

# DRAFT

## Subtopic B3. NEPA Process

Thirty-five public and agency comments were received on the B3: NEPA Process subtopic. Those 35 comments produced 15 common concern statements. Themes related to the B3: NEPA Process subtopic include:

- Questions regarding the choice of the logical termini, particularly the beginning termini, which should be DIA
- The consistency of the depth of analysis provided in the PEIS
- The segmentation of the Corridor, which is improper for preparing an EIS
- Inconsistent relationship among time, money, and performance
- CDOT subjected to bias/outside pressure
- Deficiencies in the Draft PEIS, such as defining the issues, providing a clear basis for the choice provided, clearly comparing alternatives, or describing the tradeoffs among alternatives.

CCS No.	NEPA Common Concern Statements (CCSs)
<b>Subtopic B3: NEPA Process</b>	
B3-a	<p><b>Logical Termini</b></p> <p>Many of the alternatives do not have the same termini; they are of different lengths in the Corridor and end at different places. Because it is not apparent in the Draft PEIS, the Final PEIS should identify the reasons for the termini of the different alternatives.</p> <p>In addition, the stated need of the project “to increase capacity, improve accessibility and mobility, and decrease congestion” is not served by beginning the project at C-470. By setting the eastern terminus at C-470, CDOT and FHWA have improperly segmented the project to foreclose alternatives that do not involve more highway lanes. The project study should begin at Denver International Airport (DIA) instead of at C-470.</p>
B3-b	<p><b>Consistency and Depth of Analysis</b></p> <p>The PEIS is not consistent in its depth of analysis, detail, or recognition of impacts. Tier 1 analysis does not work well here because the Corridor is not one region but consists of vastly different areas in terms of the need, purpose, values consideration, and impacts.</p>
B3-c	<p><b>Segmentation of Corridor</b></p> <p>Segmentation of highway projects is improper for purposes of preparing environmental impact statements. Dividing the Corridor into short-distance segments favors incremental alternatives over comprehensive solutions.</p> <p>In the Draft PEIS, problematic areas were identified in the Executive Summary by highway segments. In Chapter 1, the problematic areas were expanded to include the area of influence related to congestion at focal points, which has led to a six-lane solution in Clear Creek County.</p>
B3-d	<p><b>Maps Showing Alignments</b></p> <p>Maps should be produced showing alignments for each alternative on which quantitative impacts are based in comparison to the existing facility.</p>
B3-e	<p><b>Ridership Surveys</b></p> <p>The ridership surveys should be made a part of the Administrative Record.</p>
B3-f	<p><b>Inconsistent Relationship Among Time, Money, and Performance</b></p> <p>The PEIS was weak in the inconsistent relationship among time, money, and performance of the alternatives. For example, all of CDOT’s preferred alternatives meet stated traffic demand goals for 2025, yet some of them reached capacity in 2030 and some in 2090. There was confusion as to what period should be used for planning purposes.</p>

# DRAFT

CCS No.	NEPA Common Concern Statements (CCSs)
<b>Bias/Outside Pressure</b>	
B3-g	The Colorado Department of Transportation (CDOT) is biased, is not independent, has already made up its mind, and intends to move quickly to a Record of Decision (ROD). CDOT has striven to confuse and frighten people with the very complex Programmatic Environmental Impact Statement (PEIS). CDOT should resist lobby efforts from paving contractors and pressures from politicians to just do something about I-70.
B3-h	CDOT should move ahead with highway improvements and not get bogged down by special interest groups.
<b>Draft Deficiencies</b>	
B3-i	<p>Because the Draft PEIS contains many factual errors and procedural omissions, its conclusions regarding the relative abilities of the alternatives to meet the proposed action's purpose and need are significantly flawed. It is deficient in the following:</p> <ul style="list-style-type: none"> <li>• Addressing cumulative impacts, properly considering endangered species, and organizing and displaying a decision matrix</li> <li>• The scoping process</li> <li>• Meeting the requirements of the Council on Environmental Quality (CEQ) and FHWA to analyze the No Action alternative</li> </ul> <p>Based on omissions and errors in the document, the City of Idaho Springs makes the following requests:</p> <ul style="list-style-type: none"> <li>• Revise the Draft PEIS and analysis to correct these problems</li> <li>• Add a new alternative</li> <li>• Reassess all alternatives using a balanced approach that avoids or corrects the identified problems and gives equal weight to environmental, technical, social, and cost factors</li> <li>• Redevelop and issue a Draft PEIS with a site-specific analysis for the entire Corridor that can be supplemented as conditions warrant</li> </ul>
B3-j	<p>The Draft PEIS should contain the following:</p> <ul style="list-style-type: none"> <li>• A policy-level discussion of the depletion of fossil fuels, both as a source of energy and as a source of construction material (asphalt).</li> <li>• The commitment of non-metallic minerals.</li> <li>• The decision to support the further urbanization of the mountains and the creation of additional pressure on critical wildlife habitat.</li> <li>• Additional impacts on water quality for the residents of the Front Range of Colorado who rely on the quality and supply of Clear Creek water.</li> <li>• A discussion of irreplaceable and irretrievable resources, including fens, which have been identified by the USFWS as irreplaceable with no possibility of acceptable mitigation (page 3.6-7 of the Draft PEIS). Further, "a definitive analysis of impacts on fens will be conducted at the Tier 2 level...." (page 3.6-1 of the Draft PEIS). With this one exception, no other analysis of irreplaceable and irretrievable resources is evident.</li> </ul>
B3-k	Lump sum analysis of the corridor resource impacts is not in the spirit of NEPA, which states: "—that the Nation may—achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities."
B3-l	The Draft PEIS is encyclopedic rather than analytic, does not sharply define the issues, or provide a clear basis for the choice provided. Statements in the Draft are not concise, clear, or to the point.
B3-m	The Draft PEIS discloses the spatial extent of environmental impacts in the Executive Summary but does not portray the intensity.
B3-n	The Draft PEIS lacks information about environmental issues. For example, in relation to wetlands, there is no information on what species will be affected or how strong the disruptions will be.

# DRAFT

CCS No.	NEPA Common Concern Statements (CCSs)
B3-o	<p>The Draft PEIS does not adequately</p> <ul style="list-style-type: none"><li>• disclose the site-specific impacts of the alternatives;</li><li>• provide a clear comparison among alternatives or a clear description of the tradeoffs among alternatives; or</li><li>• discuss reasonable mitigation measures.</li></ul> <p>Therefore, the proposed strategy of preparing a programmatic EIS (Tier 1) is inappropriate for NEPA compliance on this project. Programmatic documents (rarely used by federal agencies) are called into play when it is not clear what the scope of a project will be and, therefore, environmental impacts cannot be adequately determined or documented to share with the public.</p> <p>This process attempts to push forward a decision in the absence of adequate information on environmental impacts by inappropriately segmenting NEPA analysis and obscuring the true impacts of different alternatives.</p> <p>Who is, for NEPA purposes, the responsible official for this process?</p>