



I-70 Floyd Hill to Veterans Memorial Tunnels

Appendix B

Comments Received

- 1- Public Comments Received
- 2- Agency Comments Received

1. PUBLIC COMMENTS RECEIVED

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: My suggestion
Date: Tuesday, August 10, 2021 10:32:49 PM

Timed entry...

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: Light pollution
Date: Tuesday, August 10, 2021 8:41:00 PM

Please limit the light pollution!!
And Noise....
I live near by...

[REDACTED]

From: [REDACTED]
To: cdot_floydhillproject@state.co.us; [REDACTED] officers@floydhill.org
Subject: Floyd Hill project
Date: Tuesday, August 10, 2021 6:44:15 PM

As the past President of the Floyd Hill Area Property Owners Association, (FHAPOA) I worked closely with Neil Ogden with concerns and questions about the Floyd Hill area that affects the residents here. I understand he has moved on, and don't know who to contact now. We realize this project will take a few years. One of our biggest concerns is the way we get to our neighborhood when going west on 70... usually up hwy 40 from highway 65. This often gets very congested. After the project is completed we all hope the the traffic congestion will be reduced dramatically. However in the interim we suggested a quick easy fix. On highway 40 for the last about quarter mile as you go west on 40 before you get to the bridge and Homestead or the entrance to back onto 70 west, we suggest that there be 2 lanes (instead of our current 1). The lane on the right would be for drivers who want to continue on 40 and the lane on left would be for drivers wanting to go left to Floyd Hill or get on 70. I personally sat and counted westbound cars on a busy backed up Friday evening. About 1300 vehicles passed me going west in one busy hour, of which about 50 % went straight on 40 down to the bottom of 40. Of the other 50% they either turned to Floyd Hill or got onto 70. Many cars get off 70 at highway 65 and think it faster to take 40 all the way down to hwy 6 or re enter 70 at the top of the hill. By adding the extra lane at the top we would take care of at least half of the cars who want to take the so called faster route, and making our drive home alot safer and quicker. In a bumper to bumper situation it takes at least 10 minutes of extra time (I personally have clocked it but it seems much longer) when 40 is backed up. Neil, felt this addition of a lane would a very easy thing to accomplish and would solve alot of the problems we have on the busy evenings when hwy 40 is backed up from hwy 65. I know there has been discussion about some sort of a roundabout however, this simple fix I think is better than a roundabout and easy to build and see if it does help. Later the idea of a roundabout or other revisions can be addressed. Hopefully in five or so years when the project is completed things will be running smooth. But until then we will still have this back up problem on 40 on the busy days. We don't want to wait five years.

I would be very glad again to meet with anyone from Cdot and talk about this more.

On another note, we have another BIG concern. If for some reason something happens to the bridge going over 70 at the top of the hill where the Homestead road is..... then there is NO WAY the 1000 plus families can exit Floyd hill. Yes you read that correctly NO WAY OUT. There is no way to get to highway 65, from Floyd Hill or a back way out of Floyd Hill and our emergency evacuation route is very questionable even if there was a fire.

Thank you , and I look forward to working with someone on this issue.

[REDACTED]

ps I tried to send this to [REDACTED] as indicated on the post card and it came back, no such address

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Date: Tuesday, August 10, 2021 4:05:04 PM

Going westbound - two things –

First, it would be good if you could keep 3 lanes on Floyd Hill. Perhaps you could expand the westbound express lane to start at the top or bottom of Floyd Hill. This would give you 3 lanes to exit 232.

Second, the curve at the bottom of Floyd Hill is too tight, this slows down traffic. So whatever you do needs to make that less tight. Which of course you know.

One more thing, I wish you would meter the traffic coming on from US 40/6 at the bottom of Floyd Hill. This is something that could be done right away and not cost much.

[REDACTED]
[REDACTED]
[REDACTED]

Respondent



1

Anonymous



03:35



Time to complete

1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I don't see how still having a curve at the bottom of the hill will help reduce traffic delays. The curve will be less sharp however there will still be a curve. The tunnel option seems like it would reduce delays more efficiently.

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Having a curve at the bottom of the hill will still result in delays. Even if you add another lane. Also a toll lane seems like the worst option. The pricing makes in unrealistic for regular drivers.

Respondent



2

Anonymous



04:23

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

we need more then 3 lanes of travel. If i'm reading this right, it will be complete by 2030. at which time Colorado's population will have grown. making 3 lanes of travel totally obsolete. Why not add a 4th or more lane to this project making it viable.

5. Do you have any comments on the environmental impacts or mitigation commitments?

no

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Expand your view. We need Viable options for the future not for now. This plan doesn't accommodate population grown plans. Cdot should be thinking 4-6 lane highways not 3 lane obsolete highways.

Respondent



3

Anonymous



01:29

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I am very excited to see this project in motion! I do like the canyon viaduct alternative better than the tunnel. This section is torturous on weekend mornings in the winter time and the plan seems like a good one to alleviate the slow downs.

5. Do you have any comments on the environmental impacts or mitigation commitments?

N/A

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Respondent



4

Anonymous



04:37

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Valid option since carrying capacity is the main problem of the existing I-70. Basically you need a third lane from Floyd Hill to Georgetown, if not all the way to Vail. Too many people using the route both in summer and winter.

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

CDOT needs to aggressively investigate the possibility of expanding US 285 into the mountains. This will provide an alternate route to share the traffic volume, especially for the south metro to Colorado Springs population. The reduced traffic spread over two major corridors will help alleviate much of the current I-70 congestion.

Respondent



5

Anonymous



05:55

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I had heard this project would address the sharp curve at the US6 interchange, but it doesn't appear to soften that curve. That curve requires hard braking WB causing delays all the way back to the top of Floyd Hill and beyond. It also causes some braking EB before ascending the Floyd Hill climb.

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

The project looks good, however the real problem causing congestion is the sharp curve at the US6 junction that causes huge WB backups to the top of Floyd hill and beyond for miles on the worst days.

Respondent



6

Anonymous



02:10

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Let's get I-70 open through Glenwood Canyon before we start anything new! I saw the express lanes were free on Saturday on westbound I-70 through the twin tunnels, and that loosened up the congestion. Do simple things before disrupting the highway even more!!!

5. Do you have any comments on the environmental impacts or mitigation commitments?

[Empty]

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Yes, DON'T.

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: Request for Technical information cited in Floyd Hill EA
Date: Wednesday, August 11, 2021 11:35:41 AM
Attachments: [image001.png](#)

Dear CDOT Floyd Hill Team – I have been reviewing the geotechnical issues in the recently released Floyd Hill EA document and have noted that there are key data mentioned, but not included or referenced in the documents that have been posted. Specifically –

- The Shannon and Wilson report in the Geology TR mentions in its Introduction section that: “We have prepared a separate geotechnical data report (GDR) presenting subsurface explorations, laboratory testing, and geophysical testing that we completed for the project as well as existing subsurface information by others.” This GDR is referenced frequently in the document, but the References section of the Design Report does not specifically reference the GDR in any way. This is a very important and relevant document for the project and it is unclear why it is not included. Can the GDR referenced by Shannon & Wilson be made available?
- In addition to the above, the Yeh and Associates report and the SNC Lavalin report in the Geology TR show 3 borings near the west portal (YA-WP-1, YA-WP-2, and YA-WP-3) of the proposed tunnel and 2 borings at the east portal (YA-EP-1 YA-EP-2) that are not presented in either of these reports. Similar to the Shannon and Wilson Report, it appears there is additional data for these borings that are important for the tunnel alternative, but the reports containing this data are not referenced or presented in the EA documents. Can this information be made available as well?

I look forward to hearing back on these important sources of data.

Best Regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



WSP, USA

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Respondent



7

Anonymous



06:25
Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Floyd hill is exceptionally dangerous for our non local drivers. Anything to decrease speed and sharp turns is a win

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

A third lane would be beneficial, but ultimately will not deter drivers from other states that do not have mountain driving experience. Ultimately Floyd hill will always be dangerous as long as commercial and recreational vehicles mix. The tight turns and lack of speed control is a recipe for disaster eventually. It's the cost of the risk that is the main question. How much is the state willing to risk versus how much is the state willing to pay to actually fix the problem.

Respondent



8

Anonymous



00:41

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Respondent



9

Anonymous



32:15
Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Having driven this route innumerable times, especially headed skiing and being an (ex) Land Surveyor who has done many traffic surveys, the real problem lies in the fact that from the Evergreen exit to the top of Floyd hill the traffic merges from 4 lanes to 2. Then to make matters worse, the constant traffic from Hwy 6 merges at the bottom of a steep hill in a tight curve no less. I believe that one way to lessen the congestion (in the winter at least) is to close the Hwy 6 access to Hwy 70 at the bottom of Floyd hill and redirect that traffic to the Evergreen exit where there are enough lanes to merge said traffic BEFORE the steep hill and tight curve. It would also eliminate the "cue" jumpers who exit Hwy 70 at Evergreen and re-merge (to Hwy 70) at Hwy 6 to avoid the traffic on Floyd Hill thus making said traffic worse. Along with adding another (3rd) lane down Floyd hill to Idaho springs, just might alleviate the problem. As long as the extra lane is accessible to all traffic. I apologize if this is what was being discussed, I jumped right to comment when I saw it. it's a point I make every time we are headed to A-basin. Thank you for listening.

Respondent



10

Anonymous



08:56

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Will this solution materially reduce congestion given current traffic trends and population growth projections. It seems like adding one WB lane wont be enough to accommodate traffic volumes.

5. Do you have any comments on the environmental impacts or mitigation commitments?

I am concerned about the impacts to Clear Creek. When the stream is relocated will habitat improvements be made to ensure aquatic life can live in this section of the stream? Also, is there anything that can be done to minimize pollution into Clear Creek from I-70 from litter, mag-chloride, road grit, etc)?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Respondent



11

Anonymous



02:29

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Yes..start one crew digging another bore at Eisenhower tunnel now!!!! It will likely be complete in three years with one team.

Respondent



12

Anonymous



15:25

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Living in Idaho Springs, and commuting to Golden daily, I would like to see most of the work being done in the evenings...say 20:00 - 06:00, as to not cause any unneeded delays in daytime travel. Have you thought about putting in a runaway truck ramp, towards the bottom of Floyd Hill? Living here in Idaho Springs for the last 40 years, I recall, at least 4 runaway trucks, on Floyd Hill, that have resulted in loss of life, and considerable damage.Thanks

5. Do you have any comments on the environmental impacts or mitigation commitments?

Try to keep dust from the project to a minimum. Thanks.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Respondent



13

Anonymous



116:47

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

If the cost are similar, then I would prefer the Tunnel Alternative. I think it was have less of an impact on Clear Creek and provide a higher quality 'experience' on the river and trails to visitors. Also with the recent mudslides impacting I-70 in Glenn Canyon, I think the Tunnel Alternative could provide a more stable corridor against uncertain future of extreme weather events and natural disasters.

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

If possible, obtain funding to remove express lanes entirely from the I-70 Corridor. Express lanes greaten the economic divide that is ever growing in our country and state. The people/businesses that have the economic means to utilized the express lanes will, and other who can't will be delayed in congestion. Aren't these the people we want to help with our infrastructure public spending? Isn't the idea for these improvements to provide a productivity boost to all people? Not use the ones that can already afford it?

