

**I 70 Mountain Corridor PEIS
Collaborative Effort, Meeting 2
November 26, 2007
USDOT Building, Lakewood, CO**

Meeting Minutes

Presentations and Handouts (all posted to www.I70mtncorridor.com/peis)

- Overview of PEIS
- NEPA-404 Merger
- CDOT FHWA Letter to Collaborative Effort members
- Alternative Routes Appendix
- Mitigation Summary
- CSS CE integration
- CSS Values Statements

Review and Approval of Protocols

CE members reviewed edits to the Operating Protocols. The Protocols were approved. A final draft will be circulated and posted to the website.

- It is agreed that “Collaborative Effort” is the official name of this working group. Informally, the Collaborative Effort may be collectively referred to as a “group” or “team”.

Overview and Presentation on the PEIS

Brian Pinkerton of CDOT presented an overview of the I 70 Mountain Corridor PEIS including information on:

- Background of the study including preceding MIS studies and the filing of the Notice of Intent for the PEIS
- Lead and cooperating agencies
- Previous subcommittees formed to discuss engineering, environmental and financial topics including:
 - ALIVE
 - SWEP
 - Mountain Corridor Advisory Committee
 - Finance Review Committee
- Previous public involvement activities and meetings
- The range of alternatives developed and analyzed
- The Purpose and Need Statement including the addition of a 50 year vision

Discussion on Draft PEIS:

The following questions and clarifications were offered.

- Peak oil and/or global climate change was not considered in the draft
- Carbon Dioxide was not included in analysis, as it is not a registered air toxin.
 - Requests to add analysis of Carbon output by alternative
- Denver International Airport is:
 - Not within the study area boundaries of the PEIS

- Though connection to DIA was a part of some traffic and transit modeling
 - Previous user surveys indicate 8-10% of I-70 are from out-of-state users
- It is suggested that “Sustainability” be included in the Purpose and Need statement of the PEIS
- One-lane, reversible directions, dedicated for transit especially BRT were studied:
 - Requires almost as big a footprint as two lanes
 - Represented several significant engineering challenges, for example at tunnels
- Bus, BRT and other rubber-tire transit was highlighted as a potentially valuable interim technology and solution
- The affordability of any solution is ultimately determined by voters. It was noted that the CE ought to “let the public decide what level of traffic and Level of Service they are willing to address”

It was noted that scoping is a critical stage of Programmatic Studies. The group requested that FHWA’s scoping report be made publicly available.

Treatment and Disposition of Comments in PEIS

- all previous comments have been recorded and collated into a queryable database
 - by author
 - by topic
- Comments have not been prepared yet to all responses
 - All comments will be responded to in the Final PEIS
 - Including referencing and responding to comments submitted after the public comment period of the Draft PEIS and during current CE and CSS processes.
 - Meeting Minutes and Summary Notes from the CE will be included in the administrative record.
- Another comment period will coincide with the publishing of the Final PEIS

Presentation of Commitment Letter from CDOT and FHWA

CDOT and FHWA presented a letter that highlights the commitment of those agencies to be forthcoming and proactive in Collaborative Effort discussions and that if a consensus agreement around a preferred alternative is reached, CDOT and FHWA intend to adopt such an agreement.

Background information on Programmatic studies and FHWA legal sufficiency review

Monica Pavlick and Shaun Cutting of Federal Highways Administration (FHWA) led a discussion on Programmatic studies, general requirements, and key considerations for legal sufficiency review

- FHWA is closely coordinated and involved in the PEIS
- FHWA’s role is especially focused during the development of the Record of Decision (ROD) and during legal sufficiency review
- An important exercise is identifying which information is useful for answering questions at the appropriate level of detail for Tier 1 study.

Mechanisms to update the Draft PEIS

- a supplemental PEIS could be triggered if:
 - o the preferred alternative has changed since the publishing of the Draft (the Draft did not identify a preferred alternative)
 - o Significant, unforeseen environmental impacts are identified
- A review of a draft document is required after 5 years
 - o The CE is a part of review and updating
 - o It is possible to include new analysis and considerations in the Final PEIS

Future Agenda Items for Collaborative Effort

- What is truly involved in a Ballot Initiative?
 - o What ‘does it take?’
 - o How many times do initiatives usually fail before they succeed?

Integrating Section 404 of the Clean Water Act with NEPA

Tim Carey of the US Army Corps of Engineers led a group discussion about Clean Water Act requirements for the federal decisions.

- USACE is responsible for issuing permits to activities which may effect “waters of the US”
- In order to issue a permit, a project must
 - o Comply with Section 404 of the Clean Water Act
 - o Comply with NEPA
- NEPA considers impact to natural and human environments
- Clean Water Act, and USACE focus specifically on impacts to aquatic environments when considering 404 compliance
 - o Direct impacts such as disruption of a wetland
 - o Indirect impacts such as changing ground and surface water flow regimes
 - o Cumulative effects study the breadth of impacts created by the project
- USACE guidelines for NEPA require the identification and selection of the “LEDPA” or least environmentally damaging practicable alternative
 - o The LEDPA must be considered regardless of mitigation options
 - o “practicable” means technically, fiscally and politically feasible
 - o An alternative other than the LEDPA may be permitted if it is demonstrated that there are “other significant adverse consequences” to natural (not human) environments
 - Unlike the determination of LEDPA, “other significant adverse consequences” may be reduced to non-significant levels through mitigation
- Environmental Protection Agency reviews USACE and CWA permitting
 - o There are both NEPA and a Wetlands division within the EPA
 - NEPA section can rate a study poorly

- Wetlands section can Veto a permit allocation if determined there is a violation of Section 404 of the CWA
- USACE reviews Tier 1 studies
 - If determined that the Tier 1 study is adequate, USACE will not reevaluate Tier 1 decisions when considering permits for Tier 2 projects

Recruiting NEPA Expertise for the Collaborative Effort

The group discussed how they would like to proceed with selecting a expert who will work with the group to assist with the overall NEPA process.

They identified the following qualifications of a NEPA resource expert:

- Familiar with alternatives
- Eloquent about NEPA and transportation planning
- Can help manage public expectations and assumptions about NEPA
- Has technical expertise
- Can help integrate Collaborative Effort into overall NEPA/PEIS process
- Has credibility as someone with integrity and without a vested interested in any alternative or solution
- Familiar with transportation NEPA

AGREEMENT: Subcommittee formed to interview Candidates for NEPA Expertise

- Carol Kruse
- Harry Dale
- Bert Melcher
- Michael Penny
- Jeff Kullman
- Gary Frey

Integration of Collaborative Effort and Context Sensitive Solutions

Mary Jo Vobejda of CH2MHill led a discussion on the integration of CE and CSS processes

- CSS is developing a context statement that includes Core Values
- Values will help inform CE discussion regarding criteria to evaluate alternatives
- The CSS Guidance document will be a part of the Final PEIS and ROD, adding enforceability and accountability
- Much of the guidance in the manual will be on principles of consultation and decision making moving forward

Next Steps

- Convene small committee to review and interview candidates for NEPA expert position.
- Next meeting of Collaborative Effort December, 19th, The Keystone Center, Keystone Colorado
- Post handouts from meetings, meeting notes and edited protocols to website
- Post FHWA scoping review to website

