

**I 70 Mountain Corridor  
Collaborative Effort Meeting  
January 24, 2007  
The Keystone Center, Keystone, CO**

**Meeting Minutes**

**Housekeeping and procedural items**

- The group agrees that email should be used for notification, scheduling and management of the group process. Substantive matters and information should not be discussed via email.
- Meeting notes need to be posted to the website in a shorter time frame after meetings
- The Federal Transit Administration has been noticeably absent from discussions

**“NEPA 101-201”**

- Independent Advisors Gina McAfee and Dr. George Sherk presented background information, case law, precedent and practice related to transportation planning under the National Environmental Policy Act (NEPA)
- Please see the presentations of the Independent Advisors, posted to the Collaborative Effort section of the website.

**Key Points from Questions and Discussion From NEPA Presentations**

- The interpretation of the term “reasonably foreseeable” is context, specific, and often answered within litigation
- An agency decides “reasonable alternatives” and this is subject during judicial review. Comments and questions should be raised by stakeholders during the comment and review period for judges to consider them.
- Mitigation actions included in the study are usually (almost always) for present and future actions and decisions, not for past actions, though it is possible
- The treatment of cost within PEIS’s is a “grey issue.” Cost should not eliminate viable alternatives early, but can be a part of the consideration of the best alternatives
- It is difficult to prove “agency intent” and non-willingness to consider comments submitted on studies
- Supplemental studies are usually triggered when an agency makes substantial changes in the proposed action that are relevant to environmental concerns or when there are significant new circumstances
- There is not specific “shelf life” of a study, but the older a document, the better chance it needs some updating
- There have not been many challenges to Programmatic studies, as there is a small number of Programmatic transportation studies, relative to standard EISs.
- Of PEISs that have been conducted, even fewer of them have identified preferred alternatives

- Final decision making is made at the Record of Decision (ROD) level
- After a NEPA study is completed, a preferred alternative requires approval by the US Army Corps of Engineers (USACE) as the Least Environmentally Damaging Practicable Alternative (LEDPA) for 404 (waters of the US) impacts
- Mitigation obligations are most binding and “real” when included in the ROD, but are still somewhat optional
- It is not required that cooperating agency review and comments of draft studies are released as public information
- Induced growth can be considered as a part of Cumulative Impacts. For Cumulative Impacts in general, it is difficult to establish baselines. This is especially so for climate change issues
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**Public Comment:**

- Several members of the group and public asked about the participation of the FTA in the Collaborative Effort, as their representative has not been present.
- Ann Callison asked about a 10 year timeframe to initiate construction. And CDOT director responded that the timeline for actual construction is uncertain, but everyone wants to move forward as quickly as possible

**CO State Representative Christine Scanlan addresses the Collaborative Effort**

- Christine is the new Representative of district 56, replacing Dan Gibbs who is now a Senator
- She has a long history with The Keystone Center, and has been in management
- She is no longer in management, her primary role is fundraising for the Science School
- Caelan and Sarah do not report to, nor are supervised by, Christine
- She supports collaborative processes and the work of the Collaborative Effort

**Continued discussion on Criteria for evaluating alternatives and transportation packages**

**Mobility**

- A question remaining for the corridor and state: how much traffic and volume to accommodate, how much is desirable, how much congestion is acceptable?
- How to address the new timeline/vision of 50 years in mobility criteria? What does this mean for traffic modeling?
- Mobility within and among corridor communities needs to be considered explicitly and separately in mobility criteria

**Community Values**

- There is a need for greater economic analysis
  - o By community
  - o During construction
  - o There is an interest in dis-aggregating the REMI model

- Heritage tourism is not properly or thoroughly considered as a part of economic analysis
- Energy costs for construction and operation should be a part of economic analysis
- Land use impacts should be included in the Community Impacts considerations of the PEIS

### **Environmental Health/Impact/Mitigation**

- Air quality should be a part of environmental criteria, including ozone pollution
- Greenhouse gasses and emissions that contribute to climate change should be a part of environmental criteria
- Greater specificity on fisheries impacts needs to be incorporated
  - o Protected species
  - o Threatened or endangered species
  - o Native or non-native species
- Criteria should be restructured into more sensible criteria
- Impacts from recreation activities due to induced growth should be considered, especially on public lands

### **Regarding economic criteria for comparison of alternatives**

- “Lifecycle” costs, including capitalization of infrastructure, maintenance and management costs should be considered for all transit modes
- Costs and impacts to corridor communities, especially during construction, should be a part of economic criteria
- Economic criteria should be compatible with the 50 year vision in the Purpose and Need
- The sequencing and “phase-ability” of different improvements and modes should be a part of economic criteria
- There are important considerations for appropriate comparison of the costs of different modes. For example, how to consider the cost of existing road infrastructure and the subsidy available for roadway construction
- Economic costs of environmental damage/restoration/loss should also be included in economic criteria

### **Next Steps:**

- Collaborative Principles will be drafted, edited and circulated by the facilitators
- A goal of the group is to simplify the range of alternatives for the sake of group discussion
- Topic-specific small groups need to be organized and convened
- There is a desire to review the 21 alternatives developed/analyzed in the Draft PEIS