Respondent



14

Anonymous



12:00

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

The Veteran's Memorial Tunnels were recently completed. Will these tunnels have to be reworked? If so, at what cost? During construction, how will detoured traffic be handled?

5. Do you have any comments on the environmental impacts or mitigation commitments?

How will expanding I70 effect air pollution? Will it make it worse because there will be more traffic, or will it make it better because the traffic will move faster through the area? How will this be addressed during construction? I am also concerned with noise pollution. I know a sound engineer once told us sound doesn't travel up or down but stays pretty much on the plain where it is generated. I live above I70 and I can tell you from experience, that is not

true. I hear when the trucks Jake-brake or accelerate though the area. How will this be addressed?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Are there plans to continue a third westbound lane further west or is the toll lane that was recently completed considered the third lane? Will a proposed second gravel pit construction effect the proposed tunnel for westbound traffic?

Respondent



15

Anonymous



11269:45

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I am concerned that the Canyon Viaduct Alternative is susceptible to natural events and disruptions than the tunnel alternative. The damage to the Glennwood Canyon viaduct really highlighted this concern, as well as snow and ice. I think the tunnel alternative is a better long-term and safer solution.

5. Do you have any comments on the environmental impacts or mitigation commitments?

I do have some concerns that constructing the viaduct will have unintended consequences on the watershed, and has a greater impact on the visual appeal of this section of I-70.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

I think the tunnel alternative is a better option, but it sounds like a difference in cost may be at play. They are very different options, but it seems like there are other factors influencing the decision to go one route or the other that are not being shared. (Difference in cost? potential overruns? politics? disruption to active traffic during construction?) I think it'd be helpful to share a little more insight, even after a decision is made, to appease any members of the public who might have strongly preferred one option or the other.

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: Floyd Hill
Date: Thursday, August 19, 2021 4:41:38 PM

[REDACTED]

[REDACTED]



[REDACTED]

----- Forwarded message -----

From: Rocky Mountain Dist. <rokkyco@gmail.com>
Date: Thu, Aug 19, 2021 at 4:36 PM
Subject: Floyd Hill
To: [REDACTED]

Please give us a year or break from construction on I-70 in Clear Creek County. The years of construction for express lanes have done local residents like me no good at all. If they were opened all the time, maybe they might help.

And

If you build a viaduct on Floyd Hill it will be icy much of the winter. Whoever designed that did not understand winters at 10000 feet. That viaduct would be an unexpected icy stretch especially for out of state travelers and would cause crashes.

Floyd Hill as it is is dangerous enough without ice.

[REDACTED]

DENVER CO 802

7 SEP 2021 PM 3 L



FOREVER / USA

R-7 Bo

Vanessa Henderson
CDOT Region 1
2829 West Howard Place, 2nd floor
Denver, CO 80204

80204-230529



Vanessa Henderson
CDOT Region 1
2829 West Howard Place, 2nd Floor
Denver, CO 80204

August 24, 2021

Shaun Cutting, PE
FHWA – Colorado Division
12300 West Dakota Avenue, #180
Lakewood, CO 80228

Re: Environmental Assessment (EA), I-70 Floyd Hill to Veterans Memorial Tunnels

Ms. Henderson, Mr. Cutting;

I have reviewed the above cited EA, and as a directly affected landowner and resident located adjacent to I-70 immediately west of mile marker 245 on the west side of Johnson Gulch, I would like to register the following comments related to going forward with the chosen Preferred Canyon Viaduct Alternative. Our property/residence is located at 1647 Elk Valley Drive, Evergreen, CO.

1. I am concerned that the increased traffic noise due to the elevated and expanded new highways will have a significant negative impact on the quality of life we currently enjoy at our residence.
2. I am concerned that the negative visual effect of these expanded and elevated highways directly adjacent to our property will result in adversely affecting the quality of life we currently enjoy at our residence.
3. In addition to the above indicated negative impacts due to increased noise and degraded views/aesthetics, I am concerned that these two factors will significantly devalue our property.

By addressing these impacts within an EA document, you appear to be defining said impacts as not being significant in accord with the requirements of the National Environmental Policy Act (NEPA). I believe the above cited impacts to my property will be significant. I understand that mitigation measures are proposed to lessen these impacts. However, please provide a more detailed explanation of how the above outlined impacts will be sufficiently minimized, via the mitigation measures included within the EA, to a degree of not being defined as significant in accord with NEPA requirements.

Thanks for your time.
Sincerely,

Nick Williamson



From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: Floyd Hill Question
Date: Thursday, August 26, 2021 9:23:04 AM
Attachments: [image001.png](#)

Hello CDOT Floyd Hill Project Team:

Has a draft structural selection report been developed for the viaducts, bridges, and walls depicted in the EA? If a report exists, can it be made available on the project website?

Best regards,



T+ 1 303-728-3006
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Denver, CO
80202

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Respondent



16

Anonymous



15:30

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

I don't believe that this project is necessary. I can see I70 from my house on Floyd Hill and I know that there are only 20 or so days a year that traffic is backed up at this section of I70. Although I empathize with people who are trying to get into the mountains from the front range on ski days/holidays in the summer I can't see a definitive need. I know that it is frustrating for these people but with additional planning on their part/education programs on the states behalf to encourage people to travel at different times this could be alleviated without spending boatloads of money and inconveniencing those of who live here all the time. If the backup at 247 was an everyday issue I would understand but it only happens every so often and usually clears up within a couple of hours with the exception of a day or two per year. I don't think CDOT would be doing massive projects to clean up roadways in Denver if they were only affected in this way for a few days a year.

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: Questions about Floyd Hill Project
Date: Sunday, August 29, 2021 4:23:09 PM

Hello, my name is [REDACTED] I am a homeowner on Floyd Hill (277 Hyland Dr., Evergreen, CO 80439). I am also a business owner and I operate a recording studio out of my home. I am concerned about the potential impact on my business due to construction noise from the project. As such I have a couple of questions about the project.

It looks as if the widening of 70 Westbound would begin near the 247 exit? Is that correct? Can you give me an exact location where it would begin?

Do you have any idea when the construction would actually be taking place? Will it occur during the day? at night? both?

What considerations are being given to residents/business owners who are effected by the project? If I am unable to operate my business because of excessive noise will there be recourse for me or am I just out of luck?

Please let me know about these things when you can and thanks in advance.

Thanks,

[REDACTED]



Respondent



17

Anonymous



87:59

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I prefer whichever version involves the least rock cuts and fewest changes to the natural appearance of the canyon.

5. Do you have any comments on the environmental impacts or mitigation commitments?

Extensive rock cuts in the name of slightly straightening I-70 would be needlessly destructive to the beauty of Clear Creek canyon. The "wild" appearance of the area, including Clear Creek Canyon, is a large reason people visit here and live here, further degrading it would be an irreversible decision for minimal improvement.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

As someone who lives in the immediate area I can say that having a contiguous frontage road and bike path is a high priority, but straightening turns on I-70 is a low priority, and further widening of I-70 should be avoided. It's a steep mountain canyon, having a highway with turns fits the character of the area. Just as a visitor shouldn't expect a mountain highway to be free of snow, they also shouldn't expect a mountain highway to be free of turns. The draw of Clear Creek County to visitors and residents is history, but mostly natural beauty. This project as described would increase access to this, while also destroying more of it. Straightening I-70 where possible without creating more rock cuts is reasonable, but Glenwood Canyon is famous for how minimally invasive I-70 is through there, and I think CDOT's vision for Clear Creek Canyon should be the same. Blasting more of Clear Creek Canyon to try to make I-70 as close to a straight line as possible is logical for traffic management, but isn't worth the environmental or visual damage it would cause to the area.

From: [REDACTED]
To: cdot_floydhillproject@state.co.us
Subject: Tunnels environmental impact
Date: Saturday, September 4, 2021 10:11:38 AM

Hi,

I wanted to reach out about the environmental impact this project seems to be significantly negatively impacting. I wanted to see what the options were and what the reasons are for the project (positives, negatives, impacts ect.).

Thanks!

[REDACTED]

Respondent



18

Anonymous



30:39

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

It seems as though the Preferred Alternative would require less rock-scaling and less expensive design-build. I'm very much in favor of improving the interface at US-6 with I-70, but as a Central City homeowner, I do wonder if the tunnel idea would be safer and worth the cost in the long run.

5. Do you have any comments on the environmental impacts or mitigation commitments?

I also fly-fish. I worry about the proposal to re-route Clear Creek near the Central City Parkway exit. That said if more can be done to mitigate noise, pollution, and disruption to fishing habitat in the canyon, I would understand the reasoning to re-route the creek.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

As a homeowner in Central City and the potential for construction disruption to the interchange at the Central City Parkway, I would hope that Central City residents receive communication and support for the Parkway as needed during this process.

Respondent



19

Anonymous



218:52

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

This alternative has too large a footprint and therefore too many impacts on the canyon and clear creek. The Tunnel alternative is preferable because it minimizes these impacts and preserves important natural resources.

5. Do you have any comments on the environmental impacts or mitigation commitments?

The tunnel alternative is preferable to this alternative to minimize environmental impacts and preserve important natural resources.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

The canyon alternative should be dropped and CDT should advance the tunnel alternative.

Respondent



20

Anonymous



09:25

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

This alternative should be dropped and CDOT should advance the tunnel alternative.

5. Do you have any comments on the environmental impacts or mitigation commitments?

The canyon alternative has too many impacts upon the canyon and clear creek. It should be abandoned by CDOT and replaced with the tunnel alternative esp. with federal infrastructure funding likely to be available.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

If CDOT moves forward with the canyon alternative, it is imperative that context sensitive design be used that: (1) creates additional wider buffers to clear creek; (2) mitigates noise and other nuisance impacts through the use of sound/screening walls; (3) incorporates multiple wildlife crossings for animal safety (4) improves water quality; (5) adds a multi-use trail; (6) supports bus transit via managed lanes and bus on shoulder and; (7) employs the NARROWEST possible footprint with the east and west lanes cantilevered over one another like I-70 in glenwood canyon.



STATE OF
COLORADO

floydhillproject - CDOT, CDOT_ <cdot_floydhillproject@state.co.us>

It's going fast

Mon, Sep 27, 2021 at 4:40 PM

[REDACTED]
To: cdot_floydhillproject@state.co.us

In the mid 1960s, my dad built a trail for the state engineers to the top of the mountain on the east side of I 70 above the US60, I 70 pass through. At the top of that mountain was a split several feet wide and ten of feet long. Dad took me there after the state engineers had finished core drilling. The results were that the mountain would cave into clear creek sometime between one day and a thousand years. Has that been resolved? If it has, may I get a more precise date, so I won't be in Idaho Springs, Georgetown or in between when it does?

Respondent



21

Anonymous



03:18

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

I like this approach over the tunnel. I would like insights preventative measures being thought through to limit local homeowner impact of construction

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Respondent



22

Anonymous



08:19

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

There should not be toll lanes. We must already cope with busy traffic, grade changes, 3>2 and 2>3 lane changes, and inconsiderate drivers. Throwing in a toll lane decision atop these factors at 60-70 mph should be avoided.

5. Do you have any comments on the environmental impacts or mitigation commitments?

No

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

No

Respondent



23

Anonymous



15:20

Time to complete



1. What is your first and last name?

2. What is your mailing address?

3. What is your email address?

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

5. Do you have any comments on the environmental impacts or mitigation commitments?

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

This is another example of a short sighted answer on CDOTs part. This will solve nothing, create additional travel issues and will cost the tax payers while providing a private contractor free revenue(toll road). SAD but not surprising from CDOT. You've done enough BS studies to know that additional lanes will not work, however the wealthy will appreciate your efforts with a private road up I70. I suppose mass transit would be a stupid suggestion, it works for Europe but you can't figure it out. Nothing new from CDOT, not really a question more of a personal observation.

