cooperation with local communities and other agencies, are conducting the Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels Environmental Assessment (EA) to advance a portion of the program of improvements for the I-70 Mountain Corridor identified in the 2011 Tier 1 *Final I-70 Mountain Corridor Programmatic Environmental Impact Statement* (PEIS) and approved in the 2011 *I-70 Mountain Corridor Record of Decision* (ROD). The EA is a Tier 2 National Environmental Policy Act (NEPA) process and is supported by resource-specific technical reports.

Section 4(f) of the Department of Transportation Act of 1966 requires FHWA to consider and avoid or minimize the use of important parks and recreation areas, wildlife and waterfowl refuges, and historic properties in developing transportation projects. The purpose of this technical report is to document the existing conditions, impacts, and mitigation for non-historic Section 4(f) resources. This report also includes a description of applicable laws and regulations and a summary of the resource analysis and mitigation framework from the PEIS and ROD.

Historic resources subject to Section 4(f) have been evaluated separately as part of the Section 106 determination of eligibility in the *I-70 Floyd Hill to Veterans Memorial Tunnels Historic Resources Technical Report* (CDOT, 2020a). No wildlife refuges are located within the Study Area, but more information regarding wildlife within the Study Area can be found in the *I-70 Floyd Hill to Veterans Memorial Tunnels Terrestrial Wildlife and Aquatic Species Technical Report* (CDOT, 2020b).

2. Proposed Action and Alternatives

2.1. Description of Proposed Action and Alternatives

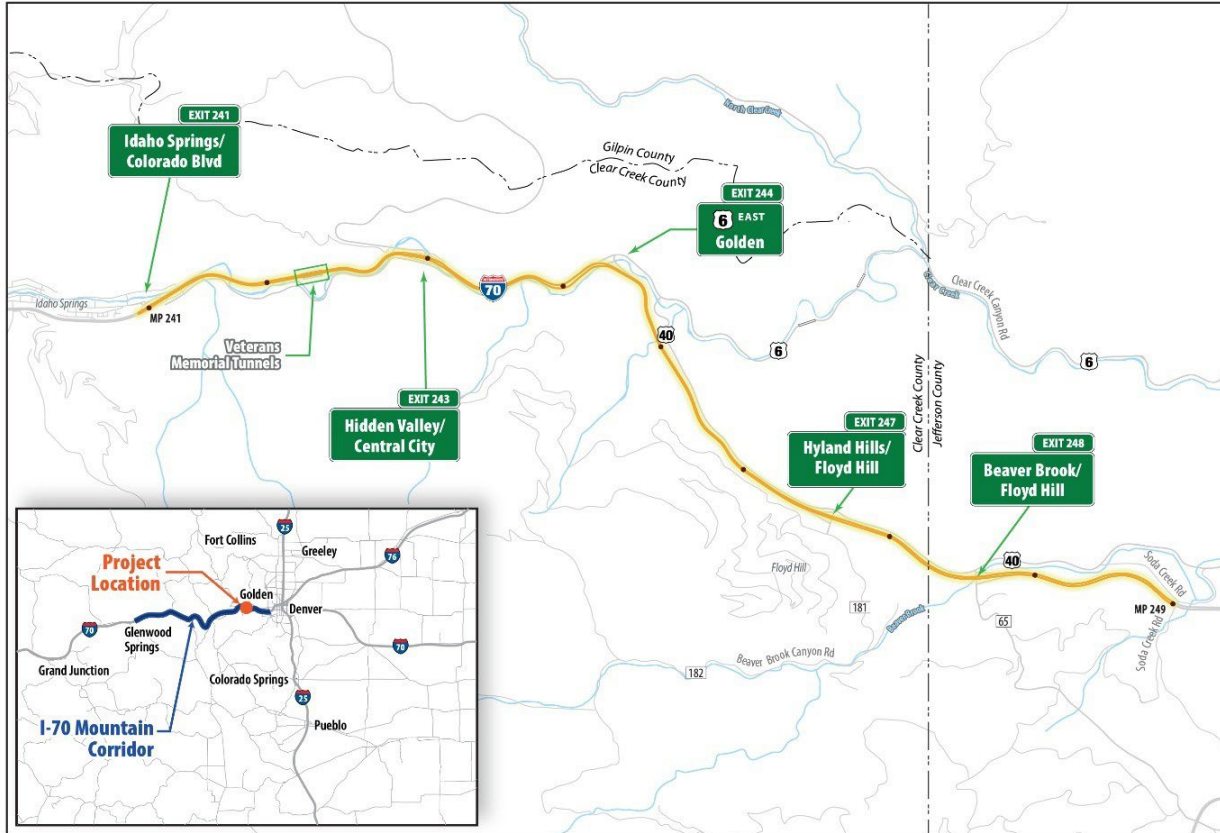
CDOT and FHWA propose improvements along approximately 8 miles of the I-70 Mountain Corridor from the top of Floyd Hill through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs. The purpose of the Project is to improve travel time reliability, safety, and mobility, and address the deficient infrastructure through this area.

The major Project elements include:

- Adding a third westbound travel lane to the two-lane section of I-70 from the current three-lane to two-lane drop (approximately milepost (MP) 246) through the Veterans Memorial Tunnels
- Constructing a new frontage road between the U.S. Highway 6 (US 6) interchange and the Hidden Valley/Central City interchange
- Improving interchanges and intersections throughout the Project area
- Improving design speeds and stopping sight distance on horizontal curves
- Adding an eastbound auxiliary lane to I-70 on Floyd Hill between the US 6 interchange and the Hyland Hills/Floyd Hill interchange
- Improving the multimodal Clear Creek Greenway Trail (Greenway) between US 6 and the Veterans Memorial Tunnels
- Reducing animal-vehicle conflicts and improving wildlife connectivity with new and/or improved wildlife overpasses or underpasses
- Providing two permanent air quality monitors at Floyd Hill and Idaho Springs to collect data on local air quality conditions and trends
- Coordinating rural broadband access with local communities, including providing access to conduits and fiber in the interstate right-of-way

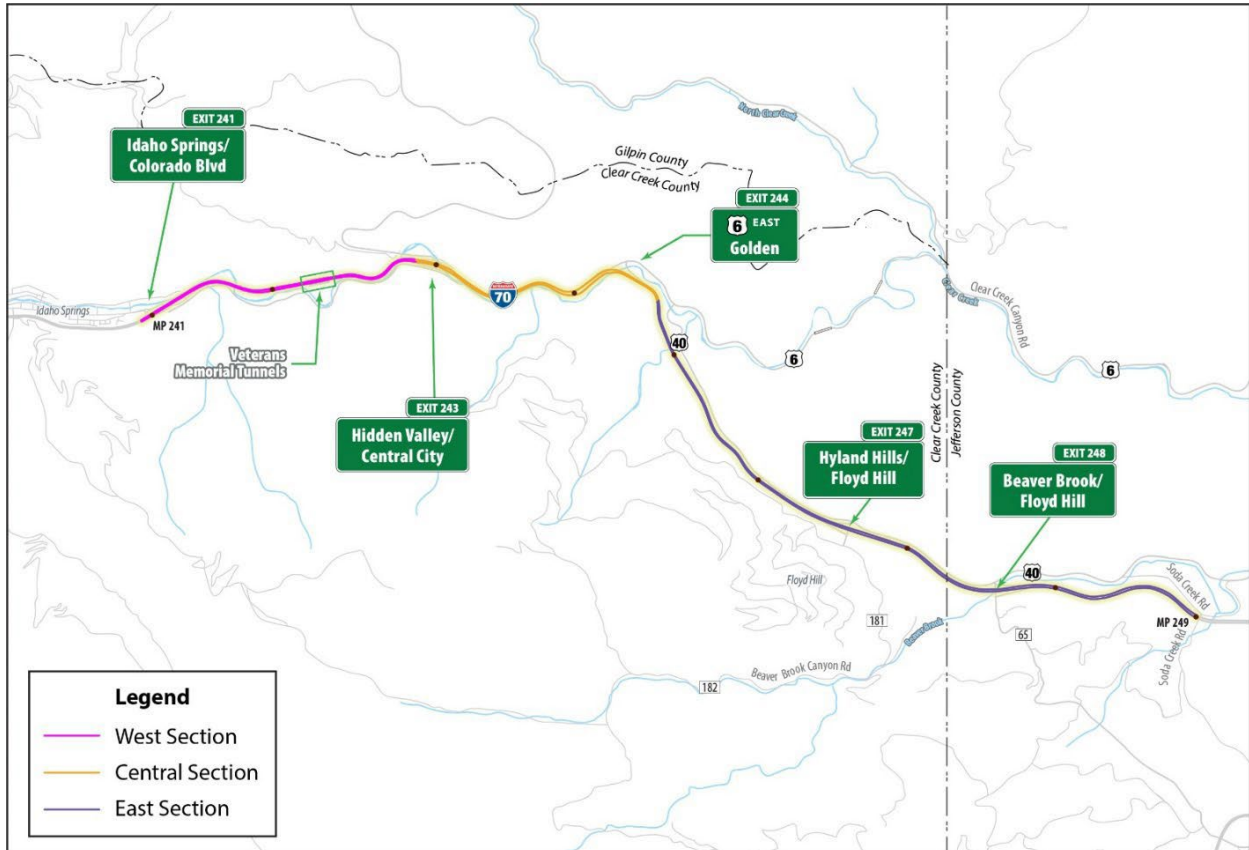
The Project is located on I-70 between MP 249 (east of the Beaver Brook/Floyd Hill interchange) and MP 241 (Idaho Springs/Colorado Boulevard), west of the Veterans Memorial Tunnels. It is located mostly in Clear Creek County, with the eastern end in Jefferson County (see Exhibit 1). The primary roadway construction activities would occur between County Road (CR) 65 (the Beaver Brook/Floyd Hill interchange) and the western portals of the Veterans Memorial Tunnels (MP 247.6 and MP 242.3, respectively), with the Project area extended east and west to account for signing, striping, and fencing.

Exhibit 1. Project Location



Three alternatives are being evaluated in the EA: (1) No Action Alternative, (2) Tunnel Alternative, and (3) Canyon Viaduct Alternative. The Project improvements are grouped into three geographic sections: (1) East Section (top of Floyd Hill to US 6 interchange), (2) Central Section (US 6 interchange to Hidden Valley/Central City interchange), and (3) West Section (Hidden Valley/Central City interchange through Veterans Memorial Tunnels) (see Exhibit 2).

Exhibit 2. East, Central, and West Project Sections



The action alternatives—the Tunnel Alternative and Canyon Viaduct Alternative—include the same improvements in the East Section and West Section to flatten curves, add a third westbound travel lane (the new lane would be an Express Lane), provide wildlife and water quality features, and improve interchange/intersection operations.

Through the Central Section between the US 6 interchange and the Hidden Valley/Central City interchange, the action alternatives vary in how they provide for the third westbound I-70 travel lane and frontage road connections, as follows:

- The **Tunnel Alternative** would realign westbound I-70 to the north (along the curve between MP 244.3 and MP 243.7) through a new 2,200-foot-long tunnel west of US 6. Eastbound I-70 would be realigned within the existing I-70 roadway template to flatten curves to improve design speed and sight distance. This alternative also would include two design options for the alignment of the new frontage road—north or south of Clear Creek. The Clear Creek Greenway trail would be reconstructed in its current location on the south side of Clear Creek.
- The **Canyon Viaduct Alternative** would realign approximately one-half mile of both the westbound and eastbound I-70 lanes (along the curve between MP 244 and MP 243.5) on viaduct structures approximately 400 feet south of the existing I-70 alignment on the south side of Clear Creek Canyon. Through the realigned area, the frontage road would

be constructed under the viaduct on the existing I-70 roadway footprint north of Clear Creek. The Clear Creek Greenway would be reconstructed in its current location on the south side of Clear Creek. The viaduct would cross above Clear Creek and the Clear Creek Greenway twice.

Additional information regarding the alternatives evaluated in the EA can be found in the *I-70 Floyd Hill to Veterans Memorial Tunnels Alternatives Analysis Technical Report* (CDOT, 2020c).

2.2. No Action Alternative

The No Action Alternative includes ongoing highway maintenance. In addition, due to its poor condition, the westbound I-70 bridge at the bottom of Floyd Hill is programmed to be replaced regardless of whether CDOT moves forward with one of the action alternatives. Therefore, replacing the bridge in kind (as a two-lane bridge) is part of the No Action Alternative. Under the No Action Alternative, the bridge would be replaced in its current location but would need to be designed to current standards, with a 55 mile-per-hour (mph) design speed and improved sight distance with wider shoulders.

2.3. Action Alternatives: East Section

In the East Section between the top of Floyd Hill and the US 6 interchange, the action alternatives are the same. Through this section, westbound I-70 would be widened to the south to accommodate a third travel lane, which is planned as an Express Lane. The typical section would include an additional 12-foot travel lane and inside and outside shoulders of varying widths, depending on sight distance needs around curves. The proposed footprint would include a 4-foot buffer between the new Express Lane and the existing (general purpose) lanes.

In the eastbound direction, the three travel lanes would be retained but the roadway would be realigned where needed to accommodate westbound widening or curve modifications to improve sight distance and safety. An approximately one-mile-long eastbound auxiliary (climbing) lane would be added in the uphill direction from the bottom of Floyd Hill to the Hyland Hills/Floyd Hill interchange (Exit 247). Water quality features would be added along the south side of the eastbound lanes.

At the Beaver Brook/Floyd Hill and Hyland Hills/Floyd Hill interchange systems, the split diamond interchange configuration (with on- and off-ramps connected by U.S. Highway 40 [US 40]) would remain, and no new accesses would be provided. However, roundabout intersections constructed on US 40 as part a separate project address immediate issues with traffic flow and delays at the Floyd Hill neighborhood ingress and egress. Wildlife fencing would be added along the north and south sides of I-70 between the Hyland Hills/Floyd Hill interchange on the west and Soda Creek Road on the east to reduce wildlife-vehicle collisions.

2.4. Action Alternatives: Central Section

The Central Section of the Project involves the most substantial improvements—including realigning curves, adding a third westbound travel lane, improving the Clear Creek Greenway, and providing the frontage road connection. These improvements occur within the most-constrained section of the Project area, where the existing I-70 footprint and planned roadway improvements are located between canyon rock faces north and south of existing I-70 and Clear Creek. Because of these

constraints, the action alternatives within this section include the same improvements but differ with respect to the I-70 mainline and frontage road alignments and the relationship of the roadway improvements to the rock faces and the creek. The Clear Creek Greenway would be reconstructed generally along its existing alignment under both action alternatives, but the Clear Creek Greenway's location to the creek and roadway infrastructure would differ as described below.

2.4.1 I-70 Mainline

The I-70 mainline through this section continues the same roadway typical section from the East Section. Both alternatives would provide an additional westbound 12-foot travel lane; inside and outside shoulders of varying widths, depending on sight distance needs around curves; and a 4-foot buffer between the new Express Lane and the existing (general purpose) lanes.

Under the Tunnel Alternative, approximately one mile of westbound I-70 would be realigned to the north near the US 6 interchange. A portion of the realignment would extend through a 2,200-foot-long tunnel that would tie in to the existing westbound I-70 alignment and elevation just east of the Hidden Valley/Central City interchange. The three eastbound I-70 lanes through this area would remain within the existing roadway prism but would be realigned, moving approximately 100 feet north into the rock face adjacent to the existing westbound lanes to flatten horizontal curves and improve the design speed and sight distance.

Under the Canyon Viaduct Alternative, the westbound I-70 alignment would shift to the south on a new 5,300-foot-long viaduct beginning at approximately MP 245 east of the exit ramp to US 6 and it would rejoin the existing alignment about one-half mile east of the Hidden Valley/Central City interchange at approximately MP 243.5. Through this area, eastbound I-70 also would be realigned on a separate viaduct structure next to westbound I-70 from MP 243.4 east to just beyond MP 244.3. Both viaduct structures would cross Clear Creek and the Greenway twice near MP 243.9 and MP 243.5 (approximately 60 feet above ground level).

2.4.2 Frontage Road

Both alternatives include a new approximately 1.5-mile-long frontage road connection between the Hidden Valley/Central City interchange and the US 6 interchange. The frontage road would run from the intersection of CR 314 and Central City Parkway (south of the I-70 eastbound off-ramp at the Hidden Valley/Central City interchange where CR 314, which acts as a frontage road from east Idaho Springs, terminates) to the US 6/I-70 ramp terminal. The roadway section for the frontage road would consist of two 11-foot lanes (one in the eastbound direction and one in the westbound direction) with consistent 2-foot shoulders. The design speed would be 30 mph and the roadway would be constructed to comply with Clear Creek County local access standards.

The Tunnel Alternative includes two design options for this frontage road:

- **North Frontage Road Option** would provide the new frontage road connection between the two interchanges mostly on the north side of Clear Creek. The I-70 mainline would be realigned north into the mountainside, requiring substantial rock cuts (150 feet high) to make room for the frontage road between the Creek and existing I-70. The Clear Creek Greenway would be reconstructed along its current alignment north of Clear Creek. In the Sawmill Gulch area where the existing trail's grade does not meet Americans with Disabilities Act (ADA) standards, the Greenway trail would be lowered

to meet grades.

- **South Frontage Road Option** would provide the new frontage road connection between the two interchanges mostly on the south side of Clear Creek. Moving the frontage road to the south side of the creek would require new rock cuts on the south side of Clear Creek Canyon and less substantial rock cuts on the north side of I-70. The Clear Creek Greenway would be reconstructed generally along its current alignment south of Clear Creek; in the Sawmill Gulch area, an approximately 1,500-foot new section of the Greenway trail would be constructed across the creek to the north (with two pedestrian bridge crossings of the creek) to be ADA compliant, and the existing trail would remain in place but not be resurfaced. The Clear Creek Greenway would be located closer to the frontage road than under the North Frontage Road Option; although the design seeks to maximize horizontal and vertical separation between the facilities and includes a new section of trail to meet ADA compliance, the alignment of the frontage road nearer to the Greenway and between the Greenway and creek is not supported by Clear Creek County, Idaho Springs, community members, or the Project Technical Team because it diminishes the recreational experience.

Under the Canyon Viaduct Alternative, the existing I-70 pavement under the elevated structures would be repurposed for the frontage road; excess right of way would be available for other uses—presumably, Creek and recreation access—through this approximately one-mile area of the canyon.

2.5. Action Alternatives: West Section

The West Section between the Hidden Valley/Central City interchange and the Veterans Memorial Tunnels continues the widening of the interstate to add the third westbound travel lane and to flatten the S-curve in this location. Improvements in this section are the same under both action alternatives. The curve modifications require realigning both the I-70 mainline and frontage road through this section. The I-70 mainline alignment would shift south approximately 100 feet around the first curve from the Hidden Valley/Central City interchange, then north around the second curve approximately 50 feet, continuing a slight (25-foot) shift north before tying in to the existing alignment at the Veterans Memorial Tunnels. Much of CR 314 would be realigned south between the Doghouse Rail Bridge over Clear Creek near the Veterans Memorial Tunnels east portal and the Hidden Valley/Central City interchange. A small section of CR 314 (between MP 242.6 and MP 242.7) would remain and connect to the reconstructed portions west and east.

