

DRAFT

Subtopic B5. Decision Process

Eighty-five public and agency comments were received on the B5: Decision Process subtopic. From those 85 comments, 11 common concern statements were developed. Themes in the B5: Decision Process subtopic include.

- The screening of alternatives does not comply with CDOT’s environmental ethics statement.
- The Draft PEIS did not provide enough information for the public and decision-makers to intelligently choose the best alternative; for example, there was no discussion on impacts in the years 2005 to 2025, the full cost of environmental impacts in Clear Creek County, and mobility impacts and their mitigation.
- The Draft PEIS did not detail the required items for selecting a preferred alternative, such as the environment, safety, construction impacts, health issues, and mitigation.
- A decision has already been made about the Preferred Alternative, with cost as the sole criterion for the decision.
- The Draft PEIS was unclear as to the weighting that was given to resource impacts in regard to environmental sensitivity, respect for community values, safety, and the ability to implement.
- Constructive use should be evaluated at Tier 1.
- FHWA and CDOT may not have considered the effect of alternatives on historic properties.
- The Section 106 consultation conducted at Tier 1 was seriously flawed because historic properties were not completely identified and effects on these properties were not analyzed.
- Section 106 and Section 110 efforts should be completed before a preferred alternative is selected.

CCS No.	NEPA Common Concern Statements (CCSs)
Subtopic B5: Decision Process	
B5-a	Non-Compliance with CDOT Environmental Ethics Statement The Programmatic Environmental Impact Statement (PEIS) screening of alternatives is not in compliance with the Colorado Department of Transportation (CDOT) Commission policies. Specifically, Chapter 1 of CDOT’s Environmental Stewardship Guide, March 2003, states: <i>CDOT will support and enhance efforts to protect the environment and quality of life for all of Colorado’s citizens in pursuit of providing the best transportation systems and services possible....CDOT has adopted the following environmental ethics statement to guide its work and accomplish its mission: “Environmental stewardship means to go beyond environmental compliance and strive for environmental excellence; to promote a sense of environmental responsibility for all employees in the course of all CDOT actions; to ensure that measures are taken to avoid or minimize the environmental impacts of construction and maintenance of the transportation system and that mitigation commitments are implemented and maintained; and to design, construct, maintain, and operate the statewide transportation system in a manner that helps preserve and sustain Colorado’s historic and scenic heritage and fits harmoniously into communities and the natural environment.”</i>

DRAFT

CCS No.	NEPA Common Concern Statements (CCSs)
B 5- b	<p>Insufficient Information</p> <p>Insufficient information is available to allow either members of the public or the decision-makers to intelligently choose the best alternative. At this level of analysis, it is difficult to identify one environmentally preferred alternative when there are so many tradeoffs of impacts among alternatives, and where the purpose and need statement does not focus on a short or longer-term solution.</p> <p>In particular, the analysis is missing the following:</p> <ul style="list-style-type: none"> • Impacts in the years 2005 to 2025 • Mobility impacts and mitigation of these impacts during the 15-year construction period • Full cost of environmental impacts in Clear Creek County • Transportation impacts; capital and operating costs; social, economic, and environmental impacts; and technical considerations • Critical issues, effects, and impacts on businesses that will result from affected interchanges, community isolation, population erosion, business loss over a substantial period of time, and removal of land for additional right-of-way • Additional study on Transit alternatives because the PEIS did not appear to apply the same level of critical study to several transit approaches as it did to the highway-widening option
B 5- c	<p>Decision Already Made</p> <p>It appears that CDOT has already made its decision. The Draft PEIS falls far short of the stipulations provided by NEPA and CEQ regulations that the process use the best available science to reach a conclusion that not only addresses the situation being investigated (in this case traffic volume), but also how to address it in the most environmentally acute manner possible.</p>
B 5- d	<p>Selection of the Preferred Alternative</p> <p>The selection of a Preferred Alternative requires consideration of the following:</p> <ul style="list-style-type: none"> • The environment, the aquatic environment, water, air, wildlife, safety, community and social values • Air quality and related health impacts and mitigation commitments • Health issues of children, senior citizens, and the public in general • Impacts on and constructive use of historic resources • Mitigation • Construction impacts and mobility restrictions during the construction period • Alternatives that meet transportation needs while promoting a sustainable environment and protecting quality of life • Resolution of issues in regard to transit, such as identifying a transit operator, identifying a funding stream to cover “expected” subsidization, and devising a supporting local system to transport day recreation or overnight travelers to their destination. <p>It will be too late to deal with these issues in Tier 2 They have to be dealt with now because the choices are being made at this point. Once at Tier 2, CDOT will have already decided to widen the highway and the harm’s already done.</p>
B 5- e	<p>Decision Based on Cost Alone</p> <p>The PEIS says that CDOT will balance the purpose and need in the identification of a Preferred Alternative. However, it appears that the preferred group of alternatives is based primarily on CDOT’s ability to implement the alternatives and there is insufficient balancing of the need with the stated purposes of community values, environmental sensitivity, and safety. Long-term decisions should not be based on cost alone.</p>

DRAFT

CCS No.	NEPA Common Concern Statements (CCSs)
B5-f	<p>Weighting Given to Resource Impacts</p> <p>The Draft PEIS is unclear as to the weighting given to resource impacts (direct, indirect, and cumulative) in regard to environmental sensitivity, respect for community values, safety, and ability to implement in the identification of the preferred group of alternatives, other than that the preferred grouping is based solely on cost and ability to accommodate Baseline travel demand.</p> <p>Because CDOT has so much flexibility in customizing the tiering approach to its specific situation, it is critical that it carefully communicates its decision-making process to affected parties.</p> <p>A decision matrix should be included in the PEIS describing the methodology and relative weighting given to all impacts in the evaluation leading to the identification of the Preferred Alternative in the Final PEIS.</p>
B5-g	<p>Identification of Preferred Alternative</p> <p>The Draft PEIS should have identified the Preferred Alternative before the public comment period. This would have allowed for more meaningful public input.</p>
B5-h	<p>Flaws in Section 106 Consultation</p> <p>Section 106 consultation conducted during Tier 1 is seriously flawed. A complete identification of historic properties and analysis of the effects on these properties was not performed; therefore, this information was not available for the alternatives analysis. The alternatives analysis should be redone, taking this information into account.</p>
B5-i	<p>FHWA Regulations not Met</p> <p>FHWA and CDOT may not have considered in Tier 1 the effect of all alternatives on historic properties in the manner required by FHWA regulations.</p>
B5-j	<p>Section 106 Consultation Not Accomplished</p> <p>Section 106 consultation has not been accomplished in Tier 1.</p>
B5-k	<p>Full Section 106 and 110 Review Necessary at Tier 1</p> <p>A complete identification of historic properties and analysis of the effects on these properties was not performed. Section 106 and Section 110 identification efforts and effects evaluations should be completed before the selection of an alternative in the Final PEIS and execution of the PA.</p> <p>A full Section 106 and 110 review of the Tier 1 Draft PEIS needs to be completed, including cumulative impacts and constructive use, before an alternative is selected in the Final PEIS and a PA is adopted for Tier 2.</p>