Respondent



24

Anonymous



61:55

Time to complete



1. What is your first and last name?

[Redacted]

2. What is your mailing address?

[Redacted]

3. What is your email address?

[Redacted]

4. Do you have any comments on the Preferred Alternative (Canyon Viaduct Alternative)?

Yes, on behalf of Clear Creek County, I have submitted comments on the a variety of topics, including some related to the Preferred Alternative, in a letter sent via email directly to Vanessa Henderson (now Halladay) of CDOT, and Shaun Cutting of FHWA, on October 1, 2021.

5. Do you have any comments on the environmental impacts or mitigation commitments?

Yes, on behalf of Clear Creek County, I have submitted comments on the a variety of topics, including some related to environmental impacts, in a letter sent via email directly to Vanessa Henderson (now Halladay) of CDOT and Shaun Cutting of FHWA, on October 1, 2021.

6. Do you have any other comments you would like us to consider before we move forward with a decision on the Project?

Yes, on behalf of Clear Creek County, I have submitted comments on topics other than environmental impacts or the Preferred Alternative in a letter sent via email directly to Vanessa Henderson (now Halladay) of CDOT and Shaun Cutting of FHWA, on October 1, 2021.



STATE OF
COLORADO

floydhillproject - CDOT, CDOT_ <cdot_floydhillproject@state.co.us>

Private Boaters on Clear Creek

2 me age

Fri, Nov 12, 2021 at 4:16 PM

[REDACTED]
To: cdot_floydhillproject@state.co.us

Hello,

I have reviewed the 'floyd hill environmental impact' file on the web.

The word 'rafting' is mentioned only 37 times

Upon deeper review. There is only mention of working with rafting companies for communication on closures for blasting and safety.

I want to bring to light that there are just as many 'Private Boaters' on clear creek as there are commercial rafting outfitters. Communicating with the commercial outfits only achieves 50% communication to the whole clear creek boating community.

Is there a way to communicate to the general public aka 'Private boaters' on clear creek regarding closures?

Thank you for

[REDACTED]

2. AGENCY COMMENTS RECEIVED



Clear Creek County

POST OFFICE BOX 2000
GEORGETOWN, COLORADO 80444

TELEPHONE: (303) 679-2300

October 1, 2021

Ms. Vanessa Henderson
CDOT Region 1 Environmental Manager
2829 West Howard Place 2nd Floor
Denver, CO 80204

Mr. Shaun Cutting
FHWA—Colorado Division
Program Delivery Team Leader
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Clear Creek County Comments on the *Environmental Assessment I-70 Floyd Hill to Veterans Memorial Tunnels Project* (August 2, 2021), Clear Creek and Jefferson Counties

Dear Ms. Henderson and Mr. Cutting,

Thank you for the opportunity to review and comment on the Floyd Hill to Veterans Memorial Tunnels Environmental Assessment (EA). Clear Creek County (or “the County”) appreciates the thoroughness, supporting documentation, and comprehensive evaluation of the alternatives in this EA. We applaud CDOT’s efforts to give serious consideration to the many issues raised by this Tier 2 NEPA project on the I-70 Mountain Corridor. We also recognize the strong acknowledgement of the role of the Context Sensitive Solutions process (CSS), Project Leadership Team (PLT), Technical Team (TT), and Issue Task Forces (ITFs) in the project design thus far, and the pledge to continue this effort. However, while we endorse the completion of the EA as a vital process for completing this specific highway improvement consistent with the Tier 1 PEIS/ROD for the I-70 Mountain Corridor, this EA document does not adequately address all of the County’s concerns.

We provide this comment letter to the EA and look forward to CDOT/FHWA’s response to our comments in the Final EA document. The issues raised in our comments must be more thoughtfully addressed in the Final EA and such resolutions will act as a guide for all of the Tier 2 studies that will follow on this corridor.

As Clear Creek County representatives have stated in previous correspondence and CSS meetings related to this project, there are two over-arching concerns of most importance to the citizens of Clear Creek County: 1) failure to designate eligible resources under §106; and 2) failure to acknowledge the use of protected § 4(f) properties. We appreciate the acknowledgment in the EA that future discussions with Clear Creek County are necessary to resolve these concerns, as stated on page 50/ Section 4.2.5. and page 66 Section 4.9.4. Therefore, with this

letter we reiterate and more fully detail our position on these two issues to aid our future discussions.

In addition, Clear Creek County has many questions related to air quality, sediment and erosion control, water quality degradation, and the numerous appendices attached to the EA, that must be addressed. We will list those questions separately below.

I. EA Alternatives with South Frontage Road Impact on Historical and Recreational Resources

Clear Creek County continues to maintain that any alternative that includes the South Frontage Road option renders historical interpretation and recreational activities impossible in the public park owned by the County: 1) creating an adverse impact to an eligible historic resource under Section 106 of the National Historic Preservation Act (NHPA)(16 U.S.C. 470) and its regulations at 36 CFR § 800; and 2) constituting a violation of Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. §303 and 23 U.S.C. §138) and its regulations at 23 CFR 774. (See attached comment letter from the Clear Creek County Open Space Commission as Exhibit 1.) In the South Frontage Road area, the project impacts to historical and recreational resources are inadequately documented in the EA. For example, the Table of Impacts and Mitigation on page 97 reveals that the protection of cultural and recreational resources during project construction is scant and should be further detailed and mitigated in the Final EA document.

A. Historical Resources Under Section 106

As discussed further in our letters of October 5, 2020 and May 10, 2021 (see letters attached herein as Exhibits 2 and 3 for inclusion in the administrative record for this EA), Clear Creek County does not concur with the agencies' findings with respect to the NHPA. While the EA states that the consulting parties, including the County, "indicated support at the ITF meetings" for all the eligibility determinations, we respectfully disagree.

In fact, in the Tier 1 I-70 Mountain Corridor PEIS Historic Resources Technical Report (CDOT, August 2010) Section 3.1.4, CDOT identifies the following resource as "Officially National Register Eligible":

Colorado Central Railroad (5CC427.1 and 5CC427.8) Organized in 1869, the Colorado Central Railroad was originally constructed to function as the mountain segment of the transcontinental railroad, and to serve gold and silver mining camps. It is significant under Criterion A as the earliest railroad in Colorado. It is also significant under Criterion B for its association with William. A. H. Loveland, who was responsible for introducing railroad transportation to Colorado's mountains. Under Criterion C, the railroad is important for its type of construction.

Clear Creek County recognizes that page 49 and 50 of the EA document acknowledges our disagreement with the determination of eligibility and no adverse impact on 5CC.427.1. Yet in the Appendix A 11b Historic Resource Effects Section, Exhibit 3b, pg 12 the APE map does not include delineation of the Hidden Valley Open Space Park the site of the resource , Colorado Central Railroad 5CC.427.1. There is no indication in the Appendix of a consulting party's disagreement to the eligibility or impact determinations or reference to the previous designation of this eligible resource. Rather, Appendix A 11b page 22 and page 32 declare "no adverse effect" to all cultural resources with no caveat about the disagreeing parties.

As we've stated previously, historically, in Clear Creek County, the Colorado Central Railroad extended from the Jefferson County border to Bakerville. The Railroad sites that remain are the engineering marvel of the Georgetown Loop, three rail stations devoted to alternative uses, and scarce sections of railbed. The south side of the creek between the Highway 6 junction and Hidden Valley interchange is one of those visible remaining segments. As noted in the Tier 1 PEIS/ROD, The Railroad Corridor is a determined National Register of Historic Places (National Register) eligible lineal resource. The procedure then is to determine whether a given project has an adverse impact on the segments of the Railroad Corridor that remain and contribute to the determination of its eligibility. The review of the historic resources for the Floyd Hill Project determined that the majority of the Railroad Corridor through the entire Floyd Hill project limits no longer contributed to the eligibility of the resource. However, as Point 1 in your letter indicates, some sections of the Colorado Central Railroad corridor in the project "have extant rail features, such as retaining walls." Clear Creek County would add that those features also include the existing railroad bed that runs in its original location adjacent to those historic retaining walls. These features, which meet the National Register criteria of contributing to "setting, materials, workmanship and feeling of place," are located in the central section of the Floyd Hill Project on the south side of Clear Creek between the Hidden Valley and Highway 6 interchanges. That central section is the specific place that would be obliterated by the South Frontage Road Alternative. The contributing segment, when interpreted, is significant enough to give the recreationalist a sense of its use and importance in the past. A South Frontage Road, which is actually an extension of Highway 6, would destroy these features.

The Tier 1 NEPA decision document recognizes the Railroad resource as eligible for protection under the NHPA; this Tier 2 EA cannot change or remove this status.

That said, we appreciate CDOT's willingness to further discuss our concerns and welcome the proposed meeting between CDOT, FHWA, and Clear Creek County, to resolve the Section 106 and Section 4(f) issues prior to the final NEPA decision document.

B. Identification and Use of the County's Section 4F Resources

The EA erroneously refers to the County's Hidden Valley Open Space Park 4(f) resource as merely an "important community resource" (EA Section 3.7, pg. 43) and merely an "additional recreation site" (Appendix 15, page 15). The EA makes a distinction between the Clear Creek "Greenway" which is a bike path, and the Hidden Valley Open Space Park/Area.

The EA and Appendices appear to intentionally never use the word “Park” to describe the County’s Hidden Valley Open Space Park, which would be impacted by the South Frontage Road alternative, presumably to avoid the application of Section 4(f) requirements. (EA pg 64) The EA only defines three “parks” in the area: Elmgreen, Game Check, and Shelley Quinn Fields, yet the EA does acknowledge that the Hidden Valley Open Space “Area” is intended for recreational use and Exhibit 4-5 pg 65 shows the Hidden Valley Open Space as an extension of the Game Check Park. While we recognize the EA acknowledges on multiple pages that this issue has not been resolved yet, we urge CDOT/FHWA to consider the following comments.

The EA does not acknowledge that Clear Creek County secured the funding for and has indeed purchased the land and created a Development Plan for its Hidden Valley Open Space Park and recreation area in its January 2020 Hidden Valley Open Space Park Recreation Concept Development, prepared by ERO, which park should be protected under 4(f) (see attached Map of the Hidden Valley Open Space Park, included in the January 2020 ERO Report, as Exhibit 4). This park is a critical element to the Peaks to Plains Trail and is currently being constructed. The agencies allege the County’s Hidden Valley Park plan is merely “aspirational” (Appendix 15, 5.2 Para 2, pg 20). Moreover, the EA and Appendix 14 fail to recognize that Clear Creek County planned for this public park as far back as 1990 when the Scott Lancaster trail was first envisioned and the County first invested in design in 2012 with the Loris design project. We proceeded to purchase the contiguous parcels needed to create this public park and recreation area, over the past 20 years. One can tie the Clear Creek Greenway back to the 1990 Clear Creek County Inter County Non-Motorized Corridor Master Plan (1990 Plan) which laid out the initial path for the Greenway. The Planning Commission resolution approved the Clear Creek Greenway Plan in 2005, which references the 1990 Plan and other plans that included reference to the Greenway. Thus, the County was considering a non-motorized trail since 1990, and the Scott Lancaster Trail segment was the first to be built. This led to County land purchases along this segment, which resulted in the County owning the land that contains the trail corridor. There is no doubt that the County’s purchase of this real estate was intended to create the publicly owned park area that now exists adjacent to Clear Creek along the Clear Creek Greenway, with planned improvements such as: designated Clear Creek access points, pathways and stepping stones to water surface, trail and wayside designs and pull-offs with benches, and improvements to connectivity to the east in the Floyd Hill area.

