

DRAFT

Subtopic G11: Constructive Use

Seventeen public and agency comments were submitted for the G11: Constructive Use subtopic. From those 17 comments, 7 common concern statements were created. Themes include:

- Constructive use should be analyzed for each alternative as part of a revised Tier 1 evaluation. Deferring until Tier 2 may result in a viable alternative being eliminated from further study.
- The Draft PEIS minimized and did not identify potential noise and visual effects. Increased noise constitutes a constructive use under Section 4(f) regulations.
- All of the Highway alternatives make constructive use of protected properties to the extent of impairing the historical setting or other protected uses through vibration, noise, air, water, and land use. The law requires that these impacts be evaluated early in the process when the wide range of alternatives is under study.
- Constructive use was not, but should have been, evaluated for Idaho Springs and the Georgetown-Silver Plume National Historic District
- The Draft PEIS did not sufficiently study the full scope of constructive use impacts or the impact of the various alternatives on known historic sites in the Corridor. These elements will have a direct impact on historic resources.

CCS No.	Community Values Common Concern Statements
Subtopic G11: Constructive Use	
G 11 - a	Constructive Use Analysis The Tier 1 PEIS Section 4(f) analysis does not address constructive use. This analysis should not be delayed until Tier 2. Constructive use is a direct effect. Constructive use analysis is requested for each of the alternatives as a part of the revised Tier 1 evaluation.
G 11 - b	Noise and Visual Effects The PEIS appears to have minimized noise and visual impacts, and not identified potential constructive uses by alternative.
G 11 - c	Highway Widening Alternatives All the highway widening alternatives make constructive use of protected properties. The property impacts are believed to be so severe that the historical setting or other protected uses are substantially impaired through vibration, noise, air, water, land use, or other effects. The law requires that these impacts be evaluated early in the development of the action when the wide range of alternatives is under study.
G 11 - d	Deferring Constructive Use Analysis Deferring constructive use analysis to Tier 2 may result in a viable alternative being eliminated from further study.
G 11 - e	Idaho Springs and the NHL Constructive use has not been evaluated for these areas: Idaho Springs and the Georgetown-Silver Plume National Historic Landmark District, and it should have been.
G 11 - f	Increased Noise The increased noise constitutes a “constructive use” under Section 4(f) regulations.
G 11 - g	Insufficient Study of Impacts The Draft PEIS does not include sufficient study of the full scope of constructive use impacts, nor does it review the impact of the various alternatives on the hundreds of known historic sites. Elements generally referenced as constructive use have direct impact on historic resources.