These alignment shifts result in substantial rock cuts on both the north and south sides of the canyon. On the north side, rock cuts up to 160 feet high would be required next to the I-70 westbound lanes (along the curve in the area where CR 314 is not reconstructed). To realign CR 314 south, rock cuts from 70 feet to 100 feet high are required on the south side of the canyon. Additionally, a 1,200-foot section of Clear Creek, which is located between I-70 and CR 314, would need to be relocated south near MP 242.5.

The Hidden Valley/Central City interchange would not be reconstructed, and the I-70 bridges would remain because they are wide enough to accommodate the widened I-70 footprint without being replaced. All the on- and off-ramps for the interchange would be reconstructed, but the bridges over Clear Creek for the I-70 westbound off-ramp and I-70 eastbound on-ramp also can be retained. New bridges over Clear Creek to the west would be needed for the I-70 westbound on-ramp and I-70 eastbound off-ramp to accommodate the curve flattening and shift of I-70 to the south in this location.

The CDOT maintenance facility would need to be relocated.

No changes are required west of the Veterans Memorial Tunnels. Within the westbound tunnel, the roadway would be restriped for the third lane (the expansion of the tunnel to accommodate the third lane was completed in 2014). After the tunnel, restriping and signing would continue west to the next interchange at Idaho Springs/Colorado Boulevard (Exit 241), where the third lane would terminate. The Express Lane would operate in conjunction with the westbound Mountain Express Lane (MEXL) during peak periods (mostly winter and summer weekends and holidays).

2.6. Construction of Action Alternatives

CDOT is planning to use a Construction Manager/General Contractor (CMGC) delivery method for construction of the Project. This contracting method involves a contractor advising in the design phases to better define Project technical requirements and costs, improve design quality and constructability, and reduce risks through the construction phase. This method promotes innovation and aligns well with the multidisciplinary Context Sensitive Solutions (CSS) process. It was used successfully on the Twin Tunnels projects to reduce environmental impacts and accommodate community values in the design and construction phases.

Construction of action alternatives is anticipated to be complex and take four to five years but could occur generally within the proposed right of way. CDOT would work with the CMGC to refine the construction details and develop a plan that promotes safety and minimizes disruption to the traveling public and nearby residents and businesses.

The Tunnel Alternative would take approximately one year longer than the Canyon Viaduct Alternative; most of the additional time would be needed for the tunnel blasting and construction that could take place without disrupting traffic. However, in addition to the tunnel rock blasting, the Tunnel Alternative has considerable rock cuts at the tunnel portals and along the north side of I-70 to realign curves, widen the highway, and add the frontage road connection. Rock cuts, staging for the excavation of the tunnel portals, and haul of waste rock are major construction activities that are likely to interrupt traffic on I-70 due to increased construction equipment traffic on the highway and the proximity of construction to live traffic, need for temporary lane closures and detours, and closures for blasting. The North Frontage Road Option has significantly larger (taller and longer) rock cuts than the South Frontage Road Option.

The Canyon Viaduct Alternative has substantially less rock cut and blasting compared to the Tunnel Alternative but would require more work in the existing highway right of way. Bridge construction over and pier placement within the highway template will need to be carefully coordinated. However, construction of some elements, such as the bench portion of the viaduct, are separated from the existing I-70 alignment and could be constructed offline similarly to the tunnel excavation.

Specific construction methods and phasing will be determined with contractor input and could affect the duration and/or physical requirements for construction activities. The focus of environmental impact analysis during the NEPA process is to identify resources and locations sensitive to construction impacts and incorporate reasonable mitigation measures, including potential to avoid impacts by avoiding sensitive areas, to inform the contractor's plans. Final design and construction plans will consider changes in resource impacts, and reevaluations will be completed as needed during final design.

3. Applicable Laws, Regulations, and Guidance

Section 4(f) of the Department of Transportation Act of 1966, codified at 23 United States Code (USC)

§138 and 49 USC §303, stipulates that the FHWA and other Department of Transportation agencies cannot approve the use land from significant publicly owned parks, recreation areas, wildlife and waterfowl refuges, and significant historic sites, whether publicly or privately owned (referred to as Section 4(f) Properties), for transportation projects unless one of the following occurs:

- FHWA determines that use of the property, including any measure(s) to minimize harm committed by the applicant, will have a *de minimis* impact (as defined in 23 CFR § 774.17) on the property; or
- FHWA determines that there is no feasible and prudent avoidance alternative, as defined in 23 CFR § 774.17, to the use of land from the property; and the action includes all possible planning, as defined in 23 CFR § 774.17, to minimize harm to the property resulting from such use.

Section 4(f) applies when a U.S. Department of Transportation agency approves a transportation project that uses Section 4(f) property. The FHWA Section 4(f) Policy Paper (FHWA, 2012) provides guidance on how to interpret Section 4(f). Part II of the document includes questions and answers regarding Section 4(f) applicability and compliance.

3.1. Section 4(f) Uses

Subject to certain exceptions outlined in 23 CFR §774.13, there are three types of Section 4(f) uses:

1. **Permanent Incorporation.** Land is considered permanently incorporated into the transportation facility when it has been purchased as right of way, or when a permanent easement has been acquired. A *de minimis* use is one so minor that it does not adversely affect the features, attributes, or activities that qualify parks, recreational areas, and wildlife and waterfowl refuges for protection under Section 4(f).
2. **Temporary Occupancy.** When there is a temporary occupancy of land that does not meet the following requirements as stated in 23 CFR §774.13(d):
 - 1) The duration of use must be temporary. The use of the Section 4(f) resource should be less than the time needed for construction of the project and there should be no change in land ownership.
 - 2) The scope of work must be minor. Both the nature and the magnitude of the changes must be minimal.
 - 3) There are no anticipated permanent adverse physical impacts, nor interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis.
 - 4) The land being used must be fully restored. The property must be returned to a condition that is at least as good as the condition in which it existed prior to the

project.

- 5) There must be a documented agreement from the Official with Jurisdiction over the Section 4(f) resource regarding the above conditions.
3. **Constructive Use.** A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired.

3.2. De Minimis Impacts

Certain uses of Section 4(f) land may have a minimal or de minimis impact on the protected resource. When this is the case, FHWA can make a de minimis impact determination. Use of properties with de minimis impacts do not require an analysis of avoidance alternatives or a least harm analysis [23 CFR § 774.17(4)].

- A de minimis impact to a public parkland, recreational area, or wildlife and waterfowl refuge is defined as that which does not “adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f)” (FHWA, 2012). This determination can be made only after the concurrence of the official with jurisdiction and opportunity for public review and comment on the proposed determination.
- For historic sites, de minimis impact means that FHWA has determined, in accordance with 36 CFR § 800.5, and the State Historic Preservation Office (SHPO) concurs, that no historic properties are affected by the project or that the project will have No Adverse Effect on historic properties.

4. Section 4(f) Resources in the Tier 1 PEIS

4.1. Context

The PEIS included a discussion of Section 4(f) resources and potential uses of those resources based on broad-scale information related to the Tier 1 PEIS. The Tier 1 PEIS did not include design details needed to identify specific uses for Section 4(f) properties but provided context for the potential uses and how evaluated transportation improvements might affect Section 4(f) resources.

The PEIS broadly identified and considered potential uses for a number of properties for which Section 4(f) could apply:

- Historic properties with unknown eligibility
- All archaeological properties
- Historic properties already included in the National Register of Historic Places (NRHP)
- Nationally significant Interstate highway features
- Properties Officially determined eligible for inclusion in the NRHP

- Existing parks with assumed boundaries taken from Geographic Information System mapping
- Future parks with assumed boundaries taken from local jurisdiction planning materials
- Existing and future trails
- Existing open space areas that are used as parks or recreation areas or wildlife refuges
- Wildlife and waterfowl refuge properties with assumed boundaries

From these, the PEIS identified up to 66 historic properties and 83 parks, recreation areas, and wildlife refuges with potential for Section 4(f) use under the Preferred Alternative throughout the 144-mile corridor. Most individual projects that would be subject to Tier 2 analyses are anticipated to have some level of Section 4(f) analysis to identify and determine which properties meet Section 4(f) criteria and if Section 4(f) uses would result.

4.2. Analysis in Tier 2 Processes

For Section 4(f) compliance during Tier 2 processes, the PEIS stated further study of feasible and prudent avoidance alternatives and a least overall harm assessment according to 23 CFR §774.3(c)(1) may be required for subsequent projects. This would include the following steps:

- **Step 1: Conduct continued coordination with the Officials with Jurisdiction.** This will be done to confirm the properties, confirm property boundaries, obtain input on the effects of the project and proposed mitigation, and, if a *de minimis* impact is anticipated, obtain concurrence from Officials with Jurisdiction that the impact is indeed *de minimis*. For historic properties, coordination occurs as part of the Section 106 consultation process, and for the I-70 Mountain Corridor, under the stipulations of the Section 106 Programmatic Agreement.
- **Step 2: Identify properties.** Tier 2 processes will include a step to confirm the eligibility of assumed Section 4(f) properties. For historic sites, properties are identified through the determination of eligibility of resources for the NRHP as part of the Section 106 process. For park, recreation, and wildlife properties, property details including ownership details, property boundaries, and property management practice details from resource management plans for refuges, parks, and recreational properties are reviewed to determine Section 4(f) applicability.
- **Step 3: Collect information needed to determine detailed use by alternative.** This step will include laying the edges of physical disturbance and future right of way over the mapping of the property boundaries. This information then will be used to determine whether the anticipated use could be avoided or evaluated as a *de minimis* impact. Combining this information with the findings of noise analysis, access analysis, and visual analysis will be used to determine whether an alternative could result in a constructive use. Indirect impacts will be examined to determine if there is a constructive use of the property. Analysis of temporary impacts will be done as well to determine if the conditions for temporary occupancy are met, as defined in 23 CFR §774.13 (d). For historic properties, this step is completed in coordination with the Section 106 determination of effects.

- Step 4: If use is anticipated, conduct Section 4(f) evaluations to determine if a prudent and feasible alternative exists that avoids the Section 4(f) properties. This evaluation will include the I-70 Mountain Corridor CSS measures, alignment shifts, use of tunnels, use of design variances, and other design-related measures. Uses of the properties will be considered and compared to the Tier 1 alternatives and this evaluation. If there is a substantial change in properties used or in the significance of the use, a determination will be made on the need to revisit the Tier 1 decision. This determination will account for the adaptive nature of implementing the Preferred Alternative.
- Step 5: If no feasible and prudent avoidance alternative is available, identify all possible planning to minimize harm. This step will include development of full mitigation measures as well as other measures to minimize harm.
- **Step 6: For remaining alternatives, analyze least harm.** If no prudent and feasible avoidance alternative exists, more than one alternative is developed for Tier 2 processes, and both use Section 4(f) properties, a least harm analysis will be conducted to determine which alternative causes the least overall harm in light of the statute's preservation purpose.

Other Section 4(f) streamlining tools can and should be explored to see if a Section 4(f) exception (23 CFR §774.13) or programmatic Section 4(f) evaluation (23 CFR §774.3 (c)(2)(d)) is applicable.

5. Section 4(f) Properties

The Project area contains historic and park and recreational properties that were evaluated for Section 4(f) applicability and use. There are no wildlife refuges in the Project area.

5.1. Historic Properties

The Area of Potential Effects (APE) for evaluating historic properties was developed in coordination with the Colorado SHPO and Section 106 Consulting Parties. The APE defines the areas where the Project may directly or indirectly affect historic or potentially historic resources; it is also the area used for consideration of Section 4(f) uses of historic properties (Exhibit 3).

The APE boundary encompasses the highway, Project study area (500 feet from I-70 and 1000 around interchanges), and the limits of historic, potentially historic, and linear resources and districts identified through the COMPASS database, including properties constructed in 1973 or earlier. Based on the anticipated construction schedule, the APE was modified to include properties constructed in 1975 or earlier. The APE was also expanded to the east to encompass extents of planned wildlife fencing and to the west to encompass the full extents of the Colorado Boulevard commercial district, which was surveyed and mapped as part of the *Westbound Peak Period Shoulders Categorical Exclusion* (CDOT, 2018).

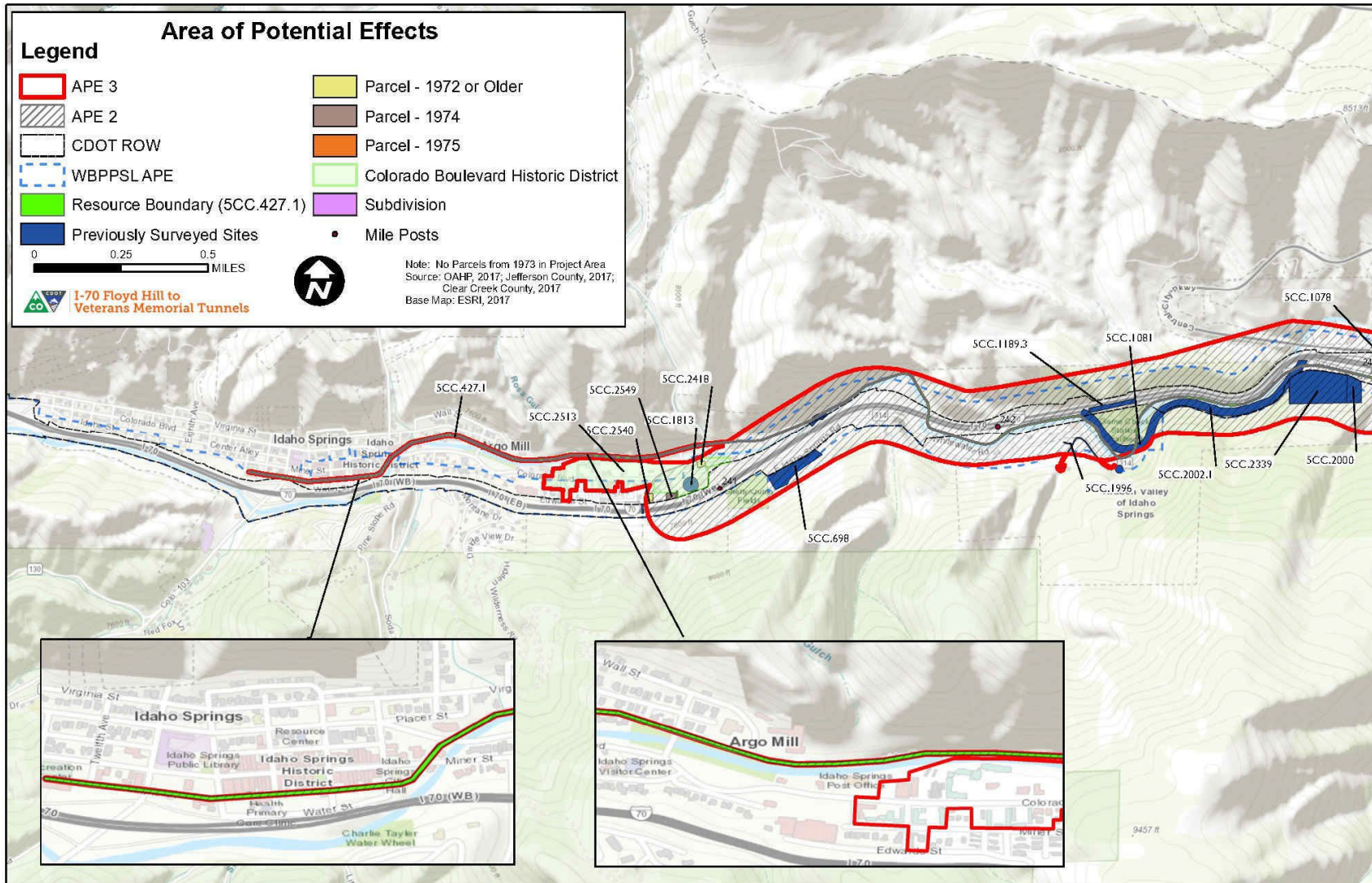
Historic properties in the Project area eligible for consideration under Section 4(f) include one residence (Mesa LLC Property—5JF.7445), two mountain subdivisions (Hyland Hills—5CC.2546 and Saddleback Ridge Estates—5CC.2547), and several linear resources (US 6—5CC.1184, Colorado Central Railroad—5CC.427, and US 6 and US 40—5CC.2002). Through the Section 106 process, CDOT determined and SHPO and consulting parties concurred that the action alternatives would not adversely affect any historic properties. There would be no Section 4(f) use of or conversion of the historic residence, subdivisions, or railroad property into the transportation facility. The two historic linear roadway properties—US 6 (5CC.427) and US and US 40 (5CC.1184)—through the Project area generally follow existing roads that will be modified under both action alternatives, including US 6, I-70, and CR 314.

Because the Project results in no adverse effect to the historic transportation facilities, their use for transportation improvements is excepted from Section 4(f) approval under 23 CFR 774.13(a)(3). CDOT will complete documentation of the Transportation Facility Exceptions.

Section 4(f) applies to archaeological sites that are on or eligible for the NRHP only if resource has value for preservation in place. Archaeological properties with the potential to be affected by the Project were surveyed. One prehistoric lithic scatter with the Project area was evaluated as eligible for the NRHP. This site is not expected to be affected by the Project and is important for what could be learned from data recovery (rather than preservation in place), so Section 4(f) does not apply.

Because Section 4(f) approval is not needed for historic properties, they are not discussed further in this report. More information on historic properties and the Project effects on them are available in the *I-70 Floyd Hill to Veterans Memorial Tunnels Historic Resources Eligibility Report*, *I-70 Floyd Hill to Veterans Memorial Tunnels Historic Resources Effects Technical Report*, and *Class III Archaeological Inventories for the I-70 Floyd Hill to Veterans Memorial Tunnels Project in Clear Creek and Jefferson Counties, Colorado*, all of which are available in Appendix A to the EA.

Exhibit 3. Area of Potential Effects, Historic Properties



5.2. Parks and Recreation Areas

The Study Area for parks and recreation areas comprises areas where direct and indirect impacts to recreational resources may occur. It encompasses the I-70 corridor, extending from 600 feet east of MP 248 to 600 feet west of Exit 241, and it is approximately 1,200 feet wide—600 feet north and 600 feet south of the I-70 centerline (see Exhibit 4). Analysis extends beyond this buffer in instances where access to recreational facilities within the Study Area has potential to be affected by Project actions.

This report considers all recreational properties that are publicly owned, open to the public, and have a primary purpose of recreation as Section 4(f) resources (FHWA, 2012). Additional coordination will be conducted with the Officials with Jurisdiction over Section 4(f) park and recreational properties to determine whether they are significant resources that meet Section 4(f) applicability criteria.

This report also considers Section 4(f) applicability and uses for planned recreational resources. Section 4(f) applies to planned recreational resources when the land on which the resource would be constructed is presently publicly owned, presently open to the public, and presently has a primary purpose of recreation (FHWA, 2012). Additionally, the property must be formally designated and determined to be significant for park, recreation area, or wildlife and waterfowl refuge purposes.

Evidence of formal designation would be the inclusion of the publicly owned land and its function as a Section 4(f) property into a city or county master plan (FHWA, 2012).

Detailed aerial maps of each resource can be found in Appendix A of this document. Many of these resources are associated with the Greenway. For more information on recreational properties and the Greenway, please see the *I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report*.