In fact, in 2010 CDOT itself recognized this possibility (that CCC would create a public park before the next Tier 2 analysis was conducted) in the Tier 1 I-70 Mountain Corridor PEIS Historic Resources Technical Report (CDOT, August 2010). In it, CDOT recognizes that its analysis of 4(f) properties must be renewed for each Tier 2 project. For example, in CDOT’s Response to Comment LO-08, CDOT replies:

“The Tier 2 processes will also include identification and analysis of Section 4(f) properties that may be new or for some reason have been overlooked in the Tier 1 process to date.”

Further, in CDOT's Response to Comment LO-07, CDOT replies:

"If you are referring to the more recent Floyd Hill Gateway Development Master Plan, it was adopted in November 18, 2009...The lead agencies strive to consider the most current information available for all resources analyzed. New and updated plans will be considered during Tier 2 processes, which will use the most currently available data at the time they are conducted..."

Further, on Page 4, CDOT states:

"A more detailed analysis at Tier 2 projects – [such as Floyd Hill] - will be conducted...

"...any noise, visual or access impacts to these Section 4(f) properties will occur within this project footprint, so that the likelihood of identifying a constructive use during Tier 2 processes over and above the potential use already identified in this Discussion, is considered remote, ...but nonetheless will be carefully evaluated at Tier 2."

In the I-70 Mountain Corridor Technical Reports (August 2010) Page 13, CDOT recognizes:

"This Plan describes a system of parks, open space, recreation facilities, and other recreational opportunities that follow Clear Creek from the Jefferson County line to the Continental Divide. The Plan is a local/regional trail/recreation system that generally follows I-70 through the County and which would include access points to Clear Creek for kayaking, rafting, fishing and general use."

"In November 2005, Clear Creek County published its Greenway Plan. The plan states: The development of a greenway for Clear Creek County's residents and visitors has become a priority of the Clear Creek County Open Space Program, and a focal point of its 2003 Open Space Plan. Running alongside Clear Creek between Jefferson County and the Oblique View of USFS Visitors Center (Clear Creek District) and Prospector Trail Section 4(f) Evaluation Technical Report Technical Reports I-70 Mountain Corridor Page 14 August 2010 Continental Divide, a greenway is envisioned to serve as the backbone of the County. It will tie together communities with a string of parks, recreational facilities, open space and commercial recreational opportunities. Certain elements of the Plan have been developed, while many others are proposed. This update has looked closely at the Greenway Plan to determine recreation components to be screened."

... As a result, additional analysis done during Tier 2 processes will include confirmation of all properties, considering the characteristics of these properties to confirm they are protected by Section 4(f). This may change assumptions in terms of actual properties determined eligible for Section 4(f) protection. "

In the Section 4(f) Evaluation Technical Report I-70 Mountain Corridor Technical Reports (August 2010) Page 3, CDOT states:

“In addition, the data collection identified future parks or open space areas and determined if they also met the criteria of protection by Section 4(f).” As then in 2010, even if CDOT considered the Hidden Valley Park a “future park” today, it ought to consider if this park would meet the 4(f) criteria, which it does.

Lastly, Clear Creek and private ownership of land in the project is acknowledged and differing amounts are indicated for the different alternatives (pg 57 Section 4.6.3 and Section 4.6.4) For example, the EA indicates Viaduct 22.4 acres, Tunnel N Frontage 33 acres, and S Frontage 18.7 acres, although there is no exhibit in the EA that clearly showed the different areas for the different alternatives.

Then, CDOT appears to agree that the South Frontage Road is a fatal option, as on page 64 the EA states: *“The Tunnel Alternative, South Frontage Road Option, would acquire 31 acres of Hidden Valley Open Space. No direct impacts would occur to parking, roads, or social trails in Hidden Valley Open Space. However, property acquisition and new roadway infrastructure would occur throughout the length of Hidden Valley Open Space south of Clear Creek, which is inconsistent with the Greenway Plan and is not supported by agencies, community members, or the Project TT.”*

As you know, The Federal Highway Administration states that “Any project that affects Section 4(f) land must include a Section 4(f) assessment.” Assessments under Section 106 and Section 4(f) must be conducted separately. An assessment of the Hidden Valley Open Space Park must be conducted prior to finalizing the EA.

II. Specific EA and Appendices Questions/Comments from Clear Creek County

A. Air Quality Questions on EA and Appendix 4a

Comment #1: Air Quality is among the most critical transportation impacts to the human environment. There is no commitment to inform the public on air quality issues. CDOT should create a public site to alert people, provide warnings, and provide them access to the monitoring data.

4.1. Air Quality in EA (page 43)

4.1.1. Context

“Air quality in the Project area generally is good due to limited development and industrial pollution sources but is adversely affected by interstate traffic, local emission sources, topography, and climate.”

Comment #2: No data has been collected or presented to support this statement Unless supporting data is provided, this statement should not be made in the EA.

Air Quality Questions on EA Appendix 4, Air Quality Tech Report

Section 4.2. (page 11)

“Analysis in Tier 2 Processes. In the ROD, the FHWA and CDOT committed to conduct project-specific Tier 2 processes in accordance with FHWA and EPA air quality guidance available when analyses are conducted, including localized air quality modeling (such as hot-spot modeling for carbon monoxide and particulate matter) where appropriate in designated nonattainment or maintenance areas. Section 3 of this document presents a list of current air quality guidance. In Clear Creek County, where most of the Project activities are planned, these requirements would not apply because Clear Creek County is in attainment for all criteria pollutants.”

Comment #3: Onsite data is not available to support this statement. Whether or not Clear Creek is in attainment has not been determined. The most recent data release from the Air Pollution Control Division does not include any data from the east side of the Continental Divide. The monitoring sites utilized for these determinations are not in the project area or even in a mountain environment.

Section 5.3.1 Ozone

From page 13:

“In October 2015, the EPA lowered the primary and secondary NAAQS for ozone to 0.070 ppm, and Clear Creek County was designated as attainment/unclassifiable on August 3, 2018;”

Comment #4: Please provide an explanation of the EPA designation of “attainment/unclassifiable” and the basis on which the County was assigned that designation. Was there monitoring conducted that we were notified of, or a report provided?

Section 5.3.3 Particulate Matter

From page 14:

“Particulate Matter PM is a complex mixture of very small particles and liquid droplets classified as either inhalable coarse-sized particles (PM10 refers to particles 10 microns or less) or fine particles (PM2.5 refers to particles 2.5 microns or less). PM includes diesel tailpipe emissions; road, brake, and tire dust; and dust caused by construction activities. Health effects include nose and throat irritation, lung damage, and bronchitis.”

Comment #5: This information is significant for the County, in general, and our communities in particular because of our proximity to I-70. In Idaho Springs our schools, playgrounds, parks and senior residences (all serving vulnerable populations) are within a few blocks of I-70.

The Denver Metro area has violated the PM10 standard in the past, but the area was re-designated to maintenance status by the EPA on September 16, 2002 (EPA, 2002) and has maintained the NAAQS since that time. Although most of the mountain counties are not included in any nonattainment or maintenance areas, PM10 has been a concern in the I-70

Mountain Corridor due to winter road maintenance activities, use of traction sand, and construction activities. In the Project area, however, CDOT is no longer using traction sand (CDOT, 2019). Neither the Study Area nor the Denver Metro area has been in violation of the NAAQS for PM2.5 (CDPHE, 2010).

Comment #6: This citation is more than 10 years old. Is there current data for the Study Area? The data from Denver is interesting, but we should have specific local data on these issues in order to make such statements in the EA.

***From page 14:
5.4. Air Quality Monitoring***

Comment #7: The County does not consider monitoring efforts outside the Study Area to be sufficient. The placement of new CHDPE approved monitors is appreciated. The county is requesting a commitment to public release of data and a commitment to mitigation should new data indicate an issue

**Section 6 Impacts
From page 18
6.1. Methodology**

Comment #8: The methodology described on pages 18 and 19 eliminates any consideration of CO or PM10 analysis or hot spot analysis or ozone using carefully constructed avoidance resolution. Clear Creek does not concur that an expanded highway will not bring a greater number of diesel vehicles even if the percentage remains the same. Based on this document, it is difficult to anticipate what the air quality impacts of this project might be. In general, it seems that quantitative assessments of air quality impacts are avoided due to the segmented nature of the PEIS implementation and the exceptions in the carefully crafted federal rules and CDOT policies and practices. How does CDOT/FHWA study the cumulative impacts that have not been taken into account because of segmentation?

***From page 25
Section 7 – Mitigation***

Comment #9: 7.1 is presented as dealing with permanent - as opposed to temporary construction – impacts. Only 3 items are listed – this is a minimal effort that needs to be expanded.

***From page 25:
“Support local jurisdiction efforts, such as those in Clear Creek County, to secure grants to help develop data that will better inform air quality measurements and mitigation.”***

Comment #10: Air quality monitoring equipment has already been supplied to the County. These monitors are discussed elsewhere in this report – pointing out their limited value. However, it might be useful to point out their value as a screening tool that indicated

further evaluation is needed. Please consider. Air quality monitoring during construction of the widening of the Twin Tunnels is an example of this.

Comment #11: *This is not a suitable example; it is an example of dealing only with short-term construction impacts. That means mitigation is even slimmer. Clear Creek expects that data from the new monitors will be made be public and published, and notice should be given to the public if the AQI is not in the “good” range.*

- Support engine-idling ordinances to restrict emissions produced from idling auto and commercial vehicles, especially buses, delivery trucks, etc.

Comment #12:

If current, relevant local data indicate that there is an air quality issue related to increasing I-70 traffic, local mitigation strategies need to be developed in conjunction with the community.

- Continue to support regional, statewide, and national efforts to reduce air pollutants and comply with current air quality regulations.”

B. Questions/Comments on the EA Appendix A 4b State Air Quality Technical Report - July 2021

Comment #13: *In Section 4, p 11-14 the monitoring data cited is from parts of the metro area other than the project area. The discussion in 4.3 of the monitoring in Clear Creek County explains data gathered and explains why it was not used as a basis for decision making. When the monitors were acquired, it was acknowledged that the equipment was most useful for “screening” rather than admissible data. This situation highlights the critical importance of the need for a more sophisticated monitoring program to acquire reliable data to support the proposed project.*

From p 25 -31

Emission Model Results

When compared to existing conditions emissions reductions are projected “since older vehicles are being taken off the road, more fuel-efficient vehicles are traveling, and, in some areas, there are higher traveling speeds (i.e., less congestion).”

For these emissions reduction ranges from 63-84%

Nitrogen Oxides: 75 – 83% reduction

Carbon Monoxide: 63 – 73% reduction

Volatile Organic Compounds: 70 – 80% reduction

Particulate Matter: 20 – 77% reduction

Mobile Source Air Toxics: 76 – 84% reduction

Except for GHG - Compared to existing conditions, CO₂e emissions in the future are estimated to be approximately 0.5 percent to 5 percent lower since older vehicles are being taken off the road and more fuel-efficient vehicles are traveling.

