

CHAPTER 6 FINDINGS

The issuance of this finding is based on the analysis contained in the C-470 Revised EA and review of all public and agency comments received. A review has been completed to ensure that impacts resulting from the Proposed Action have been fully considered with respect to the Council on Environmental Quality's (CEQ's) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500-1508). Under NEPA, an Environmental Impact Statement is required if the action may "significantly affect the quality of the human environment." The CEQ definition of "significantly" contained at 40 CFR 1508.27 was specifically consulted and used to make this finding.

6.1 Council on Environmental Quality's Regulations

To determine whether an action will have a "significant" impact on the human environment, CEQ's regulations require consideration of both context and intensity, as described below (see 40 CFR 1508.27).

Context

Context means that "the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant."

The project area between Kipling Parkway and I-25 is the 13.75-mile eastern half of C-470, a 26-mile highway around the southwestern quadrant of the Denver metropolitan area. C-470 was built in three

segments during the 1980s, finally all opened in 1990. Farms and ranches in the area gave way to rapid suburban growth over the past quarter century. The 13.75-mile Proposed Action traverse three counties but is located mostly (75%) in Douglas County, which has been one of America's fastest growing counties over the past two decades.

The busiest portion of C-470 carries 106,000 vehicles on a typical weekday. Continued regional and local development will further increase traffic (141,000 vehicles/day) and congestion under the No-Action Alternative. The Proposed Action would accommodate still more traffic (151,000 vehicles per day) but offer better traffic flow than the No-Action Alternative.

The Proposed Action includes proposed direct-connect ramps that would interface with the region's busiest north-south freeway, Interstate 25. Since the majority of C 470 trips are not through-trips but instead have an origin or destination that is along the corridor, residents along the corridor will benefit most from the proposed improvements.

The Proposed Action would offer motorists the choice of using two free lanes in each direction or paying a toll to use the express lanes. Toll prices will vary by hour of the day, structured to ensure reliable trip times during peak commuting hours. The introduction of toll lanes on C-470 continues a major trend toward toll financing in the region, as several other freeway segments have been built or planned with toll lanes over the past several years.

The Proposed Action is expected to be built in two phases. A near-term construction project would be undertaken in the 2016-2017 timeframe, accomplishing the interim

configuration that is described in Section 3.5.1 (Interim versus Ultimate Configuration) in the July 2015 C-470 Revised EA. The remainder of the Proposed Action would be built in the future, completing the Ultimate Configuration. Short-term (up to two years) construction traffic impacts thus would occur for each of these two project phases.

Intensity

Intensity refers to the severity of the impact, and identifies ten factors that should be considered in evaluating the intensity of a project's impacts and whether the impacts are substantial enough to warrant the preparation of an EIS (40 CFR 1508.27[b][1-10]).

The factors are addressed as follows:

1. Impacts that may be both beneficial and adverse: Anticipated impacts of the Proposed Action are detailed in Chapter 4 of the Revised EA and are summarized there in Table 4-22. For several resources, anticipated impacts may be considered both beneficial and adverse. With regard to water quality, for example, the Proposed Action would result in an additional 119.8 acres of impervious surface, increasing stormwater runoff. However, the project's water quality mitigation will address 185.1 acres of impervious surface, thus likely resulting in a net improvement of water quality. With regard to traffic flow, the long-term effects of the Proposed Action will be beneficial, while during construction (e.g., the near-term interim project and the future completion of the ultimate configuration), traffic delays can be expected. Similarly, the Mary Carter Greenway Trail would experience temporary closures during construction, but the trail is being reconstructed with improved geometrics, a beneficial impact for the long term.

2. The degree to which the project affects public health or safety: When complete, the Proposed Action is expected to have a

beneficial effect on public health and safety because half of the vehicle crashes occurring on C-470 today are rear-end collisions typically resulting from traffic congestion, especially during the morning and evening peak commuter periods. Improving traffic flow is expected to reduce the likelihood of rear-end crashes. Accidents also may decline due to the addition of auxiliary lanes that will provide motorists more time and distance in which to merge into or out of through lanes for freeway entry or exit. The proposed express lanes may shorten response times for emergency vehicles. Finally, the Proposed Action also includes improvements at two interchanges to allow C-470 Trail users to cross major north-south arterial streets without having to do so at-grade, through traffic.