5.2.1 Existing Parks

There are four parks within the Study Area and, for Section 4(f) to be applicable, the parks must be publicly owned and open to the public. The land also must have a primary purpose of recreation, as defined by FHWA (FHWA, 2012).

Elmgreen Park

The Elmgreen Park, located on the eastern end of the Study Area near I-70 and Clear Creek County High School, is a neighborhood park owned and maintained by the Clear Creek Metropolitan Recreation District (CCMRD). It primarily serves the residents of Floyd Hill with a playground, picnic area, tennis court, basketball equipment, and restroom facilities.

Section 4(f) Applicability

Elmgreen Park is located on publicly owned lands that are open to the public and it has a primary purpose of recreation (see Exhibit 4 and Appendix B, Figure B-1). As such, it is afforded protection under Section 4(f) of the Department of Transportation Act.

Game Check Area Park

Located near the Veterans Memorial Tunnels, the Game Check Area Park provides access to the Scott Lancaster Memorial Trail and functions as a park area offering parking, a bike rack, restroom, river access, and other recreational opportunities. The park was constructed as part of the Greenway (Clear

Creek County, 2005a), which is discussed in the *Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report* (CDOT, 2020d).

Section 4(f) Applicability

The Game Check Area Park is located on publicly owned lands that are open to the public and it has a primary purpose of recreation (see Exhibit 4 and Appendix B, Figure B-3). As such, it is afforded protection under Section 4(f) of the Department of Transportation Act.

Skateboard Park

On the western end of the Study Area, the Skateboard Park is located on the east side of Idaho Springs and the north side of I-70. The park is owned by the City of Idaho Springs and operated and maintained by the CCMRD. It is an aging skateboard park that is currently closed and not expected to reopen at the same location. Due to concerns with safety, visibility, and access, the City is planning to move the park to a new location. However, to date, a new location for the park has not been identified.

Section 4(f) Applicability

The Skateboard Park is located on publicly owned lands, but it is not currently open to the public and no longer has a primary purpose of recreation (see Exhibit 4 and Appendix B, Figure B-4). As such, it is not considered a Section 4(f) resource.

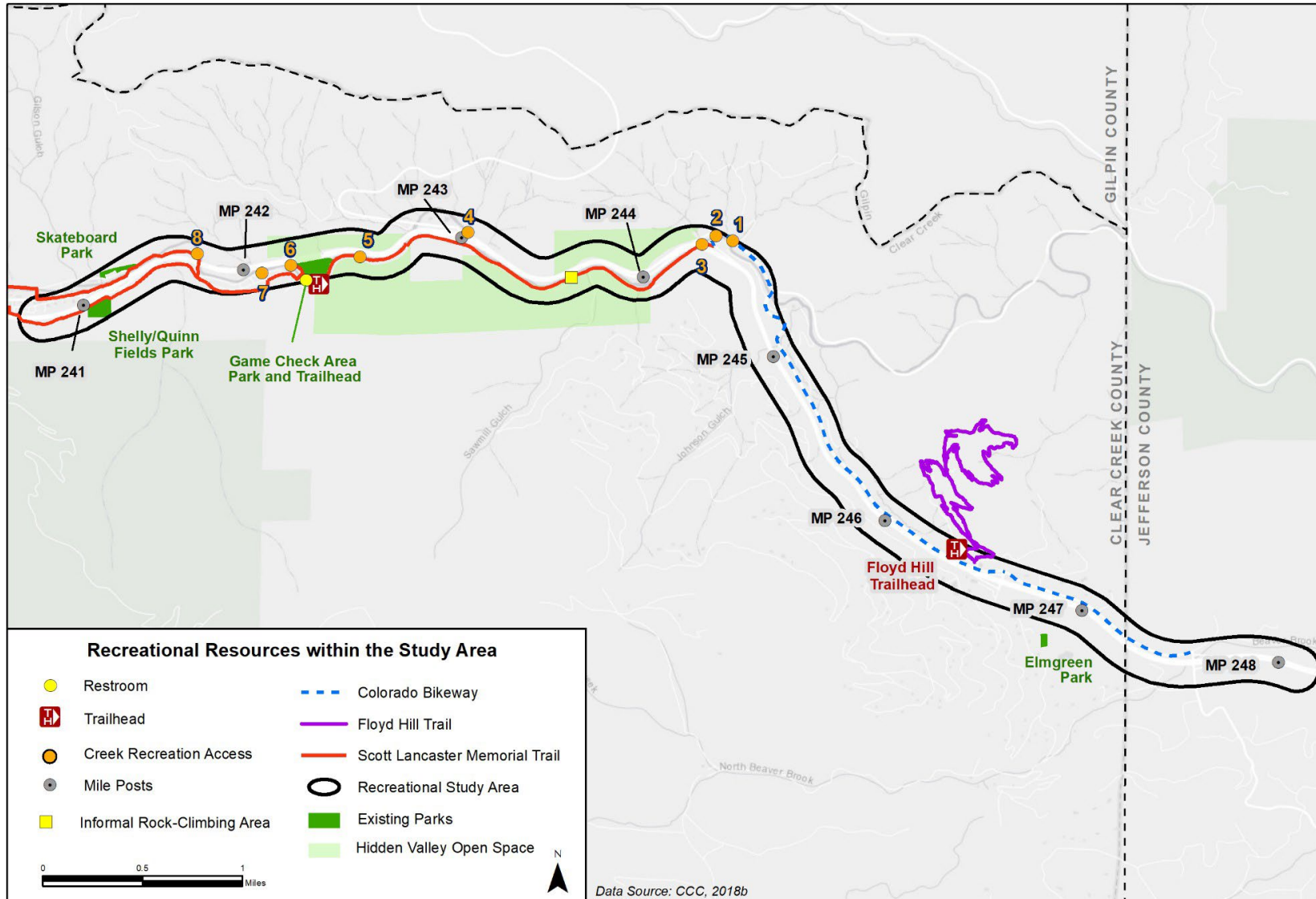
Shelly/Quinn Fields Park

The Shelly/Quinn Fields Park is located on the western end of the Study Area on the east side of Idaho Springs and the south side of I-70. It serves as an informal trailhead for the Scott Lancaster Memorial Trail and includes two lighted ball fields, concessions, restrooms, picnic tables, and an off-street parking area.

Section 4(f) Applicability

The Shelly/Quinn Fields Park is located on publicly owned lands that are open to the public and it has a primary purpose of recreation (see Exhibit 4 and Appendix B, Figure B-4). As such, it is afforded protection under Section 4(f) of the Department of Transportation Act.

Exhibit 4. Existing Recreational Resources within the Study Area



5.2.2 Existing Trails and Trailheads

There are three existing trails and two existing trailheads within the Project area (see Exhibit 4 and Appendix A). For Section 4(f) to be applicable, the trails and trailheads must be publicly owned and open to the public. The land also must have a primary purpose of recreation, as defined by FHWA (FHWA, 2012).

Floyd Hill Trail and Trailhead

The Floyd Hill Trail is a natural-surfaced trail that consists of multiple interconnected trail loops north of I-70 Exit 247 (Hyland Hills/Floyd Hill interchange). The trail is used primarily for hiking, mountain biking, and trail running (Clear Creek County, 2018a). The Floyd Hill Trailhead and parking lot are accessible from US 40 at the bottom of Floyd Hill on the north side of the Hyland Hills/Floyd Hill interchange. The dirt parking lot does not have formal parking spaces but accommodates numerous vehicles at a time.

Section 4(f) Applicability

The Floyd Hill Trail and Trailhead are located on lands owned by Clear Creek County (see Appendix B, Figure B-1). They are open to the public and have a primary purpose of recreation (see Exhibit 5). As such, both facilities are afforded protection under Section 4(f) of the Department of Transportation Act.

Colorado Bikeway

The Colorado Bikeway is located on US 40, between I-70 Exit 248 (Beaver Brook/Floyd Hill interchange) and the convergence of I-70 and US 6 (see Appendix A, Figure A-1 and Figure A-2). US 40 in this location is a paved two-lane roadway with a narrow shoulder of less than four feet (CDOT, 2009). The Bikeway

is an on-road bikeway that is not confined to a specific path/location. It is considered a regionally important bike route because it connects the eastern portion of Floyd Hill with the Scott Lancaster Memorial Trail and allows bicyclists to bypass the interstate.

Section 4(f) Applicability

The Bikeway is located within CDOT right of way on lands that have a primary purpose of transportation (see Exhibit 5 and Appendix B, Figure B-1 and Figure B-2). It is an on-road bikeway that is not confined to a specific path/location and it is not identified in an adopted planning document.

Therefore, Section 4(f) does not apply (FHWA, 2012).

Scott Lancaster Memorial Trail and Trailheads

The Scott Lancaster Memorial Trail is a 5-mile-long, mostly off-street trail that starts at the convergence of I-70 and US 6 and continues west into the City of Idaho Springs (see Appendix A, Figure A-2 through Figure A-4). It has an asphalt surface and includes segments of eight-foot-wide off-street trail, as well as segments of on-street trail (shared with the I-70 frontage road/CR 314). The trail traverses land that is owned in several ways, including CDOT right of way, privately owned land with permanent easements, and public land owned by Clear Creek County, Idaho Springs, or the U.S. Forest Service (USFS) (see Exhibit 5 and Appendix B, Figure B-2 through Figure B-4). Trailheads for the Scott Lancaster Memorial Trail located within the Study Area include:

- **The Shelly/Quinn Fields Park parking lot**—This is an informal trailhead located on the eastern side of Idaho Springs that is used by the public to access the Scott Lancaster

Memorial Trail. This location includes concessions, restrooms, picnic tables, and a gravel parking area. See Section 5.2.1 of this document for the Section 4(f) applicability of this resource.

- **The Game Check Area Park and Trailhead**—This was constructed as part of the *Clear Creek Greenway Plan* and is considered part of the Scott Lancaster Memorial Trail. The park includes restrooms, garbage cans, benches, and bike racks and a parking lot with 19 spaces, three of which are ADA compliant. There also is ample room for boat trailers to turn around. See Section 5.2.1 of this document for the Section 4(f) applicability of this resource.

Section 4(f) Applicability

As mentioned above, the Scott Lancaster Memorial Trail traverses land that is owned in several ways, including CDOT right of way, privately owned land with permanent easements, and publicly owned land. Before the trail was constructed within the I-70 transportation right of way, CDOT and Clear Creek County entered into a contractual agreement that allowed the County to use a portion of the

I-70 right of way for the construction and use of the 10-foot-wide bike path; however, CDOT retained the superior right to use the right of way for highway/transportation purposes. As such, use of these lands during construction would not be subject to the requirements of Section 4(f) (FHWA, 2012).

However, the segments occurring on privately owned lands (with permanent easements) and publicly owned lands are subject to the requirements of Section 4(f) (FHWA, 2012).

5.2.3 Existing Clear Creek Recreation Access Points

Clear Creek is a prominent recreational feature in the Study Area and a popular location for fishing, boating, and rafting activities. Within the Study Area, there are eight informal recreational access points to Clear Creek (see Appendix A) (Clear Creek County, 2005a). Of these, seven are located within CDOT right of way and one is on land owned by Clear Creek County (see Exhibit 5 and Appendix B, Figure B-2 through Figure B-4).

Section 4(f) Applicability

The use of these areas for recreational access to the creek is an informal activity. The sites are not managed for recreational purposes. They are pull-off areas on the side of the road that are considered part of the actual roadway. Also, these areas are managed for, and have a primary purpose of, transportation. As such, none of the creek access points within the Study Area are subject to the requirements of Section 4(f) (FHWA, 2012).

These resources are part of the Clear Creek Greenway (Clear Creek County, 2005a), which is discussed in the *I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report* (CDOT, 2020d).

5.2.4 Additional Recreation Sites

Hidden Valley Open Space

Located between the US 6 interchange and Idaho Springs, the Hidden Valley Open Space consists of approximately 464 acres of undeveloped land on both sides of I-70 west of the US 6/I-70 interchange that is owned and managed by Clear Creek County Open Space (Clear Creek County, 2020a). The Open Space has a mission of “... preserving and maintaining the county’s unique character and natural

environment by protecting streams, woodlands, meadows, wildlife habitat, recreational opportunities, prominent vistas, geologic features, and cultural resources to enhance the quality of life for residents and the enjoyment of the out-of-doors for residents and visitors” (Clear Creek County, 2020a). The south side of Clear Creek through this Open Space contains natural areas where Clear Creek County Open Space has identified recreational amenities that could be improved and protected to meet Open Space goals.

In the Sawmill Gulch area, several old roads and social trails provide informal hiking along the ridgelines in the Open Space. Most of these trails follow old access roads that are steep and exposed in places. They are neither signed nor maintained and have limited interconnectivity, but they do show evidence of periodic use (Clear Creek County, 2020a). There also is an informal parking area within the Open Space south of Clear Creek and east of the Hidden Valley/Central City interchange (Clear Creek County, 2020a).

Existing recreational facilities within the Open Space corridor, such as the Scott Lancaster Memorial Trail and Game Check Area Park and Trailhead, are addressed separately in this document.

Section 4(f) Applicability

Recreation is an informal activity that occurs within the Hidden Valley Open Space, but the land is not actively managed for recreational purposes (Clear Creek County, 2020a). Although Clear Creek County has developed a conceptual plan, the Open Space has not been identified in a city or county master planning document. Existing recreational plans for the Open Space are conceptual in nature and considered aspirational; therefore, Section 4(f) does not apply.

Informal Rock-Climbing Area

An informal rock-climbing area is located within the Study Area on the south side of I-70, at MP 243.5 (see Appendix A, Figure A-2). It is a natural geological feature used by local recreationalists and is accessible from the Scott Lancaster Memorial Trail (Clear Creek County, 2018b).

Section 4(f) Applicability

Rock climbing is an informal activity that occurs at the site. It is not managed for recreational purposes. The area is located within a trail pull-off area on the side of the road in CDOT right of way (see Appendix B, Figure B-2) on land that has a primary purpose of transportation. Therefore, it is not subject to the requirements of Section 4(f).

This resource is located along the Clear Creek Greenway (Clear Creek County, 2005a), which is discussed in the *I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report* (CDOT, 2020d).

Exhibit 5. Section 4(f) Applicability of Existing Recreational Resources (listed from east to west)

Resource Name	Amenities/ Information	Designated in an Adopted Master Plan?	Ownership	Official with Jurisdiction	Open to the Public?	Primary Purpose of Recreation?	Section 4(f) Applicable?
Parks							
Elmgreen Park	Park with tennis courts, volleyball court, playground, picnic tables, and shelter	Yes—Clear Creek County Community Master Plan (Clear Creek County, 2017)	Clear Creek County	Clear Creek County Manager*	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—it is a publicly owned park, open to the public, and has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
Game Check Area Park and Trailhead	Restrooms, parking (ADA compliant), trailhead, and bike rack	Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	Clear Creek County	Clear Creek County Manager*	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—it is a publicly owned park, open to the public, and has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
Skateboard Park	Aging skate park	Yes—Idaho Springs Comprehensive Plan (2017)	City of Idaho Springs	City of Idaho Springs	No	No—the Park has been closed for safety reasons and will be moved to a new location	No—it is a publicly owned park, but it is closed to the public and no longer has a primary purpose of recreation. <u>Applicable Regulations and Guidance:</u> <ul style="list-style-type: none"> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A 23 CFR §774.11(c)

Resource Name	Amenities/ Information	Designated in an Adopted Master Plan?	Ownership	Official with Jurisdiction	Open to the Public?	Primary Purpose of Recreation?	Section 4(f) Applicable?
Shelly/ Quinn Fields Park	Two lighted youth ball fields, concessions, restrooms, picnic tables, a gravel parking area	Yes—Idaho Springs Comprehensive Plan (2017)	City of Idaho Springs	City of Idaho Springs	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—it is a publicly owned park, open to the public, and has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
Trails and Trailheads							
Floyd Hill Trail and Trailhead	Multiple dirt intercon-nected trail loops accessible from US 40	Yes—Floyd Hill Open Space—Trails Master Plan (Clear Creek County, 2018a)	Clear Creek County	Clear Creek County Manager*	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—it is a publicly owned recreation area that is open to the public and has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
Colorado Bikeway	On-street, shared roadway. The Bikeway is not limited to a designated location within the roadway.	No— Information obtained from Clear Creek County's online GIS data (Clear Creek County, 2018c)	CDOT Right of Way	CDOT	Yes	No—the Bikeway occurs on the US 40 roadway, which has a primary function of, and is managed for, transportation. Recreation is an informal activity that occurs on the roadway.	No—the Bikeway is an on-road route that operates on the US 40 roadway and is not a separate facility nor limited to a specific location along the roadway. Also, it is not identified in an adopted planning document. Therefore, Section 4(f) does not apply. <u>Applicable Regulations and Guidance:</u> <ul style="list-style-type: none"> • 23 CFR §774.13(f)(3) • FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A, 15A, and 15C

Resource Name	Amenities/ Information	Designated in an Adopted Master Plan?	Ownership	Official with Jurisdiction	Open to the Public?	Primary Purpose of Recreation?	Section 4(f) Applicable?
Scott Lancaster Memorial Trail	Asphalt surface trail with off-street and on-street sections	Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	Parcels owned by Idaho Springs, Clear Creek County, or the U.S. Forest Service (USFS)	Clear Creek County Manager*	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—it is a publicly owned recreation area that is open to the public and has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
		Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	CDOT Right of Way	CDOT and Clear Creek County	Yes	No—occurs on land owned by CDOT that has a primary function of, and is managed for, transportation. Recreation is a secondary function and the land is not managed for recreation.	No—Section 4(f) does not apply to these segments of the trail that occur within CDOT right of way and have a primary purpose of transportation. Prior to construction, CDOT and Clear Creek County signed a contractual agreement allowing the County to use the I-70 right of way for the bike path; the contract provides CDOT the superior right to use the right of way for highway/transportation purposes. <u>Applicable Regulations and Guidance:</u> <ul style="list-style-type: none"> • 23 CFR §774.13(f)(3) • FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A, 21A, and 27
		Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	Private Parcels (with easement)	Clear Creek County Manager*	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Yes—the land has a public easement for recreational use, and it is open to the public and managed for recreation purposes. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 15D.

Resource Name	Amenities/ Information	Designated in an Adopted Master Plan?	Ownership	Official with Jurisdiction	Open to the Public?	Primary Purpose of Recreation?	Section 4(f) Applicable?
Clear Creek Access Points							
Clear Creek Recreation Access Points	Informal fishing and boating access to Clear Creek	Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	CDOT Right of Way	Clear Creek County Manager*	Yes	No—land owned by CDOT and has a primary function of, and is managed for, transportation. Recreation is a secondary function.	No—occurs within CDOT right of way on land that has a primary purpose of transportation. Recreational activity at these locations is considered an informal activity. <u>Applicable Regulations and Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A
Additional Recreation Sites							
Hidden Valley Open Space	464 acres of undeveloped land that includes several old roads and social trails used informally for hiking	No—Information obtained from <i>Hidden Valley Open Space Conceptual Plan</i> (Clear Creek County, 2020a)	Clear Creek County	Clear Creek County Manager*	Yes	No—the land is not actively managed for recreation. Current plans are aspirational but may be formalized in the future.	No—the land is not actively managed for recreational purposes. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A

Resource Name	Amenities/ Information	Designated in an Adopted Master Plan?	Ownership	Official with Jurisdiction	Open to the Public?	Primary Purpose of Recreation?	Section 4(f) Applicable?
Rock-Climbing Area	Informal rock-climbing area that is accessible from the Scott Lancaster Memorial Trail	Yes—Clear Creek Greenway Plan (Clear Creek County, 2005a)	CDOT Right of Way	Clear Creek County Manager*	Yes	No—land owned by CDOT and it has a primary function of, and is managed for, transportation. Recreation is a secondary function.	No—occurs within CDOT right of way on land that has a primary purpose of transportation. Rock climbing in this area is an informal activity <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 1A

* Keith Montag, Clear Creek County Manager, PO Box 2000, 405 Argentine Street, Georgetown, CO 80444. Need to copy Amy Saxton, Clear Creek County Transportation Liaison, and Robert Loeffler, Clear Creek County Attorney, on all communication.