Comment #14: *Although the PEIS PLT and Issue Task Forces recommended data vs. modeling for Tier 2 studies, unfortunately modeling seems to be the basis for decision making in this Tier2 EA. Ozone is not directly addressed. NOx and VOCs are ozone precursors, so is the implication that ozone will be reduced because the precursors are modeled to be reduced? This modeling has no basis in data, and this establishes that we need to develop data for the actual conditions that exist in the corridor.*

C. Questions/Comments on Water Quality from the EA and Appendix A 21b

Floyd Hill EA Page 82-86

From p 82

“4.14. Water Quality

4.14.1. Context

Clear Creek’s existing water quality is affected by historical mine drainage, runoff from urban development, and runoff from I-70 and local roadways. Sediment and chloride used for winter roadway maintenance are the primary stormwater runoff concerns from I-70 that affect water quality in Clear Creek; available water quality control measures (CMs) are less effective at capturing and treating chlorides.)

Comment #15: *This introduction does not reference other highway-related pollutants from the PEIS. Nor does the Context discussion mention water quality data that is available from the Clear Creek Watershed Annual Report (in which CDOT is a participating agency). One parameter that has been of concern because of its upward trend is Conductivity – a measure of salinity. Another report not referenced is the Annual Stream Gaging Report presented to the Upper Clear Creek Watershed Association (UCCWA) of which CDOT is a member, although not a dues-paying entity). The 2019 report for Station CC-40 (US 6/US40/I-70) within the project area, shows conductivity with a consistent upward trend since 2004. The Alternatives discussion on pages 84-86 does not mention an analysis of the operational impacts to water quality for each alternative.*

From p 7

3.1.4. Project Water Quality Approach

East Section pollutants of concern are chloride and sediment.

“The East Section will route roadway runoff over existing or proposed vegetation and allow for mixing with offsite runoff. Three primary reasons inform the treatment of chloride in the East section:

- Water quality ponds are not highly rated to treat dissolved pollutants such as deicing agents.
- Chloride concentrations can be reduced by diluting the pollutant with additional flow.
- Vegetation offers a limited amount of uptake to reduce chloride concentration.”

Comment #16: *On the one hand, the EA states that existing or proposed vegetation will address offsite runoff, but then acknowledges that vegetation offers a limited*

amount of uptake to reduce chloride concentration. Clear Creek County is requesting documentation about the effects of chloride on roadside vegetation and soil.

“3.2. Maintenance Consideration

The SCAP identified regular maintenance of the highway corridor as a major factor contributing to discharge of pollutants and sediment into Clear Creek. During the November 9, 2018, Maintenance Meeting with CDOT, the CDOT Maintenance team confirmed that only deicing agents are used along the Project corridor, that traction sand was no longer used.”

Comment #17: The elimination of traction sand is critical to water quality. Clear Creek County is requesting that such a commitment be written and enforceable. How does CDOT plan to memorialize this commitment?

From p 8

CDOT Maintenance personnel have indicated that the current highway design is difficult to maintain. Heavier-than-expected traffic loads have forced much of the maintenance effort to focus on maintaining the roadway surface and keeping the highway open and safe for the public. The existing condition does not handle and convey stormwater and snow melt appropriately. In many locations, the curb has deteriorated and allows runoff to flow down fill embankments, eroding the fill slope. Sediment has built up along the shoulders and edges of the roadway, clogging and burying the existing drainage system.

Exhibit 9 highlights key elements of the conceptual drainage design.

Comment #18: How will the salts washing into the creek from the bridges be measured and mitigated. And how will this measure be enforceable by the stakeholders and the County?

From p 21

“6.1.1. Clear Creek Realignment

The conceptual design realigns approximately 935 feet of Clear Creek. The Creek will be shifted south from its current alignment, as shown in Exhibit 10.

Exhibit 10 Clear Creek Realignment

The conceptual design for the realignment attempted to keep the 10-year storm event from running along the face of the proposed roadway walls. The 100-year storm event is kept below the top of wall elevation to prevent the roadway from being inundated. Similar to the existing conditions, the banks for the Creek will need to be armored in riprap to create a stable channel section. The conceptual design proposes riprap with a D50 of 12 inches; however, scour analysis and countermeasures will need to be developed as the design progresses.”

Comment #19: One of the travesties of the original I-70 highway construction was the channelization of Clear Creek. How will the armoring on the creek improve the present channelization?

From p 22

6.1.4.2. Hidden Valley Ramps

The on- and off-ramps from I-70 will be sloped to drain toward Central City Parkway. Type 9 barrier will convey the flows to inlets. Between I-70 and the ramps, Type 9 barrier will prevent runoff from flowing across the pavement. Where Type 3 barrier is used, small v-ditches are proposed behind these barriers to convey flows to the intersection, where they are collected by inlets or flared end sections. South of I-70, the existing inlet and storm drain system will be used to the greatest extent possible and identified as protect in place on the drainage exhibit sheets. The existing elliptical pipe will continue to convey runoff untreated to Clear Creek.

Comment #20: Does use of this existing elliptical pipe constitute a measurable improvement?

From p 23

6.2. Central Section, Tunnel Alternative: I-70 from Hidden Valley/Central City Interchange to East of US 6 (Johnson Gulch)

Comment #21: This is the segment that is on an increasing trend line for conductivity. How does the drainage plan address this issue?

From p 32

7.1.1. Existing Water Quality.

In general, all existing water quality features will be removed and replaced with consolidated extended detention basins.

Comment #22: The above-described issues are significant. Please describe how the new drainage plan address both sediment and salinity.

III. General Comments on EA

The EA discusses the West Section of the project as: *“The West Section from the Hidden Valley/ Central City interchange through the Veterans Memorial Tunnels to the Idaho Springs/Colorado Boulevard interchange has similar constraints to the Central Section with the additional consideration of tying into the expanded Veterans Memorial Tunnels and the Idaho Springs/ Colorado Boulevard interchange. County Road (CR) 314 acts as the I-70 frontage road in the West Section west of the Hidden Valley/ Central City interchange...”*

Comment #23: The West Section of the project appears to be an afterthought. While it may be “20%” designed, attention was insufficient, in general, during the process thus far as most attention has gone to the East and Central Sections. The County would like to participate in future discussions regarding the West Section.

Comment #24: *There are unanswered questions regarding the West Section. For example, there are considerable rock cuts, both north and south as shown in Exhibits 3-9 and 3-10 pgs 33/34 which haven't been fully addressed. It is unclear whether the frontage road in that area would be the expanded profile. The mitigation for the creek in the West Section is also not complete but yet to be designed by CPW/USACE/EPA and SWEEP. Clear Creek would like to participate fully in those discussions.*

Comment #25: *The environment under the Viaduct must be designed. There is no aesthetic plan for the viaduct, which must create a park-like setting to be consistent with the Clear Creek Greenway and Hidden Valley Open Space Park aesthetics.*

Comment #26: *How will CDOT prevent snow, sand, mag chloride, and other snow removal materials from being disposed of over the bridge and into the recreational area under the viaduct below? Clear Creek County has responsibility for the Clear Creek Greenway, Open Space Park and frontage road and requests involvement in this design/operations/maintenance process.*

Comment #27: *The mitigation section 4-14 does not include enough detail regarding cultural resources and recreational use during construction of the viaduct, for example cyclist use on the loop. We have recreation use examples from past projects such as CR 314. The construction mitigation table does not protect the south side in the central area from temporary construction uses e.g. by-pass route or staging/storage area, which would negatively impact historical resources and would substantially alter the park area. The mitigation table is too limited in those areas and must be updated.*

Comment #28: *On page 107 #63, the EA indicates that a site specific Tier 2 Aesthetic Plan and Lighting Plan will be developed including construction activities. This is a most welcome plan and the County would like to be involved in its development.*

Comment #29: *The "Frontage road" is never described as an extension of Highway 6, which it would be if the South Frontage Road option was adopted and would be westbound Highway 6 in all alternatives. The frontage width described on (EA pg 21) is substantially wider than the existing frontage road at a described profile of 8/12/12/8 feet versus the approximately 4/11/11/4 profile of current CR 314. That may be because the central section really is westbound Highway 6 which would carry a substantial amount of truck traffic. Has the wider profile been carried into the West Section of the project in the 20% design? Does additional width carry the potential for increased use? Was this discussed in the TT meetings and on the record? In other sections of the EA the frontage road is described as "following CCC requirements." As the responsible party for this road, Clear Creek County requests participation in all discussions regarding development of this design.*

Comment #30: *The overall impact of trucking is not directly addressed in the EA. Are you planning to do so in the Final EA? If so, what are the plans to do so?*

IV. General Comments on EA Appendices

Comment 31: In EA Appendix 1, Transportation and Traffic Pages 150-188 discuss and project the future impact when the EB and WB PPSLs are taken out of service. FHWA and CDOT discuss the impact of PPSL removal in 2035 as if the duration of those projects were being evaluated in this EA. The EB and WB PPSL projects were subject to independent highway transportation evaluation and were determined to be temporary, lasting until 2035, due to significant safety concerns with the configuration of these temporary lanes. This was well documented in the NEPA decision documents related to each PPSL project. This gratuitous inclusion of the PPSL projects in the EA alternatives analysis appears to be the beginning of institutional creeping. The County requests clarification on why the PPSL discussion relating to removal of the EB and WB PPSL is being considered in this EA, debating whether removal is appropriate, and what are the intentions of FHWA and CDOT by including this discussion here.

Comment #32: Re: EA Traffic Noise Appendix 13: It appears that the entire corridor area exceeds FHWA noise levels. Stakeholders will need a standing Noise ITF to absorb this enormous study located in EA Appendix 13. Creating a traffic noise ITF should be a priority in developing the final design for this project.

Sincerely,

Clear Creek County, Board of County
Commissioners



George Marlin, Chairman



Randall Wheelock, Commissioner



Sean C. Wood, Commissioner

cc: Peter Lichtman, Clear Creek County Attorney's Office
Rebecca Almon, Ireland Stapleton Pryor & Pascoe, PC

EXHIBIT 1

Open Space Commission EA comment letter



*Post Office Box 2000
Georgetown, CO 80444
(303) 679-2305*

September 27, 2021

Vanessa Henderson
CDOT Region 1 Environmental Manager
2829 West Howard Place 2nd Floor
Denver, CO 80204

Shaun Cutting, PE
FHWA—Colorado Division
Program Delivery Team Leader
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Clear Creek County Open Space Commission Comments on the
*Environmental Assessment I-70 Floyd Hill to Veterans Memorial Tunnels
Project* (August 2, 2021), Clear Creek and Jefferson Counties

Dear Ms. Henderson and Mr. Cutting,

Over the past twenty years, the Clear Creek County Open Space Commission (OSC) has worked on the creation of the Clear Creek Greenway, a portion of the larger Peaks to Plains Trail that goes from Commerce City to Loveland Pass, which traverses the length of the County following Clear Creek. It has been built in segments and an early completed portion is the stretch that goes from the Veterans Memorial Tunnels to the top of Clear Creek Canyon. (This segment is also known as the Scott Lancaster Trail.)

