



Chapter 6. Updates and Clarifications to the Section 4(f) Evaluation

This chapter provides clarifications to the evaluation and makes a final determination about Section 4(f) use for the Twin Tunnels project. The appendix of this document contains the Section 4(f) Evaluation, which is included as [Chapter 4](#) of the EA, and is incorporated by reference and forms the basis for the Section 4(f) determination presented here.

6.1 What clarifications or corrections are noted for the Section 4(f) evaluation?

The following presents clarifications to the Section 4(f) analysis.

- The FONSI makes a final determination about options considered for the Proposed Action, including the varying roadway cross section widths, operating the new lane as a managed or general purpose lane, and revising the design to realign a half-mile portion of the roadway east of Hidden Valley toward median. As noted in the [Section 4\(f\) evaluation](#), these options do not affect the Section 4(f) findings, and no revision to the text is needed.
- The Section 4(f) use of the two recreational properties (the Scott Lancaster Memorial Trail and the planned Game Check Area Park), as described on [page 4-15](#) of the EA, is a temporary use. Neither of these properties was determined to have a *de minimis* impact.
- The Section 4(f) evaluation contains several references to mitigation measures to be defined in an addendum to the I-70 Mountain Corridor Section 106 Programmatic Agreement. Rather than an addendum, the documentation is a supplement.
- The [Section 106 Programmatic Agreement supplement](#) has been signed and is included electronically in the appendix. Execution of the supplement contributes to the Section 4(f) commitment to include all measures to minimize harm in the Proposed Action.
- [Page 4-30](#) references Cindy Neeley as the Clear Creek County Land Use Director. Cindy Neeley is a consultant for Clear Creek County, not the Clear Creek County Land Use Director.

- [Table 3-1](#) in the FONSI integrates mitigation measures to minimize harm in the Proposed Action. As noted in a footnote to Table 3-1, mitigations included for historic and recreation resources also apply to Section 4(f) and contribute to the Section 4(f) mitigation commitments.

As required in Title 23 of the Code of Federal Regulations (CFR) Part 774.5(a), the FHWA provided the Section 4(f) Evaluation for coordination and comment to the Department of the Interior. The Department of the Interior provided its comments back to the FHWA in a letter dated August 9, 2012. This letter and responses to their comments are contained in [Chapter 5](#) of this document.

6.2 What is FHWA's determination of use for Section 4(f) properties?

Based on the analysis and supporting documentation provided in the Section 4(f) evaluation, included in [Chapter 4](#) of the attached EA, FHWA has determined that there is no feasible and prudent avoidance alternative to the permanent use of land from the Twin Tunnels (5CC1189.3) and a temporary uses of land from the Scott Lancaster Memorial Trail and the parcel planned for the Game Check Area Park. The Proposed Action causes the least overall harm and includes all possible planning to minimize harm to these properties resulting from the Proposed Action, as demonstrated by the mitigation commitments presented in [Table 3-1](#).