5.2.5 Planned Recreation Facilities

For a planned recreational resource to be afforded protection by Section 4(f), it needs to be identified in a city or county master planning document and located on land that is currently publicly owned, open to the public, and has a primary purpose of recreation (FHWA, 2012). All planned resources within the Study Area are mapped in Exhibit 6 and Appendix A, and summarized in Exhibit 7.

Planned Floyd Hill Trail Expansion

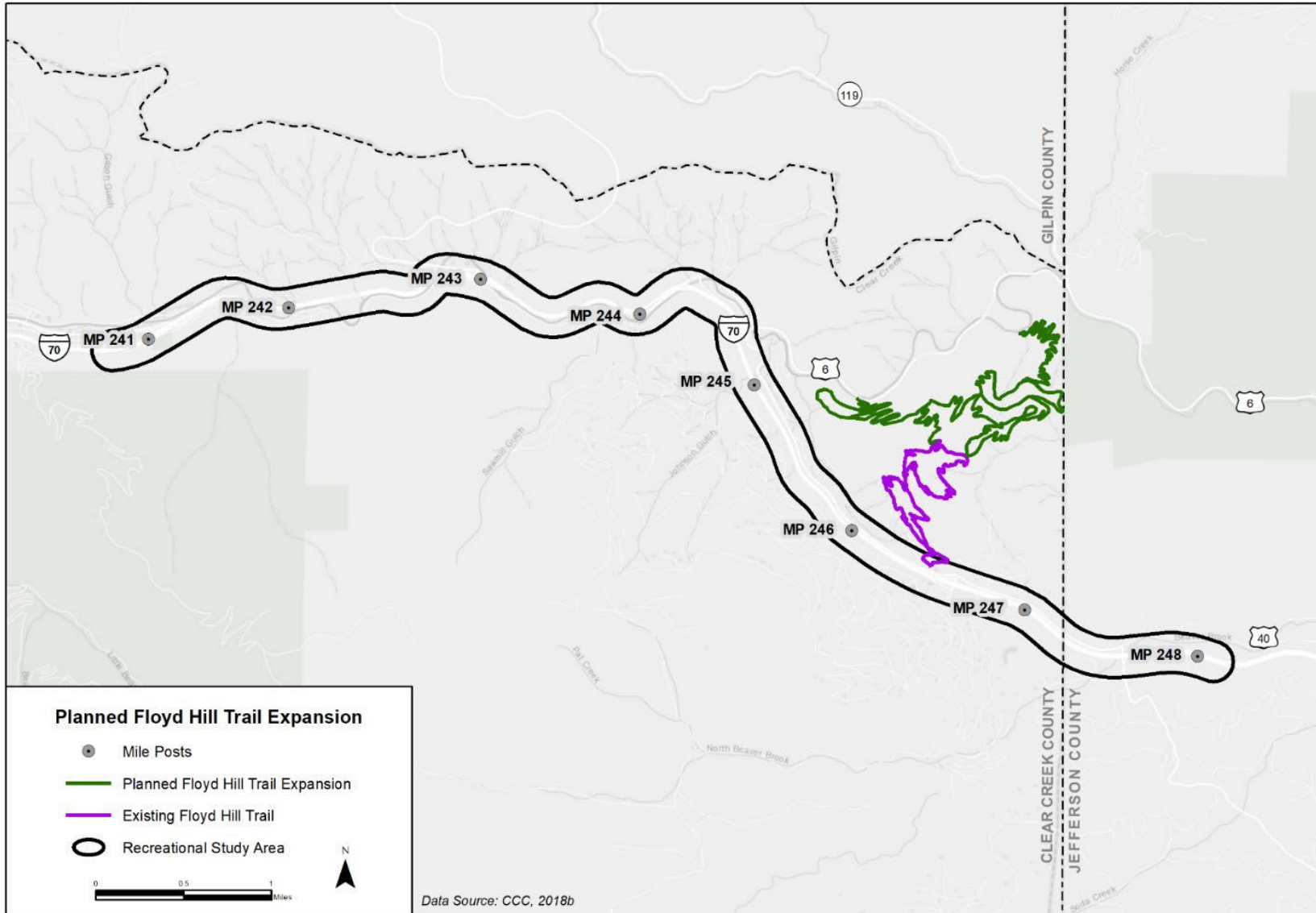
The *Floyd Hill Open Space Trails Master Plan* (Clear Creek County, 2018a) identified a future expansion of the existing Floyd Hill Trail that will include a one-way downhill trail back to the parking lot and several miles of trail that will connect to existing trails in Clear Creek Canyon along US 6 (Appendix A, Figure A-1). The difficulty rating of the trail system will vary and include a combination of easy, intermediate, and advanced mountain biking trails and a few hiking-only trails. The Floyd Hill Trailhead, as mentioned above in Section 5.2.2, will be upgraded to include 20 parking spaces; an informational kiosk with maps, regulations, and other information; portable toilets in an enclosed structure; wildlife-resistant trash cans; and a picnic table. Construction and upgrades will occur as funding becomes available.

Section 4(f) Applicability

The trail expansion would be constructed on land owned by Clear Creek County that is currently open to the public and has a primary purpose of recreation (see Exhibit 7 and Appendix B, Figure B-1).

Therefore, the planned trails are subject to the requirements of Section 4(f). However, these trails occur outside of the Study Area and are not expected to be affected by the Project. To avoid a Section 4(f) use, access to these resources must be maintained during construction. Currently, I-70, US 40, and US 6 all provide access to these resources.

Exhibit 6. Planned Floyd Hill Trail Expansion



Planned Clear Creek Greenway Facilities

The following proposed resources are part of the Clear Creek Greenway Plan (Clear Creek County, 2005a) but are not considered Section 4(f) resources:

- **US 6 Trail Segment**—This section of trail would be constructed from the eastern terminus of the Scott Lancaster Memorial Trail at the I-70 and US 6 interchange and would follow Clear Creek to the east along the US 6 corridor. It would cross lands that currently are privately owned (no easement) or publicly owned by Clear Creek County or CDOT (see Exhibit 7 and Appendix B, Figure B-2). No recreational easements have been established for the privately owned lands and there is not an existing contract agreement between Clear Creek County and CDOT for construction and maintenance of the trail within CDOT right of way. As such, this trail segment is considered aspirational and Section 4(f) does not apply.
- **Planned Trailhead**—The trailhead would be constructed at the I-70 and US 6 interchange (see Appendix A, Figure A-2) and consist of a defined parking area to accommodate many types of users/activities (rafting, fishing, biking, hiking etc.) and have a few long-term parking spots. It would have restrooms, trash receptacles, a comfort station, signage, and a clean-up launch (rocks). The exact location of the trailhead is dependent on CDOT’s final configuration of the interstate in this location (Clear Creek County, 2005a). As a result, the trailhead is considered aspirational and Section 4(f) does not apply.
- **Planned Rest Area**—The rest area would be located on the south side of I-70 at MP 244 (see Appendix A, Figure A-2). Benches and other amenities would be installed along the Scott Lancaster Memorial Trail. However, the exact location of the rest area is dependent on CDOT’s final configuration of the interstate in this location. Therefore, it is considered aspirational and Section 4(f) does not apply.
- **Hidden Valley North Trail Segment**—This segment would be constructed on the north side of the Hidden Valley/Central City interchange (MP 245). It would follow the alignment of Clear Creek under the interstate and ramp bridges and connect with the Scott Lancaster Memorial Trail on the south side of I-70. When completed, the trail would have a concrete surface. Similar to the US 6 Trail Segment discussed above, the trail would cross lands that currently are privately owned (no easement) or publicly owned by Clear Creek County or CDOT (see Exhibit 7 and Appendix B, Figure B-3). No recreational easements have been established for the privately owned lands and there is not an existing contract agreement between Clear Creek County and CDOT for construction and maintenance of the trail within CDOT right of way. As such, this trail segment is considered aspirational and Section 4(f) does not apply.
- **Planned Restroom**—A restroom would be constructed along an existing section of the Greenway Trail, north of I-70 and east of the Idaho Springs Skateboard Park (see Appendix A, Figure A-4). However, the restroom was listed in the *Clear Creek Greenway Plan* within an area identified as a “Potential” Park. Therefore, the restroom is considered aspirational and Section 4(f) does not apply.

For more information on the Clear Creek Greenway, please see the I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report (CDOT, 2020d).

Exhibit 7. Section 4(f) Applicability of Planned Recreational Resources Within the Study Area (listed from east to west)

Resource Name	Information/ Amenities	Designated in an Adopted Plan?	Presently Publicly Owned?	Presently Open to the Public?	Presently has Primary Purpose of Recreation?	Assumed Official with Jurisdiction	Section 4(f) Applicable?
Planned Floyd Hill Trail Expansion	Will connect the existing Floyd Hill Trail to existing trails along US 6.	Yes— <i>Floyd Hill Open Space Trails Master Plan</i> (Clear Creek County, 2018a)	Yes—Clear Creek County	Yes	Yes—the land currently has a primary function of, and is managed for, recreation.	Clear Creek County Manager*	Yes—it has been formally designated as a Section 4(f) property by its inclusion in the <i>Floyd Hill Open Space Trails Master Plan</i> —and it is planned to occur on land that is currently publicly owned, currently open to the public, and currently has a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25
Planned US 6 Trail Segment	When constructed, it will connect the eastern end of the Scott Lancaster Memorial Trail (I-70 and US 6 interchange) with existing trails to the east.	<i>Clear Creek Greenway Plan</i> (Clear Creek County, 2005a)	No—occurs on privately owned parcels (no easement)	No	No	Clear Creek County Manager*	No—it is a planned trail on land that is not currently publicly owned, not currently open to the public, and not currently having a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25 For more information on the Clear Creek Greenway, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).

Resource Name	Information/ Amenities	Designated in an Adopted Plan?	Presently Publicly Owned?	Presently Open to the Public?	Presently has Primary Purpose of Recreation?	Assumed Official with Jurisdiction	Section 4(f) Applicable?
			Yes—CDOT Right of Way	Yes	No—occurs on land owned by CDOT that has a primary function of, and is managed for, transportation.	CDOT and Clear Creek County	No—it is a planned trail on land that does not presently have a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25 For more information on the Clear Creek Greenway, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).
			Yes—occurs on land owned by Clear Creek County	Yes	No—the land does not currently have a primary function of recreation.	Clear Creek County Manager*	No—this portion of the trail is relatively small compared to the portions on privately owned and CDOT owned lands (see Appendix B, Figure B-2). To date, no recreational easement exists for the privately owned lands, and no contract agreement has been established with CDOT for construction and maintenance of the trail on CDOT right of way. As such, this trail segment currently is considered aspirational and, therefore, Section 4(f) does not apply. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25. For more information on the Clear Creek Greenway please see the <i>Floyd Hills to Veteran Memorial Tunnels, Recreational Resources Technical Report</i> (CDOT 2020d).

Resource Name	Information/ Amenities	Designated in an Adopted Plan?	Presently Publicly Owned?	Presently Open to the Public?	Presently has Primary Purpose of Recreation?	Assumed Official with Jurisdiction	Section 4(f) Applicable?
Planned Trailhead at the I-70 and US 6 interchange	Defined parking area, long-term parking spots, restrooms, trash receptacles, comfort station, signage, and a clean-up launch	<i>Clear Creek Greenway Plan</i> (Clear Creek County, 2005a)	Yes—CDOT Right of Way	Yes	No—occurs on a pull-off that is part of the roadway. It has a primary function of, and is managed for, transportation.	CDOT and Clear Creek County	No—it is a planned trailhead on land that does not presently have a primary purpose of recreation. The specific location of any future trailhead is dependent upon CDOT's final configuration of the interstate in this location. The trailhead is, therefore, considered aspirational in nature and Section 4(f) does not apply. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25. For more information on the Clear Creek Greenway, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).
Planned Trail Rest Area located on the south side of I-70 at MP 244	Benches and other amenities along the Scott Lancaster Memorial Trail	<i>Clear Creek Greenway Plan</i> (Clear Creek County, 2005a)	Clear Creek County	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Clear Creek County Manager*	No—the exact location of the rest area is dependent on CDOT's final configuration of the interstate in this location. Therefore, the rest area is considered aspirational and Section 4(f) does not apply. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25 For more information on the Clear Creek Greenway, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).

Resource Name	Information/ Amenities	Designated in an Adopted Plan?	Presently Publicly Owned?	Presently Open to the Public?	Presently has Primary Purpose of Recreation?	Assumed Official with Jurisdiction	Section 4(f) Applicable?
Planned Hidden Valley North Trail Segment	Located on the north side of the Hidden Valley/ Central City interchange (MP 243). Trail will have a concrete surface and will follow Clear Creek under the interstate and connect with the Scott Lancaster Memorial Trail on south side of I-70.	Clear Creek Greenway Plan (Clear Creek County, 2005a)	No—occurs on privately owned parcels (no easement)	No	No	Clear Creek County Manager*	No—it is a planned trail on land that is not currently publicly owned, not currently open to the public, and not currently having a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25 For more information on the Clear Creek Greenway, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).
			Yes—CDOT Right of Way	Yes	No—occurs on land owned by CDOT that has a primary function of, and is managed for, transportation.	CDOT and Clear Creek County	No—it is a planned trail on land that does not currently have a primary purpose of recreation. <u>Applicable Guidance:</u> FHWA Section 4(f) Policy Paper (FHWA, 2012), Question and Answer 25 For more information on the Greenway trail, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).

Resource Name	Information/ Amenities	Designated in an Adopted Plan?	Presently Publicly Owned?	Presently Open to the Public?	Presently has Primary Purpose of Recreation?	Assumed Official with Jurisdiction	Section 4(f) Applicable?
			Yes—occurs on land owned by Clear Creek County or Idaho Springs	Yes	Yes—the land currently has a primary function of, and is managed for, recreation.	Clear Creek County Manager*	No—no recreational easements have been established for the privately owned lands and there is no contract agreement between Clear Creek County and CDOT for construction and maintenance of the trail within CDOT right of way. As such, this trail segment is considered aspirational and Section 4(f) does not apply. For more information on the Greenway trail, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).
Planned Restrooms on the west end of the Study Area	Located on the north side of I-70 along an existing trail segment	<i>Clear Creek Greenway Plan</i> (Clear Creek County, 2005a)	Yes—Clear Creek County	Yes	Yes—the land has a primary function of, and is managed for, recreation.	Clear Creek County Manager*	No—the restroom is listed in the <i>Clear Creek Greenway Plan</i> within an area identified as a “Potential” Park. Therefore, the restroom is considered aspirational and Section 4(f) does not apply. For more information on the Greenway trail, please see the <i>I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report</i> (CDOT, 2020d).

* Keith Montag, Clear Creek County Manager, PO Box 2000, 405 Argentine Street, Georgetown, CO 80444. Need to copy Amy Saxton, Clear Creek County Transportation Liaison, and Robert Loeffler, Clear Creek County Attorney, on all communication.

6. Section 4(f) Use Evaluation

This section describes the potential impacts of the No Action Alternative and action alternatives (Tunnel Alternative and Canyon Viaduct Alternative) on Section 4(f) resources and identifies whether a Section 4(f) use would occur (see Exhibit 4 of this document for a Section 4(f) use description). Also please see the *I-70 Floyd Hill to Veterans Memorial Tunnels Recreational Resources Technical Report* (CDOT, 2020d) for detailed information on potential direct and indirect impacts to each resource.

6.1. No Action Alternative Impacts

The No Action Alternative would include ongoing highway maintenance, improvements to the US 40 and CR 65 and US 40 and Homestead Road intersections, and the replacement of the westbound I-70 bridge at the bottom of Floyd Hill. The bridge crosses over the east end of the Scott Lancaster Memorial Trail. Construction and use of the new bridge would not directly impact the trail; however, for safety reasons, temporary impacts may include periodic delays for trail users during construction. Noise modeling indicates that an average noise increase of approximately 2 decibels (dBA) would occur by 2045, a level described by FHWA guidance as barely perceptible. There would be minimal, beneficial visual changes associated with this alternative because the new bridge would adhere to the I-70 Mountain Corridor Aesthetics Guidance (CDOT, 2015).

At the US 6 interchange, the Scott Lancaster Memorial Trail is located within CDOT right of way (Appendix B, Figure B-2) and, therefore, is not considered a Section 4(f) resource. As a result, the No Action Alternative would not result in a Section 4(f) use.

6.2. Tunnel Alternative Impacts

6.2.1 East Section

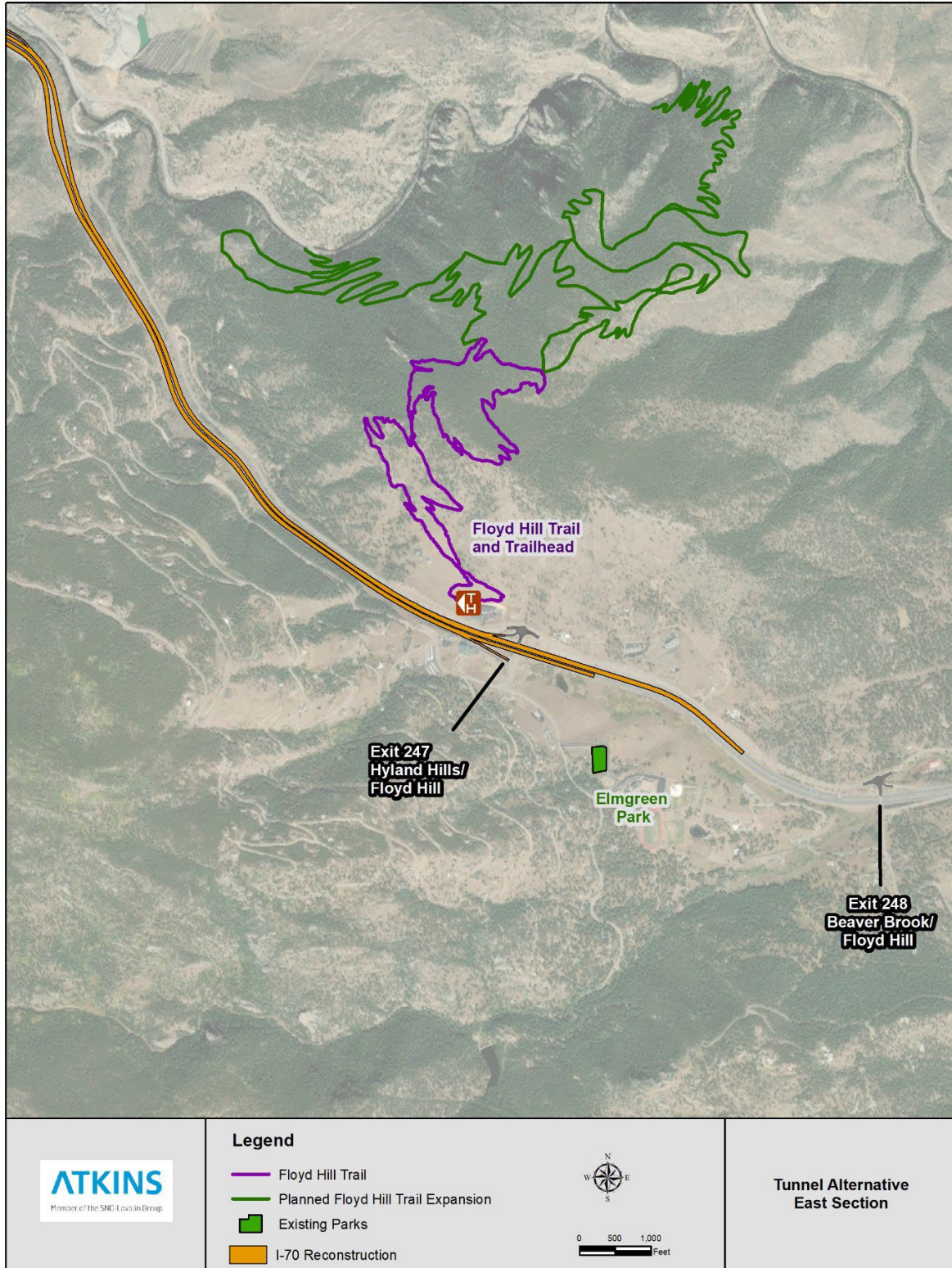
There are two existing and one planned Section 4(f) resources in the East Section of the Project. The following subsections identify whether the Tunnel Alternative would result in a Section 4(f) use of these resources.