Over the past 15 years, the OSC has focused on the acquisition of the lands adjacent to this Trail segment and, with the purchase of the Saw Mill Gulch parcel in July 2018, the County now owns 464 acres that is centered on the trail segment with significant acreage up the hillsides. With that final purchase, the OSC has defined the area as Hidden Valley Open Space Park and has developed a trail plan for accessing the Creek to the north, hillside to the south, including the Game Check Station Trailhead, and connecting to the Greenway through Clear Creek Canyon.

Having reviewed the *Environmental Assessment I-70 Floyd Hill to Veterans Memorial Tunnels Project* (August 2, 2021), the OSC disagrees with the conclusion that Section 4(f) does not apply. The "Park" is not "aspirational;" it exists and gets significant current use along the Greenway path as well as usage by Floyd Hill residents and others on an informal trail network that crisscrosses the hillsides and connects to the creekside Greenway Trail.

Section 4(f) requirements under regulations at 23 CFR 774 stipulate that FHWA and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- 1) There is no feasible and prudent avoidance alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use;
OR
- 2) The Administration determines that the use of the property will have a de minimis impact.

The Federal Highway Administration states that "Any project that affects Section 4(f) land must include a Section 4(f) assessment." Section 4(f) prohibits both the actual taking of land from the protected property and constructive use of the property – where a project's proximity to the Section 4(f) resource substantially impairs the normal use of the land. While CDOT is planning to rebuild the portion of the Greenway Trail that runs under the proposed preferred alternate, a viaduct, the possibility of a south frontage road exists. That frontage road would significantly change the normal use of the land, which is generally a quiet and scenic hiking trail along the historic railbed as well as providing unfettered access to the Creek and to the land above the Trail. Depending on the design pursued in building the interstate highway as well as the replacement of the Greenway, the construction of concrete walls that may be built and/or the placement of riprap will disrupt recreational fishing, picnickers, and access for hikers and bikers. A Greenway Trail is more than just the trail itself; it includes the adjacent lands and, in this case, Clear Creek. In summary, the use and enjoyment of the land as is would not be maintained for current or future generations. Instead of a nature trail, it will be a trail under a concrete viaduct or next to a frontage road with noise, debris and potentially limited access to the surrounding lands and waters.

Further, Section 4(f) requires that if the alternatives include the land from the Section 4(f) resource, the alternative that is prudent and feasible and that has the least overall impact on the resource, including mitigation measures, must be selected.

The OSC requests that CDOT undertake a Section 4(f) assessment of the Project area. We look forward to seeing the results of that assessment.

Sincerely;



Robert Judge
Chairman
Clear Creek County Open Space Commission

EXHIBIT 2

October 5, 2020 CCC letter



Clear Creek County

POST OFFICE BOX 2000
GEORGETOWN, COLORADO 80444

TELEPHONE: (303) 569-3251 • (303) 679-2300

October 5, 2020

Lisa Schoch, Senior Historian
Environmental Protection Specialist
CDOT Environmental Programs Branch
2829 West Howard Place
Denver, CO 80204

Dear Ms. Schoch,

Thank you for the opportunity for Clear Creek County to respond to the Section 106 review: Determination of Effects and Modifications of the APE for Project NHPP 0703-445: I70 Floyd Hill to Veterans Memorial Tunnels. The County appreciates the thoroughness with which Ashley Bushey of Pinyon Engineering has completed the identification of eligible cultural resources in the Area of Potential Effect. The County is in agreement with the modification to the APE.

The County is in agreement with all findings of no adverse impact except to the Colorado Central Railroad 5CC.427.1., a Section 4(f) cultural resource. The objection relates to the impact of the "South Frontage Road" option on this cultural resource in the Central Section of the project, from the Hidden Valley to the Highway 6 interchange.

The eligibility determination indicated that the portion of the Colorado Central Railroad, which in its entirety is an eligible lineal resource, is "non-supporting" throughout the length of this project. The County disagrees. While this may be true at either end of the project, it is assuredly not true in the central section. The Greenway trail is on this rail bed which sits undisturbed in its original location with remnants of railroad walls. As the railbed is part of a long planned Hidden Valley Open Space Park, a Section 4(f) public recreational resource, it is an ideal location to interpret the history of the Colorado Central to recreational users. The County does not want to lose that opportunity.

The effects analysis postulates that all alternatives have the same or similar impacts on the resource. This is not true. The South Frontage Road through the central section of the project is actually not a frontage road. It is Highway 6 westbound, which means it will be used by and constructed for substantial truck traffic, including every westbound truck departing from the Frei Quarry, which will have to use the "South Frontage Road" under that design. The maps in the effect analysis do not coincide with the visual simulations prepared for the 20% design by the Project Engineer. The effects analysis seems to indicate that the Greenway would survive with the South Frontage Road in place with walls intact. The simulations tell a different story. The South Frontage Road/Highway 6 will require cutting into the mountainside on the south with retaining walls ranging from 10 – 12 feet in height for the length of the central section on the south side of the creek. This eliminates historic railroad retaining walls and any access to the mountainside. The required width of the road moves the Greenway off the railbed onto a platform along the creek bounded by the fill wall of the road. Any opportunities for cultural resource interpretation or recreational use are eliminated.

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As the Officials with Jurisdiction, Clear Creek County as the owner of the 4(f) property objects to the “South Frontage Road” option as it does not meet the Section 4(f) requirement that: “The use of Section 4(f) resources is only permitted if no feasible and prudent alternative to the use can be identified”. The two other alternatives, “North Frontage Road” and “Canyon Viaduct” are both prudent and feasible alternatives.

CDOT has indicated that the Floyd Hill project may be redesigned to a significant degree in the final design phase. Will the Determination of Effects be revisited at that time?

Clear Creek County appreciates being included in this deliberation.

Thank you,

Amy Saxton,

A handwritten signature in black ink, appearing to read 'Amy Saxton', with a long horizontal flourish extending to the right.

Strategic & Community Planning Division Director
Clear Creek County
PO Box 2000
405 Argentine Street
Georgetown, CO 80444
303-679-4238 (o)
303-877-0579 (m)

EXHIBIT 3

May 10, 2021 CCC letter



Clear Creek County

POST OFFICE BOX 2000
GEORGETOWN, COLORADO 80444

TELEPHONE: (303) 679-2300

May 10, 2021

Lisa Schoch, Senior Historian
Environmental Protection Specialist
CDOT Environmental Programs Branch
2829 West Howard Place
Denver, CO 80204

SUBJECT: CDOT Response, Section 106 Determinations of Effects and APE Modifications,
Project NHPP 0703-445, I-70 Floyd Hill to Veterans Memorial Tunnels, Clear Creek
and Jefferson Counties

Dear Ms. Schoch,

Thank you for your letter on December 8, 2020 in response to the Clear Creek County concerns with the impact of the South Frontage Road option of the Floyd Hill project on historical and recreational resources in the Hidden Valley Open Space Park. Clear Creek County continues to maintain that the South Frontage Road option renders historical interpretation and recreational activities impossible in the park: 1) creating an adverse impact to an eligible historic resource under Section 106 of the National Historic Preservation Act (NHPA)(16 U.S.C. 470) and its regulations at 36 CFR § 800; and 2) constituting a violation of Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. §303 and 23 U.S.C. §138) and its regulations at 23 CFR 774. Clear Creek County is considered a consulting party under the NHPA. And, as owner of the subject public park and recreation area, the county is considered an official with jurisdiction under Section 4(f) thus requiring coordination with the County and requiring the County's written concurrence of a finding of no adverse effects prior to making a "de minimis" impact findings (23 CFR 774.5(b)). Clear Creek County does not concur with the agencies' findings with respect to NHPA and 4(f).

Historically, in Clear Creek County, the Colorado Central Railroad extended from the Jefferson County border to Bakerville. The Railroad sites that remain are the engineering marvel of the Georgetown Loop, three rail stations devoted to alternative uses, and scarce sections of railbed. The south side of the creek between the Highway 6 junction and Hidden Valley interchange is one of those visible remaining segments. The Railroad Corridor is a determined National Register of Historic Places (National Register) eligible lineal resource. The procedure then is to determine whether a given project has an adverse impact on the segments of the Railroad Corridor that remain and contribute to the determination of its eligibility. The review of the historic resources for the Floyd Hill Project determined that the majority of the Railroad Corridor through the entire Floyd Hill project limits no longer contributed to the eligibility of the resource. However, as Point 1 in your letter indicates, some sections of the Colorado Central Railroad corridor in the project "have extant rail features, such as retaining walls." Clear Creek County would add that those features also include the existing railroad bed that runs in its original location adjacent to those historic retaining walls. These features, which meet the National Register criteria of contributing to "setting, materials, workmanship and feeling of place," are located in the central section of the Floyd Hill Project on the south side of Clear Creek between the Hidden Valley and Highway 6 interchanges. That

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historic retaining walls. These features, which meet the National Register criteria of contributing to “setting, materials, workmanship and feeling of place,” are located in the central section of the Floyd Hill Project on the south side of Clear Creek between the Hidden Valley and Highway 6 interchanges. That central section is the specific place that would be obliterated by the South Frontage Road Alternative. The contributing segment, when interpreted, is significant enough to give the recreationalist a sense of its use and importance in the past. A South Frontage Road, which is actually an extension of Highway 6, would destroy these features.

Point 2 in your letter asserts that “the trail itself would not change alignment under the alternatives.” That is false. The trail, the Colorado Peak to Plains Regional Trail/Clear Creek Greenway, currently sits in the middle of the railbed with ample space (10 -15 feet) between each the trail and mountainside with the historical walls on the south, and the trail and Clear Creek on the north. The trail itself is 10-foot-wide and occupies the center of the railbed making it quite evident that the biker or hiker is on a previous transportation corridor. According to the visual simulations of the South Frontage Alternative, and the 30% design plans provided by CDOT, a frontage road would be at least 30 feet wide, more than the width of the railbed. The 10-foot trail would be pushed to the extreme edge of the creek, as a 5-foot distance is required from 30 feet of “frontage road.” The proposed frontage road and trail create a 45-foot swath which destroys not only the entire railbed but also the accompanying historic walls which, according to the CDOT visual simulation, will be replaced by a concrete retaining wall on the mountainside. To simply say “(it) would be closer to the frontage road” is erroneous. Further, the “frontage road” referenced in your response is not designed as a mere frontage road. It is designed as the westbound extension of Highway 6. Every truck headed west on Highway 6 or from the Frye Quarry must use that road. The trail will exist as an attachment to a very busy highway extension. The Railroad Corridor contributing segment will be eliminated. Each time a smaller, but very visible segment is destroyed, the integrity of the National Register resource is diminished, which constitutes an “adverse impact” As a consulting party under the NHPA, the County has made the jurisdictional determination that the South Frontage Road alternative will have an adverse impact on the eligible cultural resource.

Point 3 of your letter asserts that the entire responsibility for Section 4(f) is covered by the high-level review of historic resources under NHPA Section 106. Clear Creek County does not agree. Section 4(f) requirements under regulations at 23 CFR 774 stipulate that FHWA and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- 1) There is no feasible and prudent avoidance alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use;
OR
- 2) The Administration determines that the use of the property will have a de minimis impact.