During the public comment period, several submittals indicated concern regarding potential health effects of traffic noise. Responses to these concerns are provided in Chapter 3 of this decision document.

3. Unique characteristics of the geographical area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical area: No prime farmlands, wild and scenic rivers, prehistoric cultural resources, or ecologically critical areas will be affected by the project. The most ecologically sensitive area crossed by C-470 is the South Platte River, where existing parallel C-470 bridges would be replaced with new ones. The new bridges will be wider and longer than the existing and will accommodate an expanded wildlife crossing space better separated from the creekside Mary Carter Greenway Trail. Section 4.4.3 of the Revised EA indicates that the Proposed Action would have permanent impacts to 0.70 acre of wetlands and temporary impacts to another 1.30 acres. In accordance with its longstanding policy, CDOT will provide mitigation to ensure no net loss of wetlands.

4. The degree to which the effects on the environment are expected to be highly controversial: As seen in chapters 3 and 4 of this decision document, there has been no public or agency controversy over the Proposed Action's environmental effects with the exception of traffic noise concerns. Most of the public comments received regarding noise came from neighborhoods where noise levels under the Proposed Action are predicted to be above the impact threshold, but mitigation was not found to be reasonable and feasible.

CDOT is aware of these concerns, has coordinated with the affected neighborhoods, and has responded to all concerns. See Chapter 3 of this decision document for additional details.

5. The degree to which the effects on the quality of human environment are highly uncertain or involve unique or unknown risks: Chapter 4 of the Revised EA details the anticipated effects of the Proposed Action on the quality of the human environment. The Proposed Action would not result in effects with a high degree of uncertain, unique, or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The project has independent utility and logical project termini and also represents a reasonable expenditure of funds. The project has followed all applicable regulations and guidance for a Federal-aid project. Therefore, this action will not establish a precedent regarding the requirements of NEPA as they will be applied to future projects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Cumulative effects result from the incremental effect of the action when combined with other past, present and

reasonably foreseeable future actions. Section 4.7 of the C-470 Revised EA evaluated potential cumulative effects of the Proposed Action. Potential cumulative effects were concluded to be "moderate" with regard to visual and aesthetic character due to additional pavement and signage and the loss of the existing grassy median. Established Region 1 visual and aesthetic guidelines will be followed to ensure consistent quality of new corridor elements.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of significant scientific, cultural, or historic resources: Potential effects to historic resources were evaluated for the Proposed Action and the results are reported in the Revised EA's Section 4.3.7 and its Historic Resource Survey (technical report). A finding of no adverse effect was made for four resources (Chatfield Dam, Columbine Hills subdivision, City Ditch and Highline Canal). For all other nearby historic resources, the evaluation found no historic properties affected. The Revised EA includes correspondence from the State Historic Preservation Officer and other consulting parties indicating their concurrence with these findings. In summary, the Proposed Action would not adversely affect any historic resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act: The Proposed Action's effects on threatened and endangered species are discussed in Section 4.4.2 of the Revised EA, and in the Revised EA's Biological Resources Technical Report. The Proposed Action would not adversely affect any federally threatened or endangered species or their habitat.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment: The project does not threaten a violation of any Federal, State, or local law or requirements for the protection of the environment. All applicable permits will be acquired prior to construction.

Summary Regarding Intensity

In consideration of the foregoing factors, FHWA concludes that the impacts will not be intense or severe enough to cause significant environmental impacts that would warrant preparation of an EIS.

6.2 Findings Conclusion

Taking into consideration both the context and intensity of the impacts as discussed above, FHWA has determined that the Proposed Action described in Section 2.3.2 of the Revised EA and Chapter 2 of this FONSI will have no significant impact on the human environment. This FONSI is based on the attached Revised EA which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the Proposed Action and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.