Elmgreen Park

Elmgreen Park is located approximately 900 feet south of I-70 in the Floyd Hill neighborhood, and no right of way would be required from this resource (see Exhibit 8). The Park is accessed via US 40 and the Homestead Road Bridge over I-70, which would remain open during construction. Due to the distance between the Park and the roadway, noise impacts are not anticipated. Project improvements would be visible from this location; however, visual changes would be minor and would not alter the recreational experience associated with the park. Park users would continue to see transportation infrastructure, as they do today.

Based on this analysis, the Tunnel Alternative would not result in a Section 4(f) use of Elmgreen Park.

Exhibit 8. Proposed Action, East Section



Floyd Hill Trail and Trailhead

No right of way would be required from the Floyd Hill Trail and Trailhead. The trailhead is located approximately 100 feet north of I-70 and is accessed via I-70 and US 40, which would remain open during construction (see Exhibit 8). Noise modeling at the trailhead indicates permanent noise levels would increase by less than 2 dBA by 2045, which is defined in FHWA noise guidance as a barely perceptible change. Noise levels also may temporarily increase at the trailhead during construction. Aesthetically, the interstate is visible from this location and would continue to be visible after construction.

Based on this analysis, the Tunnel Alternative would not result in a Section 4(f) use of the Floyd Hill Trail or Trailhead.

Planned Floyd Hill Trail Expansion

The Planned Floyd Hill Trail expansion and trailhead improvements would be farther away from the Project Area than the existing trails, discussed above. No right of way would be required from this area and no changes in access points would occur. Additionally, the Project would not interfere with planning and future construction of these resources. Based on this analysis, the Tunnel Alternative would not result in a Section 4(f) use of the Planned Floyd Hill Trail expansion or trailhead improvements.

6.2.2 Central Section

Only one Section 4(f) resource is located within the Central Section of the Project—namely, the Scott Lancaster Memorial Trail. The subsection below describes potential impacts for both frontage road design options and identifies whether the Tunnel Alternative would result in a Section 4(f) use of that resource.

Scott Lancaster Memorial Trail

In the Central Section of the Project, the Scott Lancaster Memorial Trail weaves in and out of CDOT right of way and property owned by Clear Creek County (Appendix B, Figure B-2). Section 4(f) applies to trail segments within the Clear Creek County boundaries but not within CDOT right of way (see Section 5.2.2.3 of this document for more information). However, for the sake of this analysis, the entire trail between the US 6 interchange and the Hidden Valley/Central City interchange has been considered a Section 4(f) resource.

The Tunnel Alternative would reconstruct the Scott Lancaster Memorial Trail in its current location south of Clear Creek (see Exhibit 9 and Exhibit 10). When complete, the path would be approximately 10 feet to 12 feet wide with a concrete surface that extends farther east than the existing trail, under the I-70 westbound off-ramp at the US 6 interchange. The trail also would be modified in the Sawmill Gulch area to bring the vertical grade into compliance with the ADA. This design differs between the North Frontage Road Option and South Frontage Road Option and is described in more detail below.

Additionally, a new eastbound I-70 on-ramp would be constructed over the Scott Lancaster Memorial Trail. Construction of the ramp would not impact the trail directly; however, for safety reasons, temporary impacts may include periodic delays for trail users during construction.

Noise modeling on the east end of the trail, between the US 6 interchange and Sawmill Gulch, indicates permanent noise levels would decrease by approximately 2 dBA by 2045 because the I-70 westbound

lanes would be constructed through a tunnel. Permanent noise levels on the west end, by the Hidden Valley/Central City interchange, would increase by approximately 1 dBA by 2045, an increase undetectable to the human ear.

Project improvements would not permanently impact trail access points, which would be maintained during construction. However, temporary closures of the trail and access points may occur while resurfacing would take place. For safety reasons, the trail also would be closed for short durations at the US 6 interchange during tunnel blasting activities.

North Frontage Road Option

To bring the trail into compliance with the ADA, the North Frontage Road Option would lower the trail in the Sawmill Gulch area to flatten the vertical slope of the existing trail, which would require excavation, rock cuts, and tree removal (Appendix C, Figure C-1).

FHWA has identified various exceptions to the requirements for Section 4(f) approval. Per 23 CFR 774.13(g), transportation enhancement activities qualify for exception to Section 4(f) approval when:

1. The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
2. The Official(s) with Jurisdiction over the Section 4(f) resource agrees in writing to (1) above.

Because there would be no conversion of land and the trail is being enhanced by the Project, per 23 CFR 774.13(g), there would be no Section 4(f) use of this property and impacts would not be subject to Section 4(f) approval. The Tunnel Alternative, North Frontage Road Option is not CDOT's Preferred Alternative, but if this changed, CDOT would coordinate with Clear Creek County to request concurrence with the assessment that the Project enhances the Scott Lancaster Memorial Trail.

South Frontage Road Option

In the Sawmill Gulch area, a new section of trail would be constructed north of Clear Creek that complies with ADA slope requirements. Trail users would be able to cross over to the north side of Clear Creek via two pedestrian bridges, one on the west side of Sawmill Gulch and one on the east side (see Appendix C, Figure C-2). The existing non-ADA-compliant trail segment south of Clear Creek would remain in place, creating a loop around Clear Creek and providing options for trail users.

The sole purpose of impacting the Scott Lancaster Memorial Trail would be to enhance the trail and to improve recreational opportunities for all users. Therefore, per 23 CFR 774.13(g), impacts associated with the South Frontage Road Option would be cleared using the enhancement exception. The Tunnel Alternative, South Frontage Road Option, is not CDOT's Preferred Alternative, but if this changed, CDOT would coordinate with Clear Creek County over the Scott Lancaster Memorial Trail for concurrence.

Exhibit 9. Section 4(f) Resources and Elements of the Tunnel Alternative, North Frontage Road Option, Central Section

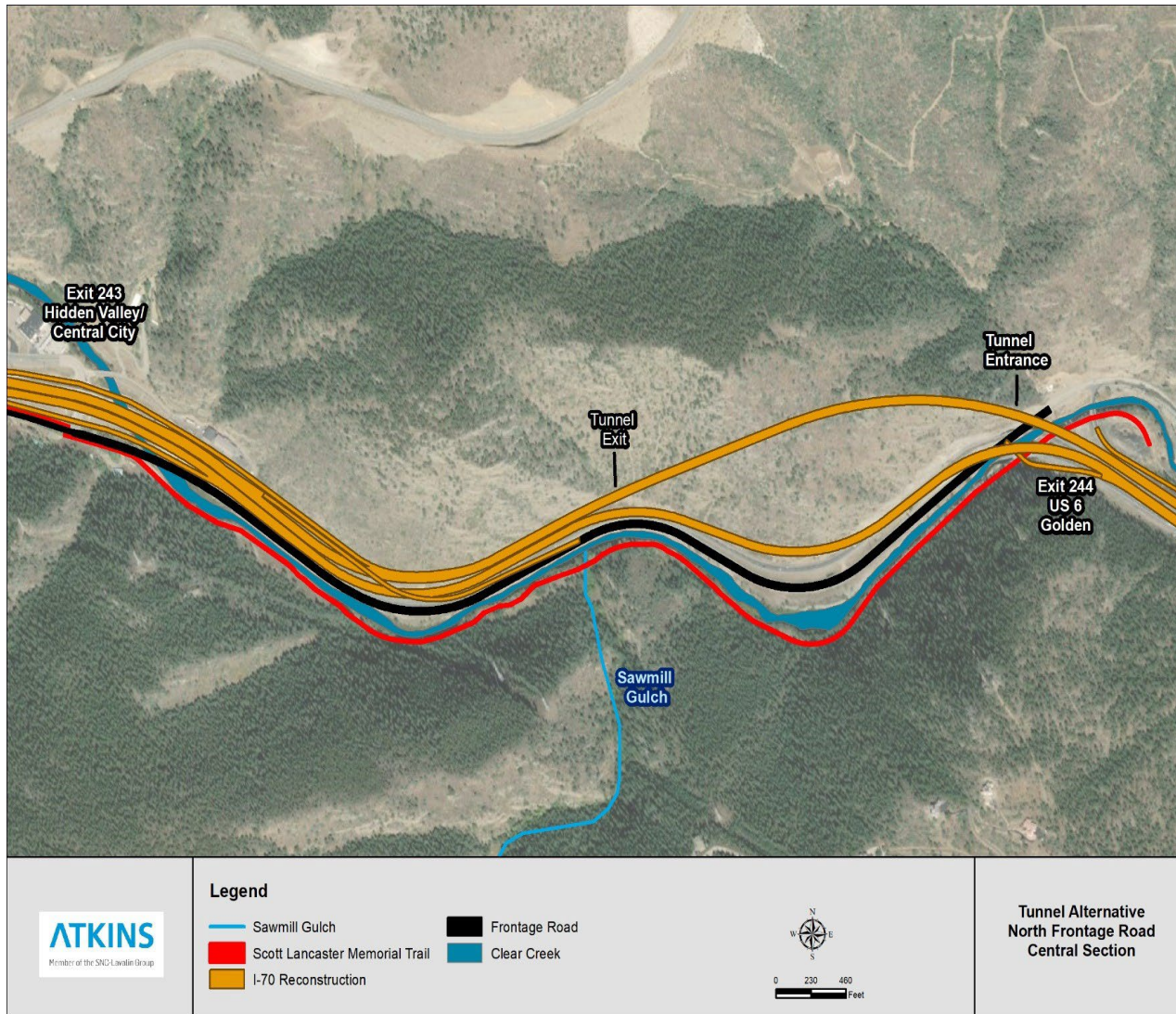
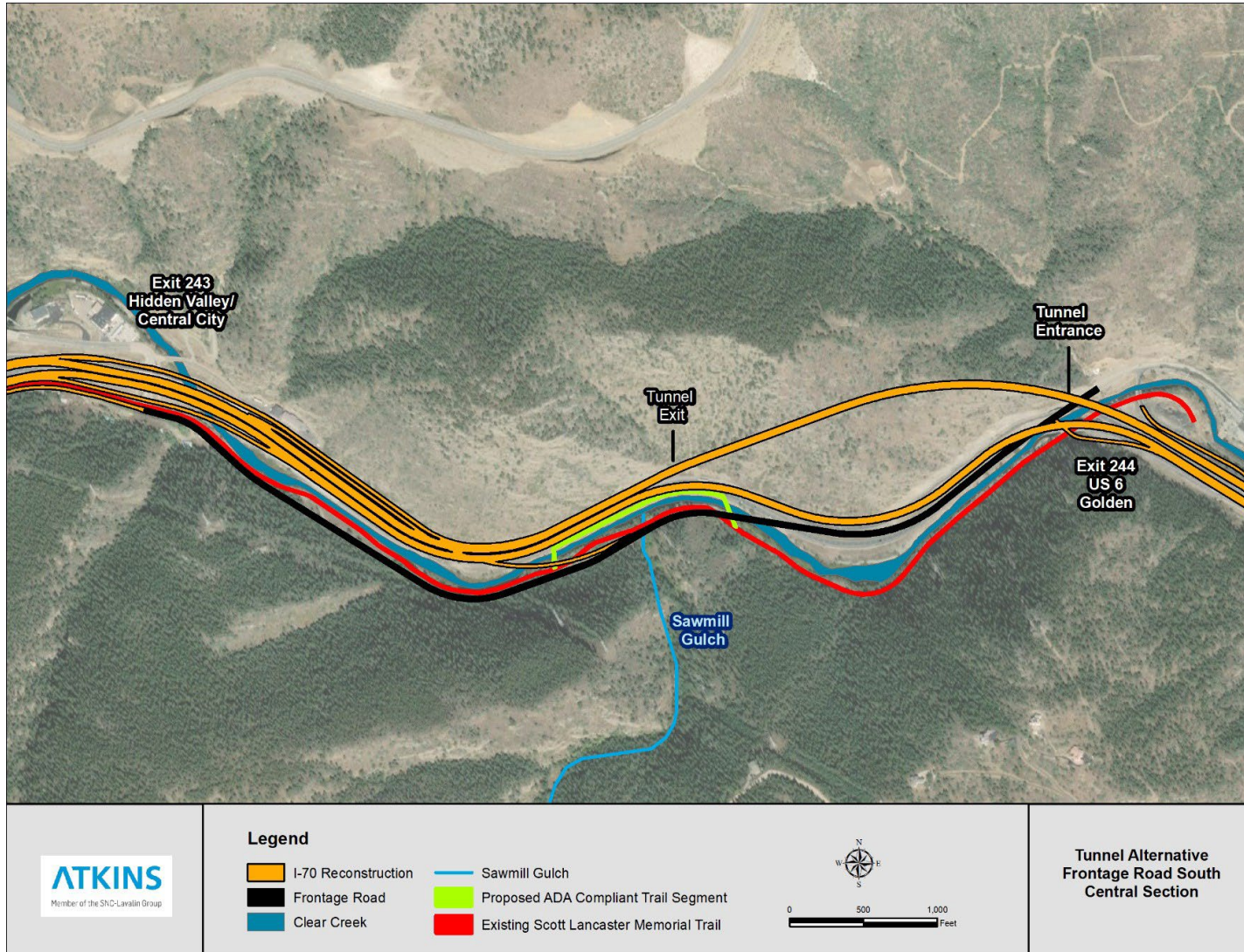


Exhibit 10. Section 4(f) Resources and Elements of the Tunnel Alternative, South Frontage Road Option, Central Section



6.2.3 West Section

There are three Section 4(f) resources in the West Section of the Project. The following subsections describe potential impacts to these resources and identify whether the Tunnel Alternative would result in a Section 4(f) use of these resources.

Scott Lancaster Memorial Trail

Between the Hidden Valley/Central City interchange and the Game Check Area Park, the Scott Lancaster Memorial Trail parallels the north side of the CR 314 alignment and is separated from CR 314 by a small landscape buffer. Because of the proposed south shift of the I-70 lanes in the West Section, and associated realignment of Clear Creek to the south, the Tunnel Alternative would reconstruct the Scott Lancaster Memorial Trail and CR 314 to the south (see Exhibit 11). The trail and roadway would be separated by curb and gutter and a 2-foot-wide vegetated area. When complete, the path would be approximately 10 feet wide with a concrete surface.

Most of the reconstructed portion of the trail is in CDOT right of way. As described in Section 5.2.2, CDOT and Clear Creek County have a contractual agreement allowing the County to use a portion of the I-70 right of way for the trail, with CDOT retaining the superior right to use the right of way for highway/transportation purposes. As such, use of these lands during construction would not be subject to the requirements of Section 4(f).

The westernmost end of the reconstructed portion of the trail (approximately 530 feet) is on public land owned by Clear Creek County for the Game Check Area Park, and this portion is subject to the requirements of Section 4(f).

Within the Park, the Scott Lancaster Memorial Trail is located on the northern shoulder of CR 314. This section of trail would not be affected by the realignment of Clear Creek, which would occur farther east. The Tunnel Alternative would reconstruct the trail in its existing location. When complete, the trail would be approximately 10 feet wide with a concrete surface and it would be separated from the roadway by a curb and gutter and a 2-foot-wide vegetated area. During construction, temporary closures of the trail and access points would occur while reconstruction would take place. Trail users also may experience short delays due to safety concerns related to rock blasting. No work would occur on the west side of the Game Check Area Park (Exhibit 11).

The sole purpose of impacting the trail in this location would be to enhance the trail and improve recreational opportunities for all users. Therefore, per 23 CFR 774.13(g), impacts associated with the Tunnel Alternative would be cleared using the enhancement exception. CDOT will coordinate with Clear Creek County to confirm agreement with the enhancement exception for the Scott Lancaster Memorial Trail. (In December 2022, CDOT completed consultation with Clear Creek County; documentation is included in Appendix D.

Game Check Area Park

Impacts to the Game Check Area Park consist of repaving a small portion of CR 314, which crosses the Park boundary (Clear Creek County, 2000b). Repaving this section of the roadway is required to tie the reconstructed section of CR 314 into the existing roadway within the Park. No right of way or easements would be required from the Park; however, to work within the Transportation right of way, an access permit would be required from the County. All work would occur within the existing CR 314 edge of pavement (see Exhibit 13). Based on this analysis, the Tunnel Alternative would not result in a

Section 4(f) use of the Game Check Area Park.

Shelly/Quinn Fields Park

The Shelly/Quinn Fields Park is located more than a mile west of the Veterans Memorial Tunnels and no right of way is required from this area (Exhibit 11). Construction on the west side of the tunnels would include minor restriping on I-70 to align the additional westbound lane to the existing lanes, and all work would occur inside the I-70 edge of pavement. No permanent impacts would occur to access routes, which would be maintained during construction. Noise modeling indicates that noise levels would remain the same. Project improvements would not alter the recreational experience associated with the park. Users would continue to see transportation infrastructure, as they do today. Based on this analysis, the Tunnel Alternative would not result in a Section 4(f) use of the Shelly/Quinn Fields Park.