The Federal Highway Administration states that “Any project that affects Section 4(f) land must include a Section 4(f) assessment.” **Assessments under Section 106 and Section 4(f) must be conducted separately.** Despite that a Section 106 assessment was conducted, CDOT/FHWA cannot avoid an assessment under Section 4(f). Section 4(f) prohibits both the actual taking of land from the protected property and constructive use of the property – where a project’s proximity to the Section 4(f) resource substantially impairs the normal use of the land. As we noted, the “frontage road” is not actually designed

Lisa Schoch, Senior Historian

May 10, 2021

Page 3

as a mere frontage road and every truck heading West must use that road. Further, the trail will exist as an attachment to this now busy road. It is clear that the location of this new busy road impairs the normal use of the land, which is generally a quiet and scenic hiking trail along the historic railbed. Further, the concrete walls will disrupt recreational fishing, picnickers, and access for hikers and bikers. In summary, the use and enjoyment of the land as is would not be maintained for current or future generations. Instead of a nature trail, it will be a concrete jungle.

Further, Section 4(f) requires that if the alternatives include the land from the Section 4(f) resource, the alternative that is prudent and feasible and that has the least overall impact on the resource, including mitigation measures, must be selected. As you mentioned in your letter, the proposed frontage road would be at least 30 feet wide, more than the width of the historic railbed, and the 10-foot trail would be pushed to the edge of the creek. As such, the entire railbed and its historic walls would be destroyed, and the trail that currently occupies the railbed would be destroyed and misplaced. The design indicates that the concrete walls will be required along the mountainside and in many areas along the trail leaving no space for the recreational fisherman, picnickers, or mountain access for hikers, much less 4(f) protection or cultural resource interpretation. This isn't an alternative that uses only *some* of the 4(f) land, it uses/destroys the *entirety* of the 4(f) land and any possible cultural resource interpretation.

Further, wildlife impacts have not been adequately considered. Concrete walls are more prohibitive of animals crossing and using the land, trail, and creek. Page 20 of the Floyd Hill Master Plan (FH MP) discusses the significant amount of wildlife movement on Floyd Hill. Elk migration patterns are depicted along I-70, and mule deer migration corridors are located adjacent to nearby I-70. Page 23 of the FH MP includes a map of wildlife in the area and their migration patterns. Based on our interpretation of the map, mule deer and lynx populations will be significantly impacted by the Floyd Hill project. Not only will the species located within the creek be adversely impacted, but the proposed frontage road itself endangers wildlife on the south side preventing it from reaching the creek and preventing use and enjoyment of the 4(f) open space resource by eliminating wildlife, thus affecting the public park recreationalists utilizing the 4(f) property.


We are pleased that viable alternatives are already being evaluated, and initially appear to be the preferred alternatives for this project. This outcome is our hope on behalf of Clear Creek County, and perhaps in the future this discussion will be moot. However, despite this potential favorable outcome, Clear Creek County does not waive its right to challenge the application and compliance with 4(f) and Section 106 with respect to FHWA/CDOT determinations.

Sincerely,

CLEAR CREEK BOARD OF COUNTY COMMISSIONERS


George Marlin, Chairman


Randall Wheelock, Commissioner


Sean C. Wood, Commissioner

Lisa Schoch, Senior Historian

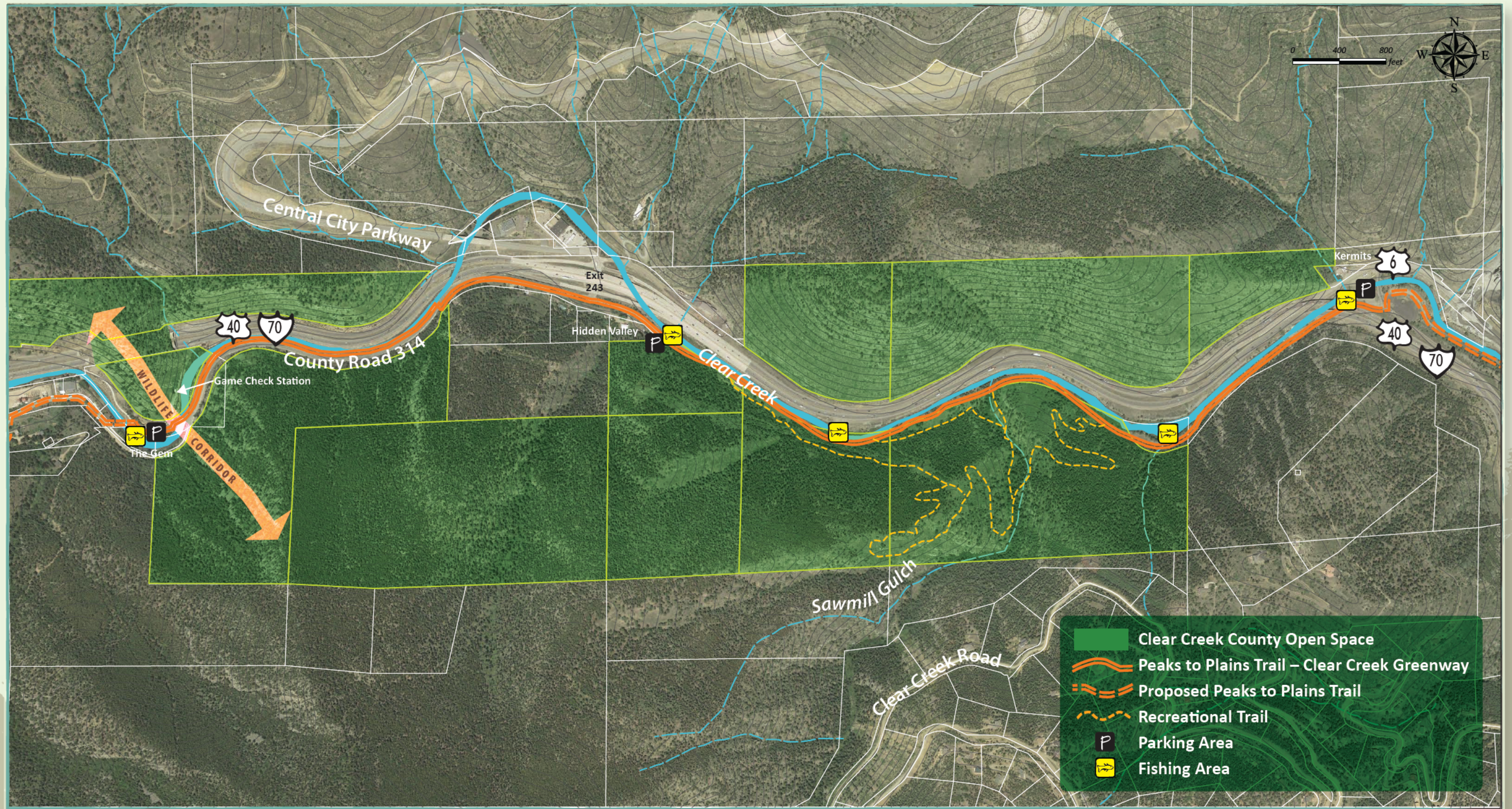
May 10, 2021

Page 4

cc: Peter Lichtman, Clear Creek County Attorney's Office
Rebecca Almon, Ireland Stapleton Pryor & Pascoe, PC

EXHIBIT 4

Open Space Commission Map of Hidden Valley Open Space Park



Hidden Valley Open Space Park

Recreation Concept Development



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

October 1, 2021

Ref: 8ORA-N

John M. Cater, P.E., Division Administrator
c/o Stephanie Gibson, Environmental Program Manager
Federal Highway Administration, Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Administrator Cater:

The U.S. Environmental Protection Agency Region 8 has reviewed the Federal Highway Administration's (FHWA) September 22, 2020, Draft Environmental Assessment (Draft EA) for the I-70, Floyd Hill to Veterans Memorial Tunnels Project (Project). The FHWA has prepared the Draft EA as tiered from the 2011 I-70 Mountain Corridor Programmatic EIS which recommended highway improvements for a six-lane component from Floyd Hill through the Twin Tunnels (MP 243 to MP 247), including a bike trail and frontage roads from Idaho Springs to Hidden Valley and Hidden Valley to US 6.

The EPA appreciates FHWA's communication and coordination tools used for this project. We found the virtual public reading room to be user friendly and informative. We support the two proposed permanent air quality monitors at Floyd Hill and Idaho Springs to collect data on local air quality conditions. We also appreciate that the Draft EA identifies opportunities where riparian habitat improvements along Clear Creek could be made. We encourage the inclusion of these elements into the final design and decision for this Project.

The Draft EA identifies three alternatives for consideration: the Canyon Viaduct alternative (preferred), the Tunnel alternative and the No Action alternative. In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we are providing the enclosed comments on impacts to water resources and air quality.

We appreciate your consideration of our comments as you develop the Final EA. These are intended to help ensure a thorough assessment of the project's environmental impacts and an informed decision-making process.

If we may provide further explanation of our comments, please contact me at (303) 312-6704, or your staff may contact Laura Margason at (303) 312-6665 or margason.laura@epa.gov.

Sincerely,



Philip S. Strobel
Chief, NEPA Branch
Office of the Regional Administrator

Enclosure

cc: Stephanie Gibson, U.S. Department of Transportation, Federal Highways Administration
Shaun Cutting, U.S. Department of Transportation, Federal Highways Administration
Vanessa Henderson, Colorado Department of Transportation, Region 1
cdot_floydhillproject@state.co.us

Enclosure - EPA Comments

Federal Highway Administration: I-70 Floyd Hill to Veterans Memorial Tunnel Project

(1) Water Resources

Clear Creek Realignment

For both action alternatives, the Draft EA identifies 1,400 linear feet of Clear Creek that will be realigned to accommodate curve flattening of the highway; however, the Draft EA does not present specific information describing this realignment. Realigning Clear Creek could have the potential for significant direct and indirect impacts to downstream morphology, therefore, the EPA recommends the Final EA include the more developed design plans that we understand have been completed since the Draft EA was published. The NEPA process benefits from being completed concurrently with the Clean Water Act (CWA) Section 404 Individual Permit that is required for the Clear Creek's realignment. In this way it fully informs the final design of the project as well as the public, government agencies, stakeholders and the decision makers of potential impacts and mitigation that will ultimately inform the final decision. Specifically, we recommend the EA include diagrams to compare the current stream configuration to the realigned configuration. The diagrams should be to scale and show the distance the stream is being moved. Because stream realignment is perhaps the most likely component of the project to adversely impact the environment, we also recommend the Final EA assess the impacts and potential benefit to the stream from the realignment.

CWA Section 404

We note that the CWA Section 404 permitting process will require more detailed information on aquatic resource impacts and mitigation than what was provided in the Draft EA. Unavoidable impacts to jurisdictional wetlands and streams must be compensated as required by 40 C.F.R. § 230.91. Mitigation for unavoidable impacts to water resources, including those related to the stream realignment, will be a critical component in the upcoming CWA Section 404 permitting process. This will help ensure adequate compensation for the lost wetland and stream resources resulting from project implementation.

In 2020, the U.S. Army Corps of Engineers (Corps) finalized the Colorado Mitigation Procedures (COMP) which is intended to standardize the Corps' compensatory mitigation procedures for quantifying wetland and stream losses (debits) and compensatory mitigation (credits) within the State of Colorado. The COMP states, "Whenever stream mitigation is required, the applicant will be required to provide the Corps with a stream mitigation plan that would offset the functional loss that is anticipated to result from the permitted activity." The U.S. Army Corps of Engineers Colorado Mitigation Procedures Version 2.0 further states:

"Functional feet (FF) is the primary unit of measurement that is used for calculating the amount of compensation that is required for stream impacts (debits) in Colorado. The

Albuquerque, Omaha, and Sacramento Districts calculate FF as the product of: (1) the estimated change in functions resulting from the permitted activity; and (2) the quantity (linear feet) of resources impacted. When stream mitigation is required to offset stream impacts, applicants should use the CSQT Debit Calculation Guide or other case-by-case Corps-approved FCAM, where appropriate for the site, to calculate the amount of stream loss that would result from the permitted activity.”