Exhibit 11. Section 4(f) Resources and Elements of the Tunnel Alternative—West Section

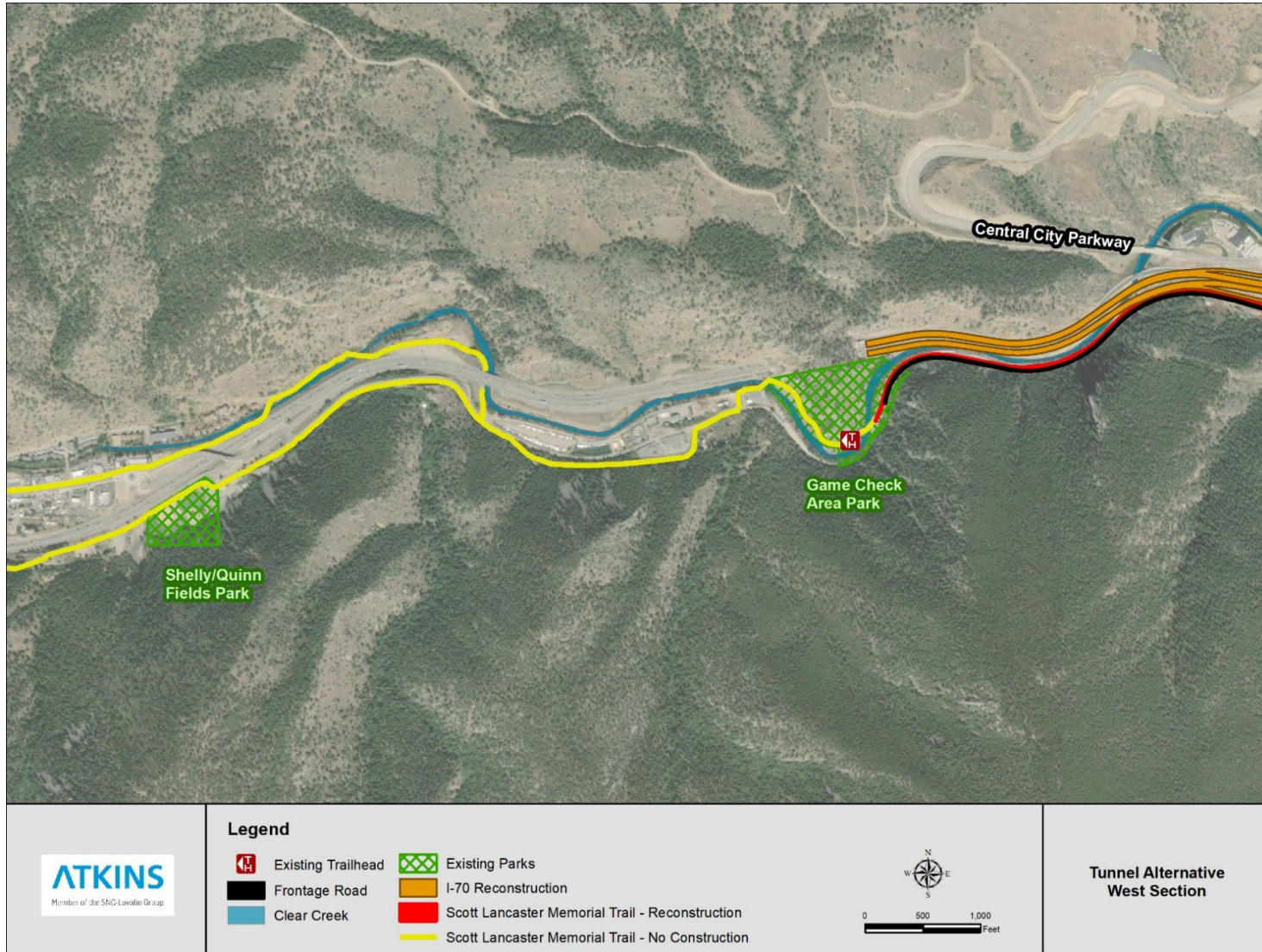
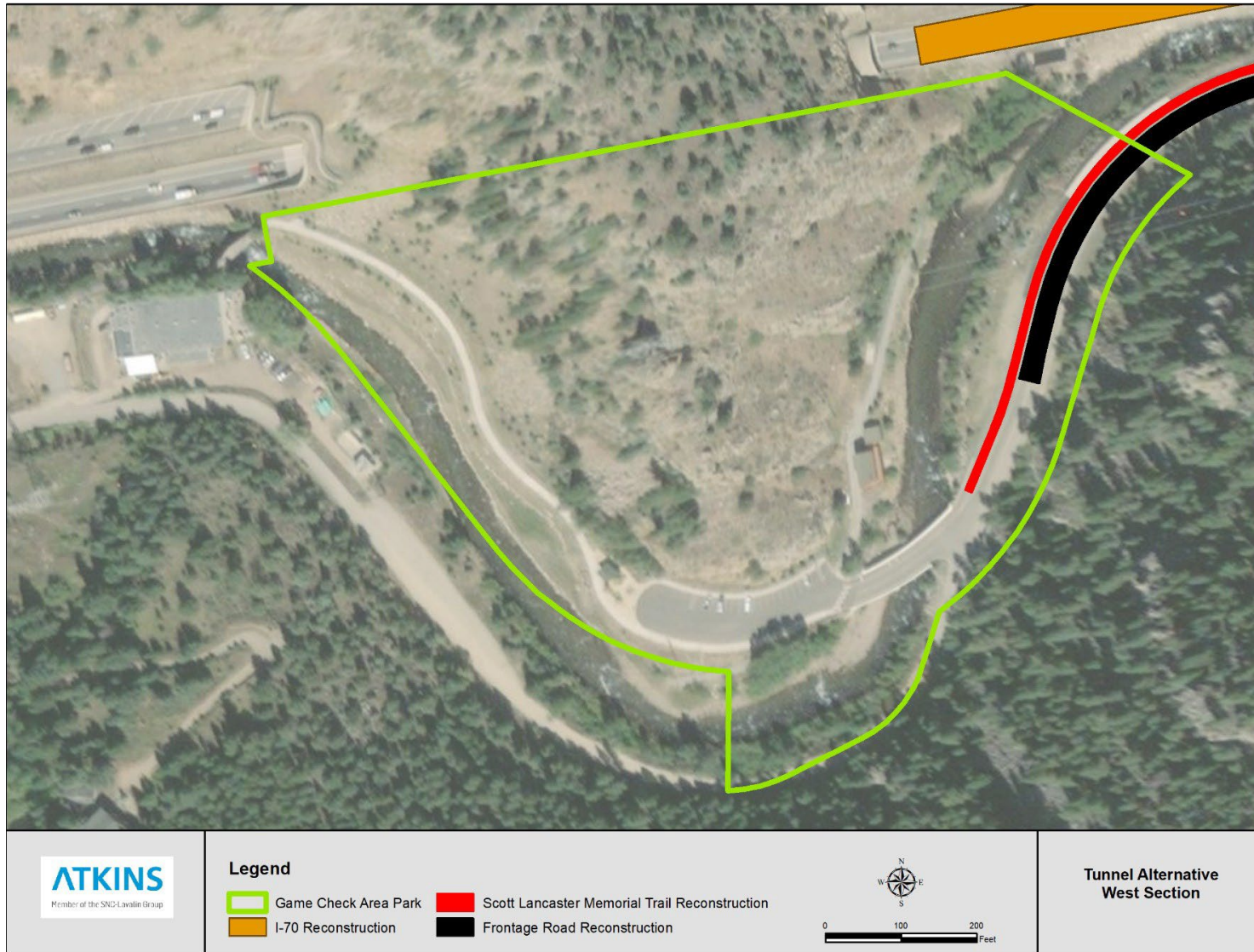


Exhibit 12. Impacts to the Game Check Area Park, Tunnel Alternative



6.3. Canyon Viaduct Alternative Impacts

6.3.1 East Section

The Canyon Viaduct Alternative's proposed changes in the East Section of the Project area would be the same as those described for the Tunnel Alternative. Therefore, impacts and Section 4(f) uses would be the same as those discussed for the Tunnel Alternative. See Section 6.2.1 of this document for more detail.

6.3.2 Central Section

As mentioned above, the Scott Lancaster Memorial Trail is the only Section 4(f) resource in the Central Section of the Project. The subsection below describes potential impacts and identifies whether the Canyon Viaduct Alternative would result in a Section 4(f) use of that resource.

Scott Lancaster Memorial Trail

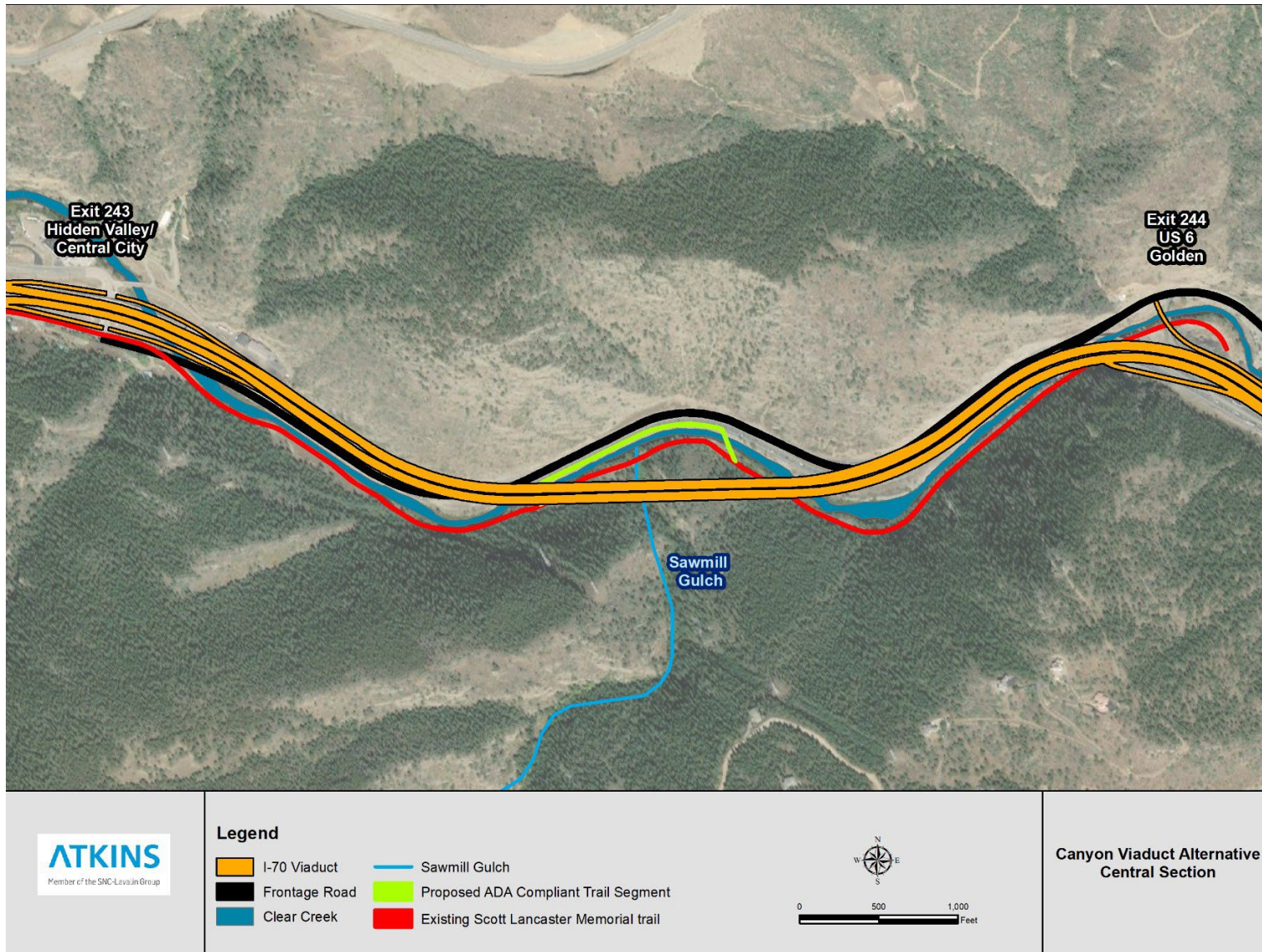
The new viaduct would cross over the Scott Lancaster Memorial Trail on the east and west sides of Sawmill Gulch (see Exhibit 13). Caissons would be placed around the trail but would not directly impact the trail, which would be reconstructed in its current location south of Clear Creek. When complete, the path would be approximately 10 feet to 12 feet wide with a concrete surface and extend farther east under the I-70 westbound off-ramp at the US 6 interchange. Also, a new section of trail that complies with ADA slope requirements would be constructed north of Clear Creek in the Sawmill Gulch area. Trail users would be able to cross over to the north side of Clear Creek via two footbridges, one on the west side of Sawmill Gulch and one on the east side (see Appendix C, Figure C-3). The existing non-ADA compliant trail segment would remain in place south of the creek, creating a loop around Clear Creek and providing options for trail users.

The sole purpose of impacting the Scott Lancaster Memorial Trail would be to enhance the trail and to improve recreational opportunities for all users. Therefore, per 23 CFR 774.13(g), impacts associated with the Canyon Viaduct Alternative would be cleared using the enhancement exception. CDOT will complete this Section 4(f) documentation and coordinate with Clear Creek County to confirm the use of the enhancement exception for use of the Scott Lancaster Memorial Trail.

6.3.3 West Section

The Canyon Viaduct Alternative's proposed changes in this section would be the same as those described for the Tunnel Alternative. See Section 6.2.3 of this document for more details. Because the Canyon Viaduct Alternative is CDOT's Preferred Alternative, CDOT will coordinate with Clear Creek County to confirm agreement with the enhancement exception for the Scott Lancaster Memorial Trail.

Exhibit 13. Section 4(f) Resources and Elements of the Canyon Viaduct Alternative—Central Section



7. Conclusion

The Scott Lancaster Memorial Trail within the Central and West sections of the Project would be impacted by either the Tunnel Alternative or the Canyon Viaduct Alternative. The sole purpose of impacting the Scott Lancaster Memorial Trail would be to enhance the trail and to improve recreational opportunities for all users. Therefore, per 23 CFR 774.13(g), impacts associated with the Tunnel Alternative and the Canyon Viaduct Alternative would be cleared using the enhancement exception.

When a Preferred Alternative is selected, CDOT would coordinate with the Official with Jurisdiction over the Scott Lancaster Memorial Trail for concurrence with the assessment included in this document.

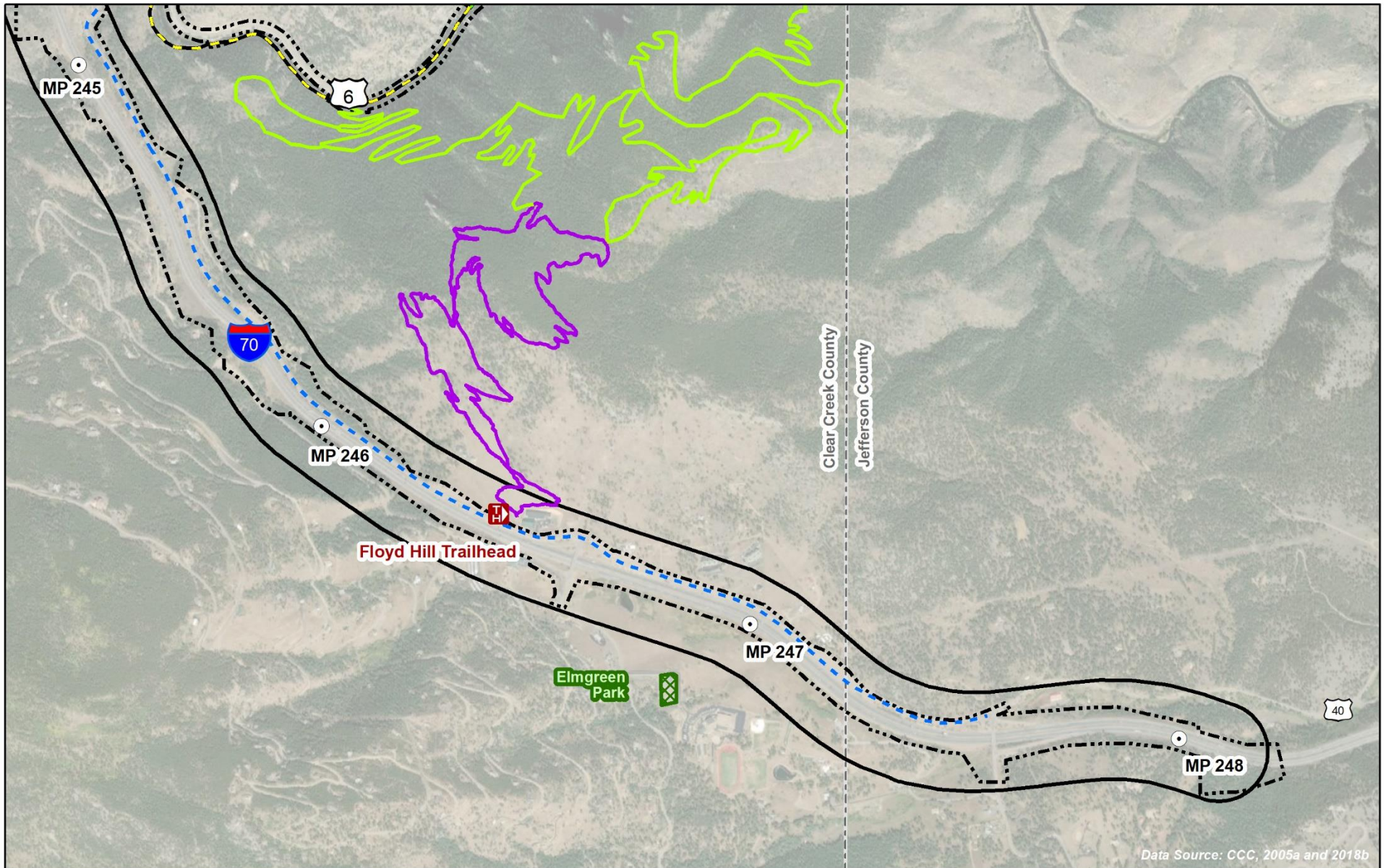
8. Agency Coordination

Discussion of potential impacts to the Greenway, which includes the Scott Lancaster Memorial Trail, and its recreational values were frequent topics at the Project's 23 Technical Team meetings, and a key CSS measure was "supporting/enhancing quality recreation access and facilities by meeting local/regional standards/objectives." The Greenway/Scott Lancaster Memorial Trail also was the subject of several Issue Task Forces, a subcommittee of the Technical Team including representatives from CDOT, Clear Creek County, Trout Unlimited, and Clear Creek Bicycle User Group.