To quantify the anticipated stream impacts in functional feet, the EPA recommends that the FHWA, in coordination with the Corps, conduct a baseline and proposed condition assessment of impacted stream segments in the project area using the Colorado Stream Quantification Tool (CSQT). Combined with a jurisdictional determination, the output of the CSQT analysis will be essential for determining permitting requirements under the CWA Section 404. Utilizing the CSQT also has the added benefit of improving the performance standards being applied to stream mitigation locations by providing an objective and quantifiable measure of the change in functional lift between existing and proposed stream conditions.

The final mitigation plan for the CWA Section 404 permit will need to contain the 12 components outlined in the 2008 Mitigation Rule, including: objectives, site selection, site protection instrument, baseline information, determination of credits, mitigation work plan, maintenance plan, performance standards, monitoring requirements, long-term management plan, adaptive management plan, and financial assurances [40 C.F.R. §230.94]. We recommend these 404 permits elements and conditions be included into the final design of the project.

(2) Air Quality

The EPA appreciates the inclusion of the Air Quality Technical Report (AQTR) as well as the information prepared by the Colorado Department of Transportation (CDOT) in the state air quality report. The quantitative emissions estimate from the MOVES model is helpful to understand the potential differences between the alternatives.

The Draft EA states that improvements to I-70 and its access points are expected to improve the Level of Service (LOS) and air quality during peak periods. The analysis of the EA notes that construction activities may result in air quality impacts near the Project. Therefore, we are supportive of FHWA’s commitment to install and operate two permanent air quality monitors along the corridor as well as conduct real-time particulate (PM₁₀) monitoring during construction.

The analysis section of the Draft EA states that construction impacts will be minor and the AQTR makes the conclusion that no significant impact will occur since the project has met the requirements of Transportation Conformity. However, we do not recommend making this conclusion based solely on the criteria for evaluating Transportation Conformity. As noted in the document and its appendices, air quality impacts may occur during construction and highway traffic may affect air quality in the I-70 Mountain Corridor (see EA page 45). To

inform the decision, we recommend that the EA focus on which options and alternatives would be expected to result in the best air quality.

Air Quality Monitoring

The Draft EA does not present specific information regarding the two permanent monitors that will be installed. We recommend that the EA include information regarding what pollutants FHWA would monitor at the permanent locations. We also recommend that the monitoring include pollutants that could inform whether I-70 operations are impacting air quality, such as PM₁₀, PM_{2.5} and NO₂ (in addition to pollutants of interest to FHWA). In addition, it may be helpful if the stations can capture meteorological data. We recommend that the monitoring stations be installed prior to project initiation so that pre-project air quality can be captured. We also recommend that the Final EA include further specifics on the monitoring plans for these stations.

The Draft EA does not identify the specific procedures that will be followed for PM₁₀ monitoring at construction locations. We recommend implementing a monitoring plan to assure that high quality data will be collected and will be of most use to FHWA. We are available to assist with temporary or permanent monitoring, if desired.

Transportation Conformity

The Project lies partially within the Denver/Metro North Front Range nonattainment area for ozone and the Denver Metro maintenance areas for carbon monoxide (CO) and particulate matter (PM₁₀). Highway projects that require FHWA approval and lie within such nonattainment or maintenance areas are subject to the applicable requirements of the federal Transportation Conformity Rule in 40 CFR part 93, subpart A. Generally, the project must be shown to conform with the applicable implementation plan for attaining national ambient air quality standards (NAAQS). Project planners should also demonstrate no creation or increase in localized violations of standards, specifically with respect to the project's expected CO and PM₁₀ emissions.

To demonstrate the Project's conformity for the ozone nonattainment and PM₁₀ and CO maintenance areas, the EA cites the 2040 Regional Transportation Plan (RTP) and the 2020-2023 Transportation Improvement Program (TIP), as required under 40 CFR §§ 93.114 and 93.115. The EPA understands that at the time of the Draft EA's development these were the current versions. However, these documents have since been updated, so we recommend that the citation of, and reference to, the relevant RTP and TIP be updated to reflect the U.S. Department of Transportation's June 21, 2021 issuance of a conformity determination for the newer 2050 Metro Vision RTP and 2022-2025 TIP. As only one conforming RTP or TIP may exist in each designated area at any one time (see 40 CFR § 93.114(a)), the EA should reference the project's inclusion in the current conforming RTP and TIP.

The Draft EA did not fully summarize information from the 2020 report titled, *I-70 Floyd Hill to Veterans Memorial Tunnels Traffic Technical Report*, and we were unable to find the

report, as cited. The Transportation Conformity determination would have benefited from the inclusion of the report because it includes information regarding fleet count and fleet characteristics. We recommend that report be made available on the Project website and the EA summarize information referenced from that report. This could be accomplished by including illustrative tables of the vehicle fleet breakdown to clearly demonstrate that the project services neither a significant number of diesel vehicles nor a vehicle population with a significant percentage of diesel vehicles. This will support FHWA's demonstration that the project will not cause or contribute to any localized CO or PM₁₀ violations according to the requirements of 40 CFR § 93.116 without a quantitative hot-spot analysis and given that the project is included in a transportation plan with a valid regional emissions analysis and FHWA found that the project meets none of the criteria for a project of air quality concern under § 93.123(a)-(b).

Express Lane Analysis

We recommend that FHWA better explain or reconsider the decision not to carry forward the three westbound general-purpose lane (3GPL) option in the EA. Improving LOS and safety are the primary purposes and needs for this project. As a result, it would benefit the EA and inform the decision to assess and compare the performance of the 3GPL lanes against the pay-to-use EL for impacts to air resources, travel safety, travel speeds and times, and overall LOS. The Transportation and Traffic Technical Report (TTTR) includes the information necessary to compare overall I-70 operation and LOS. If our interpretation of TTTR is correct, it appears the 3GPL option would improve LOS compared to the EL option. Because LOS, air quality and safety are closely related, EPA recommends including the 3GPL as an alternative in the EA to evaluate whether that option provides an opportunity for the design of the project to further improve air quality and safety.

Westbound Lane Options

In general, the TTTR indicates better westbound performance for the 3GPL lanes. Aside from peak traffic flows it appears that a pay-to-use EL would not be highly utilized, limiting traffic patterns to two-lane flow. The TTTR indicates that the Highway Safety Manual (HSM) modeling was not performed for the 3GPL option because, "a decision was made that the proposed action would include an express lane as the third westbound I-70 lane." (TTTR, p. 118). We recommend that the FHWA add analysis to the Final EA that compares the safety of the 3GPL to the EL option, ideally using the HSM modeling methods to better support a decision to construct the preferred express lane alternative rather than the 3GPL option.

If it is not feasible to do the suggested HSM modeling, we recommend the information be summarized from the TTTR to compare the performance of the 3GPL lanes to the pay-to-use EL option and evaluated whether 3GPL for westbound Floyd Hill provides for greater highway safety and LOS thereby best serves the project purpose and need. Specifically, we recommend the Final EA summarize the following points that are detailed in the TTTR to characterize the 3GPL option in the EA:

- Exhibits 116, 117, 119 and 121 depict traffic volumes. For pay-to-use lanes, vehicles per hour volumes are near zero except during peak periods and therefore will not improve highway service beyond two lanes for most of the day.
- Exhibits 124 and 125 indicate that traffic on US-40 will be minimized with 3GPL rather than an EL. This will benefit local traffic patterns who rely on US-40 to access their property.
- Page 122, Section 6.4.3 of the TTTR report summarizes travel time stating, “Going westbound during the morning peak, the [TransModeler] model with three general-purpose lanes (3GPL) has shorter travel times than the model with the third lane as an express lane.”
- Page 123, Section 6.4.3 of the TTTR indicates that for winter Saturday westbound travel times, “The EL option has higher travel times than the 3GPL option for winter westbound.” The following paragraph in that section summarizes a similar trend for summer Sunday travel, “with the 3GPL option having a slightly lower westbound travel time than the EL option.”
- Page 125, Section 6.4.4.1 *Travel Speeds and Congestion, Tunnel Alternative* – The conclusion provided is that “Westbound congestion occurs for more hours of the day for the EL option as shown by reduced speeds for longer than for the 3GPL option. Peak congestion in the westbound direction is more severe for the 3GPL option, despite clearing faster.”
- Exhibit 148 and 149 present Tunnel Alternative congestion diagrams and show better performance for 3GPL rather than EL option.
- Exhibit 152 and 153 present congestion diagrams for summer westbound travel that shows that the 3GPL option produces less congestion than the EL option.
- Page 130, Section 6.4.4.2 *Travel Speeds and Congestion, Canyon Viaduct Alternative* – The conclusions provided for this alternative are that for winter “The EL options for the viaduct [compared to the 3GPL] has lower speeds at the westbound peak for more of the corridor and takes longer to recover.” For the summer, “Westbound speeds are slightly higher for the 3GPL option.”
- Exhibit 156 and 157 indicate less winter westbound congestion is expected for the 3GPL option rather than the EL option for the Canyon Viaduct alternative.
- Exhibit 160 and 161 do not show significant differences in summer westbound congestion when comparing the 3GPL and EL options.
- Exhibits 164-165 and 166-167 – Travel time reliability in the Tunnel Alternative and Canyon Viaduct Alternative are better for the 3GPL. Further for winter travel reliability Exhibits 164 and 166 depict disproportionately poor travel reliability for 2GP lanes as compared to the 1EL in the 2GP+1EL option. Whereas the travel reliability of all lanes in the 3GPL option are better than the reliability of the 2GP lanes if a third lane is an EL.
- Exhibits 168 compared to Exhibit 172 for LOS for the Tunnel Alternative shows better LOS for 3GPL rather than EL option.
- Exhibit 170 compared to Exhibit 174 shows that for the Tunnel Alternative summer westbound LOS is better for the 3GPL. Further the EL option seems to produce a failure

condition during the mid-day, whereas the 3GPL option does not produce any failure conditions.

- Exhibit 176 compared to Exhibit 180 shows significantly better performance for 3GPL rather than EL option for the Canyon Viaduct winter westbound LOS. Failure conditions are significantly reduced in the 3GPL option, whereas failure conditions are predominant in the EL option.
- Exhibit 178 compared to Exhibit 182 shows significantly better performance for 3GPL rather than EL option for the Canyon Viaduct summer westbound LOS. Failure conditions are not projected for the 3GPL option, while failure conditions occur for up to four hours at several locations for the EL option.
- Exhibit 185 presents Canyon Viaduct Alternative ramp terminal intersection LOS and shows significantly better LOS for the 3GPL rather than the EL options for the Hidden Valley WB Ramps, Hidden Valley EB Ramp-NB CCP and overall, and notably US 6 and US 40 (which has a failure condition for the EL option).

Eastbound Lane Options

For eastbound traffic much of the information in the TTTR shows very little difference in performance of the highway whether there is an EL, suggesting no LOS benefit to requiring payment to use the EL. If no benefit to LOS is expected, we recommend reevaluating whether the addition of an eastbound EL will meet the purpose and need of the project.