9. References

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Appendix A. Recreational Resource Maps



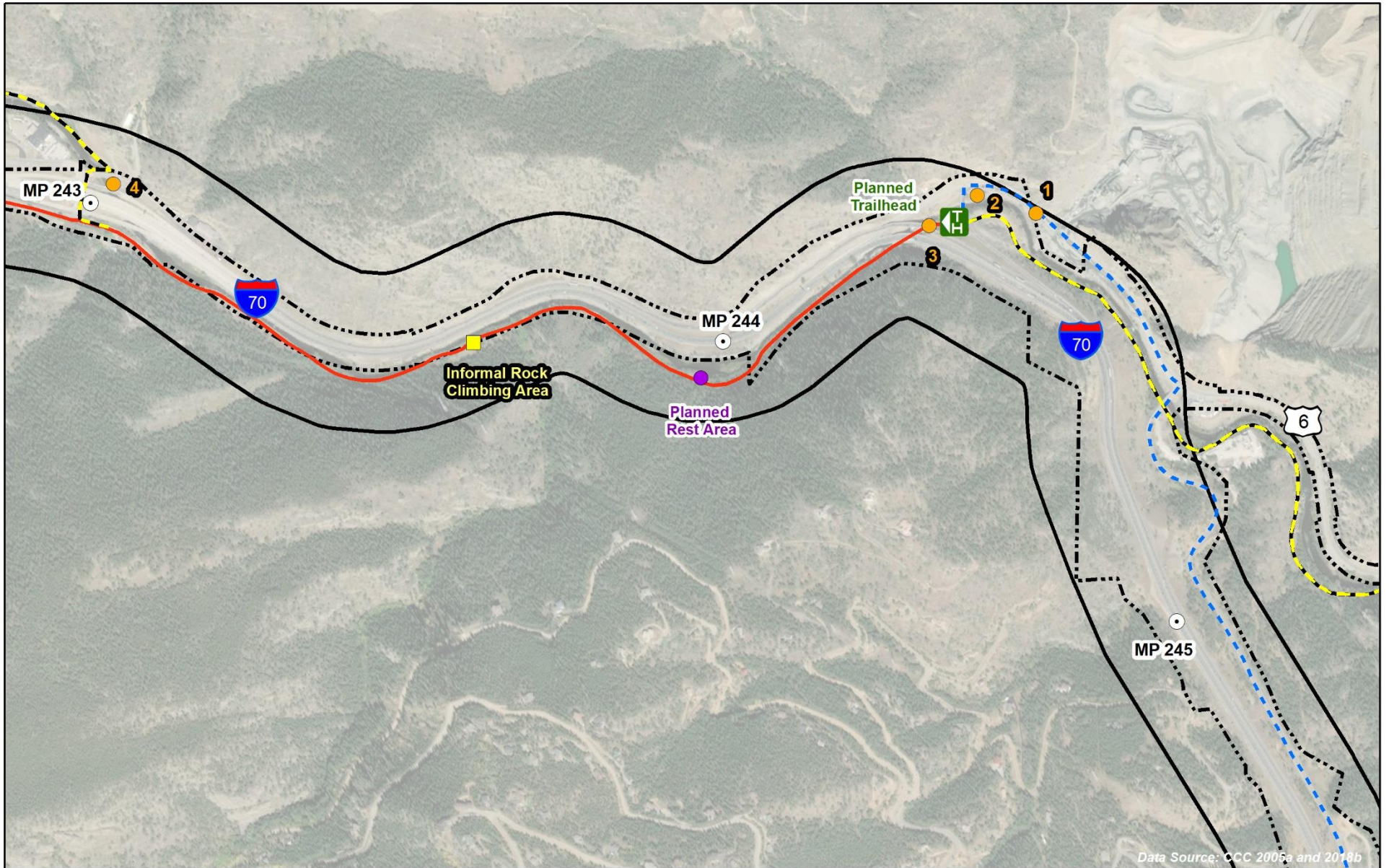
Legend

- | | | |
|----------------|--------------------------|-------------------------|
| Trailhead | Floyd Hill Trail | Planned Greenway Trail |
| Mile Posts | Colorado Bikeway | Recreational Study Area |
| Existing Parks | Planned Floyd Hill Trail | CDOT ROW |



Recreational Resources

Figure A-1



Data Source: CCC 2005a and 2018b

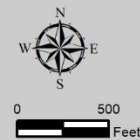


Legend

- Creek Recreation Access
- Mile Posts
- Informal Rock Climbing Area

- H Planned Trailhead
- Planned Rest Area
- Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)

- Planned Greenway Trail
- Colorado Bikeway
- CDOT ROW
- Recreational Study Area



Recreational Resources

Figure A-2

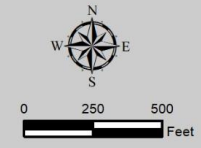


Data Source: CCC, 2018b

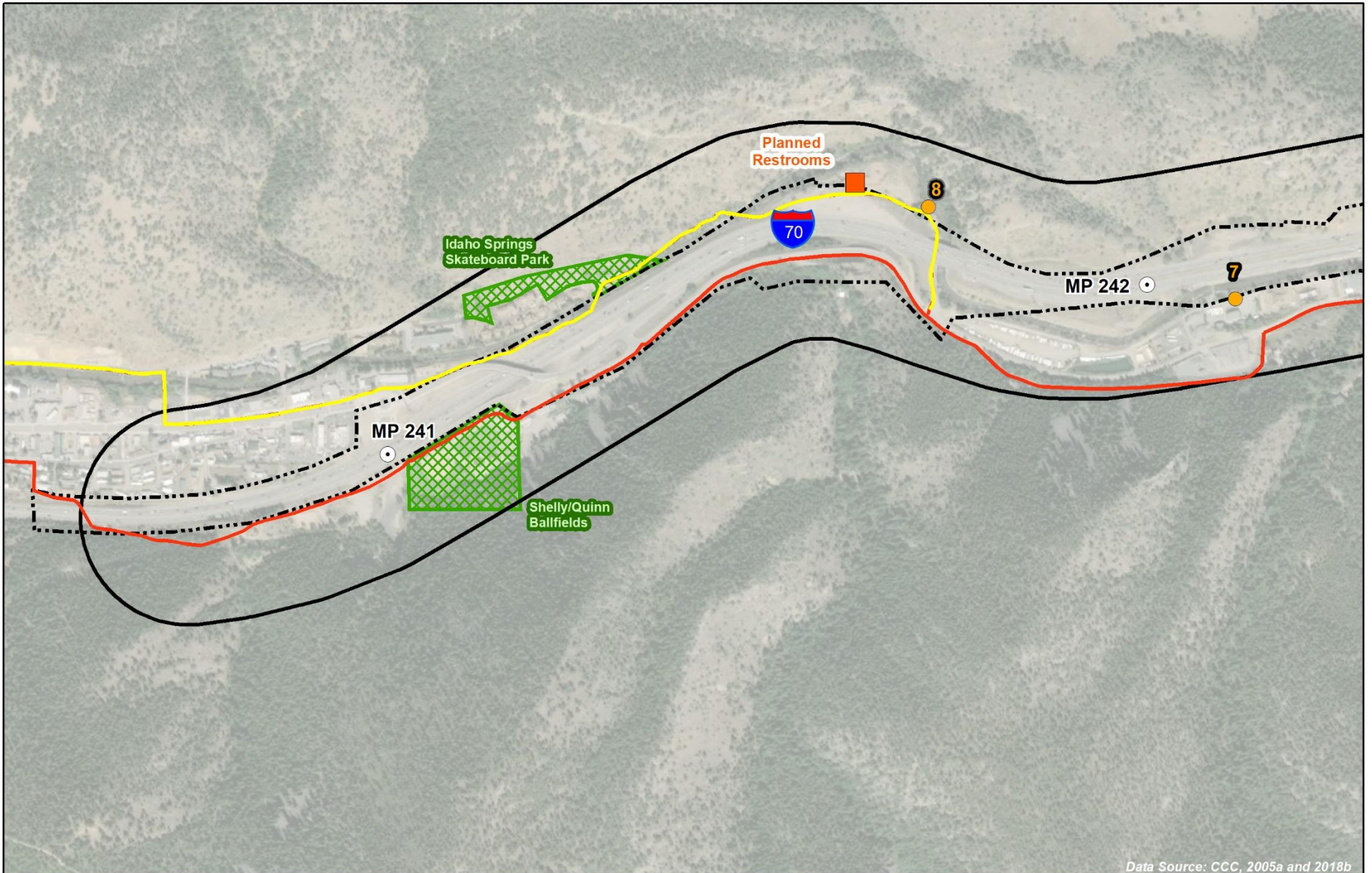


Legend

- Creek Recreation Access
 - Mile Posts
 - Restroom
- H Trailhead
 - Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)
 - Planned Greenway Trail
- Existing Parks
 - CDOT ROW
 - Recreational Study Area











Recreational Resources
Figure A-3

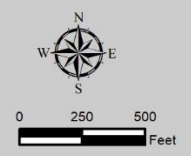


Data Source: CCC, 2005a and 2018b



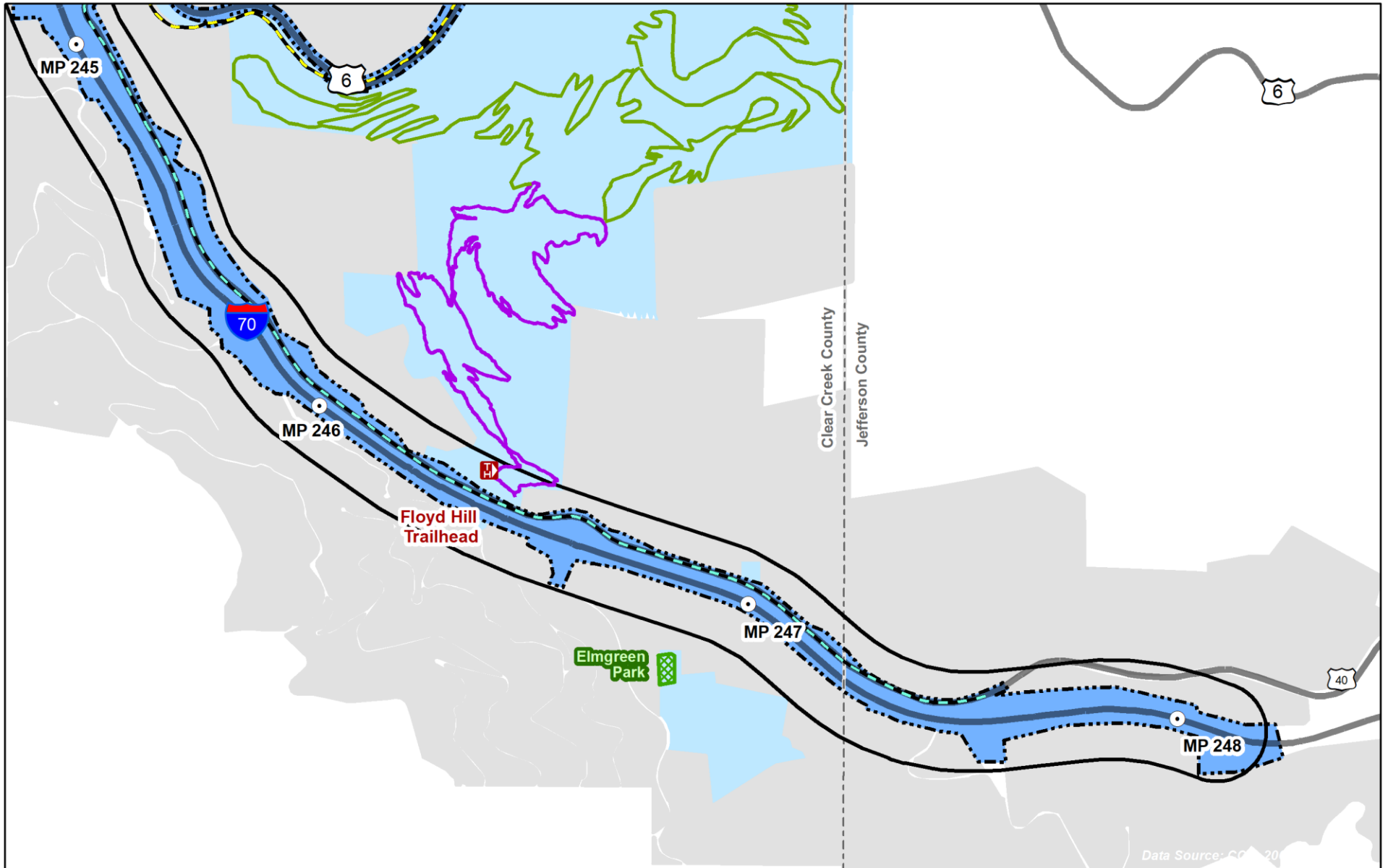
Legend

-  Mile Posts
-  Planned Restrooms
-  Creek Recreation Access
-  Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)
-  Clear Creek Greenway
-  Existing Parks
-  Recreational Study Area
-  CDOT ROW



Recreational Resources
Figure A-4

Appendix B. Landownership Maps

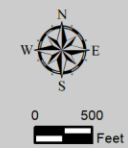


Data Source: CO, 2011

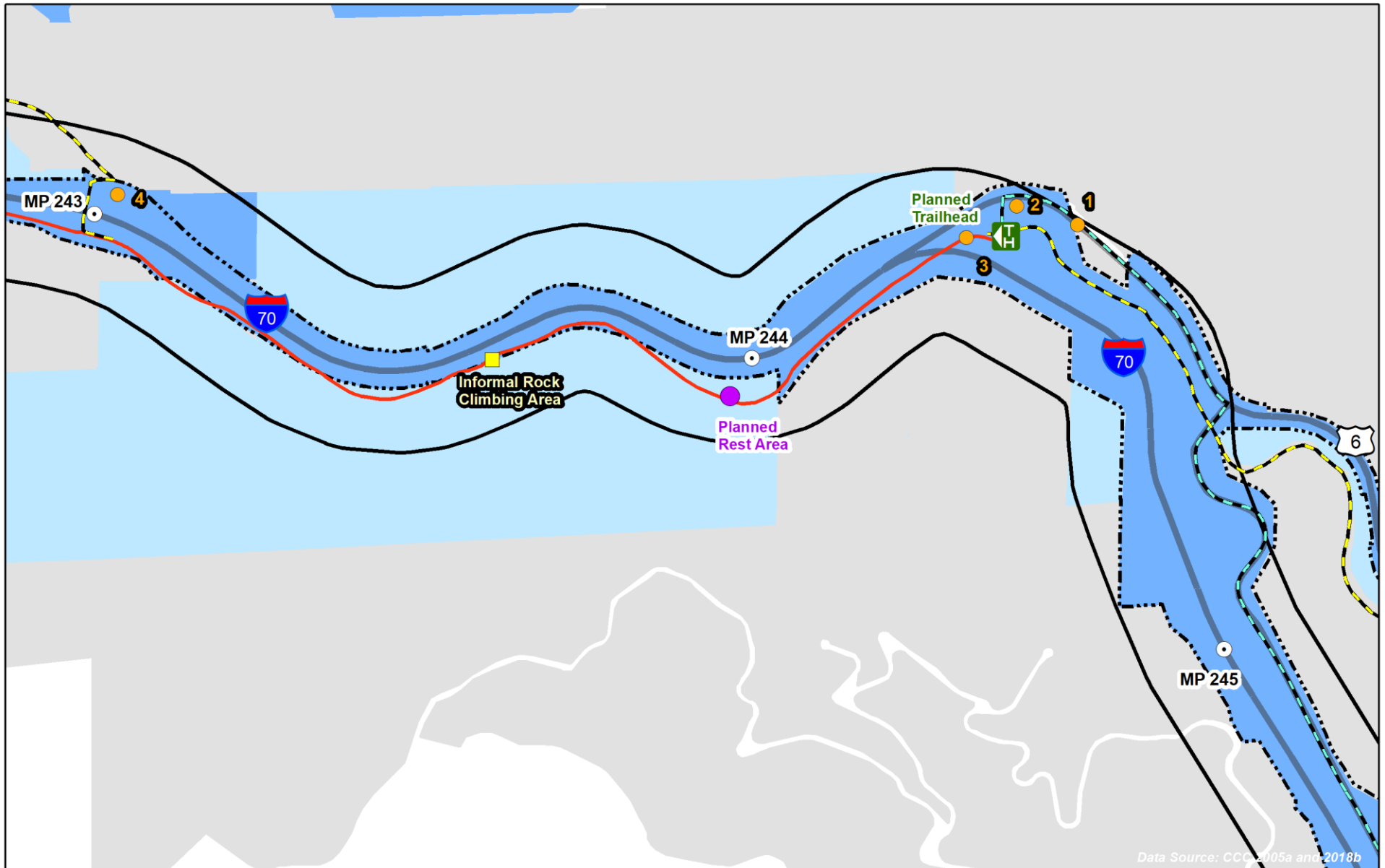


Legend

-  Trailhead
-  Mile Posts
-  Existing Parks
-  Planned Floyd Hill Trail
-  Floyd Hill Trail
-  Colorado Bikeway
-  Planned Greenway Trail
-  Private Property
-  Public Property
-  CDOT ROW
-  Transportation ROW
-  Recreational Study Area



Recreational Resources Land Ownership
Figure B-1



Data Source: CCG 2005a and 2018b

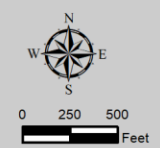


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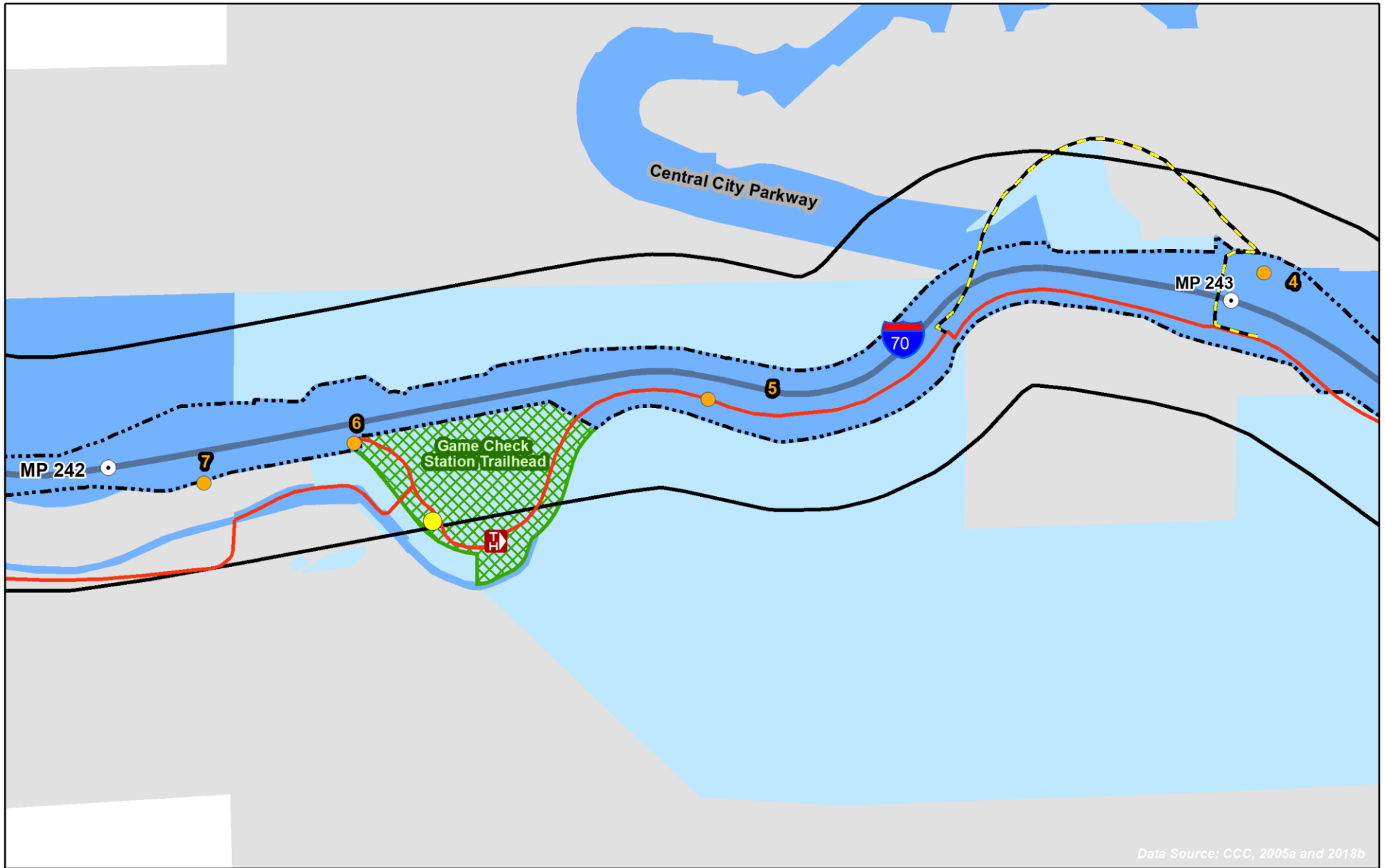
- Creek Recreation Access
- Mile Posts
- Informal Rock Climbing Area
- Planned Rest Area

- T Planned Trailhead
- Planned Greenway Trail
- Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)
- Colorado Bikeway

- CDOT ROW
- Recreational Study Area
- Private Property
- Public Property
- Transportation ROW



Recreational Resources Land Ownership
Figure B-2

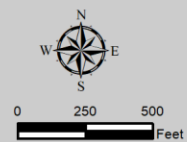


Data Source: CCC, 2005a and 2018b

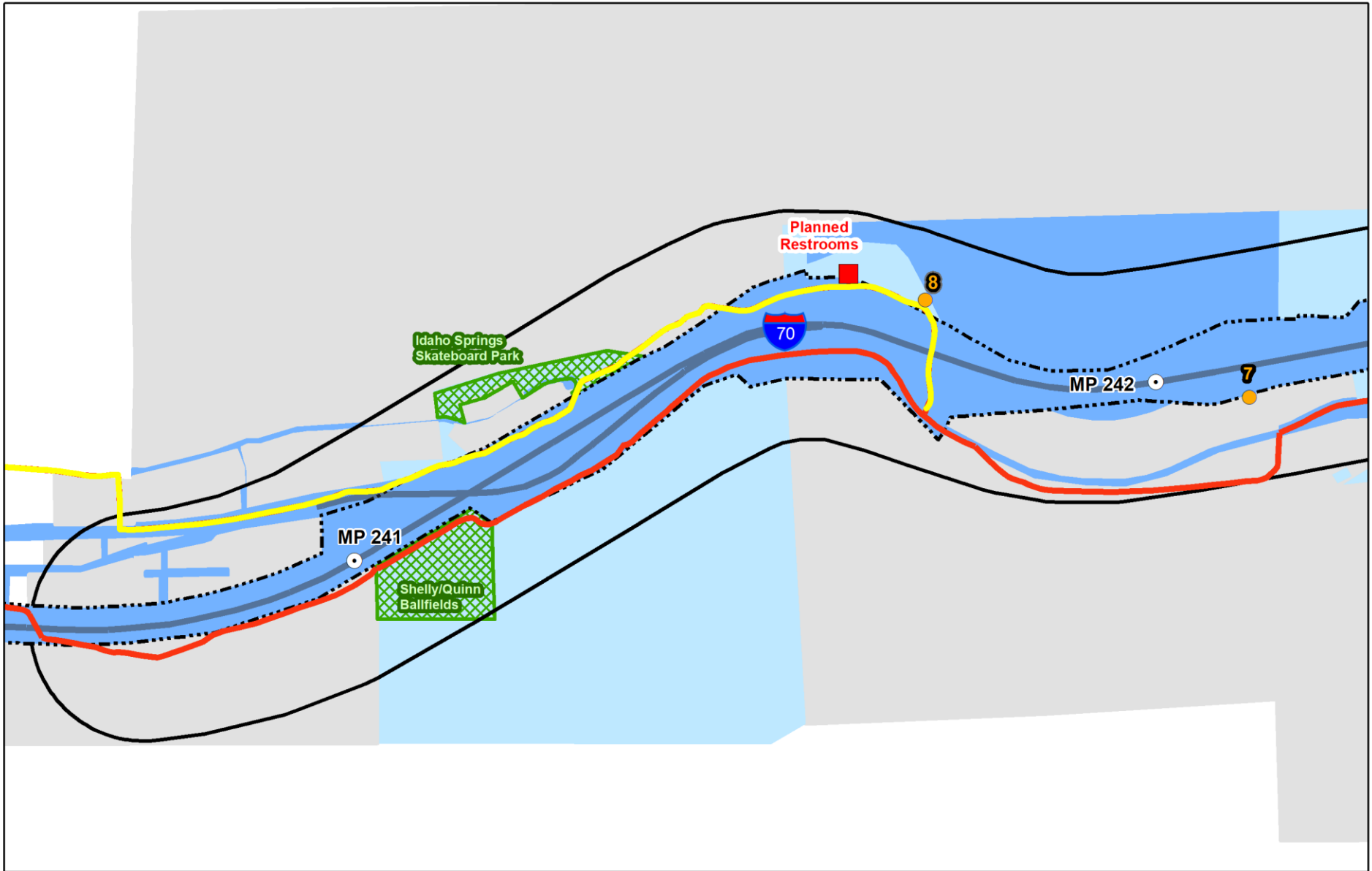


Legend

- Creek Recreation Access
- Mile Posts
- Restroom
- ▣ Trailhead
- Planned Greenway Trail
- Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)
- ▣ Existing Parks
- Private Property
- Public Property
- Transportation ROW
- CDOT ROW
- Recreational Study Area

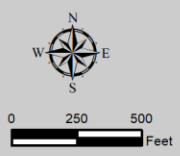


Recreational Resources Land Ownership
Figure B-3



Legend

- Creek Recreation Access
- Planned Restrooms
- Mile Posts
- Existing Parks
- Clear Creek Greenway
- Scott Lancaster Memorial Trail (part of the Clear Creek Greenway)
- Recreational Study Area
- CDOT ROW
- Private Property
- Public Property
- Transportation ROW



Recreational Resources Land Ownership

Figure B-4

Appendix C. Visual Simulations of Proposed Scott Lancaster Trail Improvements

Figure C-1. Proposed Rock cuts for ADA Slope Compliance, Scott Lancaster Memorial Trail, Tunnel Alternative, North Frontage Road Option



Figure C-2. Proposed ADA-Compliant Trail Segment, Scott Lancaster Memorial Trail, Tunnel Alternative, South Frontage Road Option

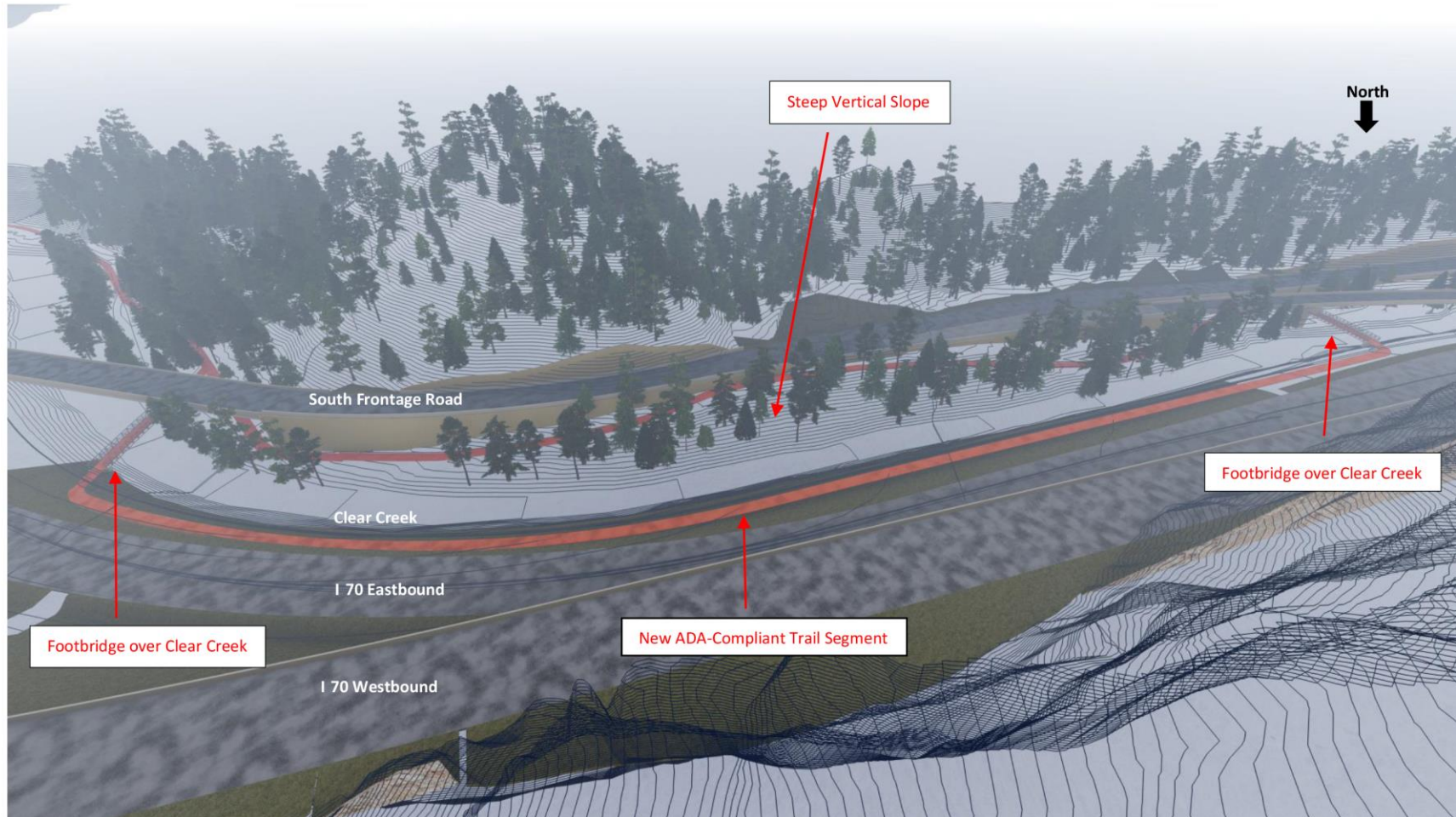
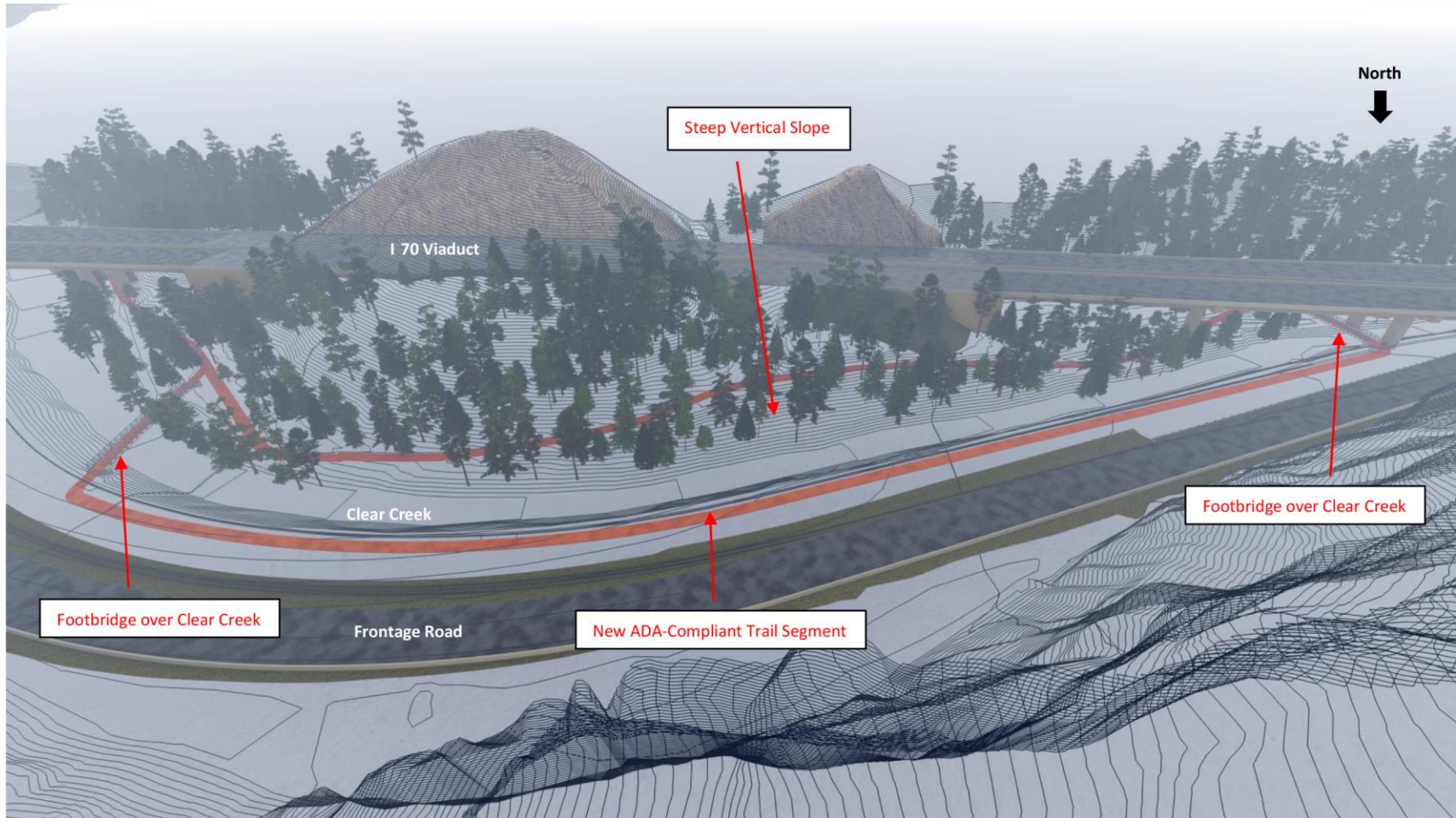


Figure C-3. Proposed ADA-Compliant Trail Segment, Scott Lancaster Memorial Trail, Canyon Viaduct Alternative



Appendix D. Correspondence

September 12, 2022

Amy Saxton
Strategic & Community Planning Division Director Clear
Creek County

RE: Section 4(f) Enhancement Exception Concurrence Request for the Scott Lancaster Memorial Trail

This letter and enclosure constitute a request for review and concurrence for a Section 4(f) Enhancement Exception for impacts to a segment of the Scott Lancaster Memorial Trail that are associated with the I-70 Mountain Corridor Floyd Hill to Veterans Memorial Tunnels Project (Project). Below is a description of the proposed Project, Section 4(f) applicability and requirements, and the proposed Section 4(f) use of the trail.

Proposed Project

In 2021, the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) completed an Environmental Assessment (EA) for the Project. The EA identified the Canyon Viaduct Alternative as the Preferred Alternative for addressing problems associated with travel time reliability, safety, mobility, and deficient infrastructure in the Project area (shown in Figure 1, attached). Major elements of the Project include:

- Adding a third westbound travel lane to the two-lane section of I-70 from the current three-lane to two-lane drop (approximately MP 246) through the Veterans Memorial Tunnels (the new lane would be an Express Lane)
- Adding a frontage road between the US 6 and Hidden Valley/Central City interchanges
- Improving interchanges and intersections throughout the Project area
- Improving design speeds and stopping sight distance on horizontal curves
- Adding an auxiliary lane to I-70 in the eastbound (uphill) direction of Floyd Hill between the US 6 interchange and the Hyland Hills/Floyd Hill interchange
- Improving the multimodal trail (Greenway) between US 6 and the Veterans Memorial Tunnels
- Reducing animal-vehicle conflicts and improving wildlife connectivity
- Providing two permanent air quality monitors at Floyd Hill and Idaho Springs to collect data on local air quality conditions and trends
- Coordinating rural broadband access with local communities, including providing access to existing/planned conduits and fiber in the interstate right of way

The Project is a high priority for the state and area residents, complements other investments in this highly traveled portion of the I-70 Mountain Corridor, and would

complete a specific highway improvement commitment from the 2011 I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS) Record of Decision (ROD).

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 affords special protection to publicly owned parks and recreational resources and requires specific mitigation when these resources are impacted by federally funded transportation projects. This correspondence addresses impacts to a 520-foot segment of the Scott Lancaster Memorial Trail, located on the northern shoulder of County Road (CR) 314 within the boundaries of the Game Check Area Park (see Figure 2, attached), which is owned by the County and used primarily for recreation.¹ There are various exceptions to Section 4(f) requirements including enhancement projects [23 CFR 774.13(g)]. The Section 4(f) enhancement exception can be applied when the following criteria are met:

- (1) The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
- (2) The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to the above criterion.

Section 4(f) Use of the Scott Lancaster Memorial Trail

The Preferred Alternative initially involved realignment and reconstruction of this section of trail. However, design innovations since the release of the EA have made it possible to avoid these impacts. Section 4(f) use of the trail is now limited to resurfacing the existing pathway from asphalt to concrete, a commitment that originated from the PEIS Preferred Alternative to improve a “bike trail and frontage roads from Idaho Springs to Hidden Valley and Hidden Valley to US 6.” This component has been constructed in segments, and the Project will connect the final segment of the “bike trail” (Greenway trail) from the Veterans Memorial Tunnels to US 6. Temporary closures of the trail would occur while resurfacing is taking place. The trail resurfacing would not impact the Game Check Area Park. Impacts to the trail in this location are solely to improve the existing condition and improve recreational opportunities for all users.

- (1) **The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection;** The Project would resurface the existing asphalt trail to provide a consistent concrete pathway. Because the sole purpose of impacting the trail is to enhance and improve the experience for recreational users, the Project does not

¹ Although additional segments of the Scott Lancaster Memorial Trail parallel Clear Creek throughout the Project area and would be impacted by the Project, these segments are located within CDOT right-of-way and are exempt from Section 4(f) approval under 23 CFR 774.13(f)(4).

require Section 4(f) analysis and is excepted from Section 4(f) approval under 23 CFR 774.13(g).

I-70 Floyd Hill to Veterans Memorial Tunnels Project
Section 4(f) Official with Jurisdiction Letter

(2) The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to the above criterion. Concurrence with this letter will serve as the required documented agreement.

Based on the above information, CDOT believes that these improvements meet the criteria of the Section 4(f) enhancement exemption in 23 CFR 774.13(g). To acknowledge receipt of this letter and your concurrence with the impacts and determinations listed above, please provide your signature below. If you have any questions, please contact me at 303-512-4157 or email brian.fauver@state.co.us.

Sincerely,



Brian Fauver, CDOT Section 4(f) Environmental Program Manager I

concur:



Amy Saxton, Clear Creek County

Enclosures:

Figure 1: Project Location Map

Figure 2: Segment of Scott Lancaster Memorial Trail to be Resurfaced



Figure 1: Project Location Map



Figure 2: Segment of Scott Lancaster Memorial Trail to be Resurfaced

