

# DRAFT

## Subtopic B6. Disclosure and Request for Supplement

Fourteen public and agency comments are related to subtopic B6: Disclosure and Request for Supplement. From those 14 comments, 3 common concern statements were created. Themes for the B6: Disclosure/ Request for Supplement subtopic include:

- Certain documents relevant to the PEIS were not made available to the public for their review. Having these documents would have allowed the public to better evaluate and comment on issues.
- Information was not distributed to all relevant parties or parties received incomplete information.
- CDOT must prepare a supplemental PEIS.

CCS No.	NEPA Common Concern Statements (CCSs)						
<b>Subtopic B6: Disclosure and Request for Supplement</b>							
<b>B 6-a</b>	<p><b>Availability of Relevant Documents</b>            CDOT should have made certain documents available. Making the following documents available would have helped the public evaluate and comment on issues:</p> <ul style="list-style-type: none"> <li>• FTA – CO-26-7002-2004 entitled The Colorado Maglev Project, dated June 2004</li> <li>• Access to Gaming EIS</li> <li>• The ALIVE reports for the I-70 PEIS</li> <li>• The Stream and Wetland Ecological Enhancement Program (SWEEP) reports for the I-70 PEIS</li> <li>• Minutes of Mountain Corridor Advisory Committee (MCAC) meetings</li> <li>• Peer Review (comments on the methodology used to project travel demand, in particular)</li> <li>• The ridership surveys taken by CDOT and referenced generally at a MCAC/Technical Advisory Committee (TAC) meeting</li> <li>• The Programmatic Agreement for the Section 106 properties</li> <li>• Any agreements between the US Army Corps of Engineers (USACE), FHWA, and CDOT relating to the I-70 PEIS</li> <li>• Other such agreements affecting matters, including Section 106 of the Historic Preservation Act and the State Historic Preservation Officer, Section 110 of the Historic Preservation Act, the Archeological and Historic Preservation Act, or other laws</li> </ul>						
<b>B 6-b</b>	<p><b>Distribution of Information</b>            In several instances, there have been cases of incomplete information or information not being distributed to all relevant parties. CDOT must prepare a supplemental Draft PEIS because CDOT did not fully disclose significant information.</p>						
<b>B 6-c</b>	<p><b>Commenters raised questions about, or specifically requested, a supplemental Draft PEIS based on their concerns about the Draft PEIS or its analysis. Reasons for requesting a supplement included a broad spectrum of concerns about the decision process, environmental impact analysis, and treatment of alternatives. Each specific reason for requesting a supplement is listed below. The technical responses to these concerns are addressed elsewhere in this Final PEIS as indicated in the table below.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 5px;"><b>A supplement of the Draft PEIS is required because the Draft PEIS:</b></th> <th style="text-align: left; padding: 5px;"><b>Location of Technical Response</b></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>• fails to adequately address cumulative impact analysis and mitigation; for example, the cumulative issue of recreation is too narrowly defined and needs to be expanded to include nonstructural recreational opportunities such as fishing;</li> </ul> </td> <td style="padding: 5px; vertical-align: top;">           B3-i (Sect 2.7)            B7-b, B7-c, B7-f (Chap 4)         </td> </tr> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>• fails to adequately address noise impacts;</li> </ul> </td> <td style="padding: 5px; vertical-align: top;">           G6-k (Sect 3.12), G6-p (Sect 3.12)         </td> </tr> </tbody> </table>	<b>A supplement of the Draft PEIS is required because the Draft PEIS:</b>	<b>Location of Technical Response</b>	<ul style="list-style-type: none"> <li>• fails to adequately address cumulative impact analysis and mitigation; for example, the cumulative issue of recreation is too narrowly defined and needs to be expanded to include nonstructural recreational opportunities such as fishing;</li> </ul>	B3-i (Sect 2.7) B7-b, B7-c, B7-f (Chap 4)	<ul style="list-style-type: none"> <li>• fails to adequately address noise impacts;</li> </ul>	G6-k (Sect 3.12), G6-p (Sect 3.12)
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	<ul style="list-style-type: none"> <li>fails to address air quality issues that will be generated by the increase of traffic itself should the interstate be expanded without any offer of alternative transportation, or to make any prediction as to which emissions monitored under the Clean Air Act will increase under the various alternatives;</li> </ul>	G1-a (Sect 3.1), G1-b (Sect 3.1)
	<ul style="list-style-type: none"> <li>fails to properly consider endangered species;</li> </ul>	F1-w (Sect 3.3)
	<ul style="list-style-type: none"> <li>lacks detail about non-threatened species and says little about restoring migration route corridors;</li> </ul>	F1-o (Sect 3.2) F1-p (Sect 3.2)
	<ul style="list-style-type: none"> <li>fails to fully consider safety, environmental sensitivity, and community values as meaningful factors in decision-making;</li> </ul>	B5-d (Sect 2.7)
	<ul style="list-style-type: none"> <li>fails to organize and display a decision matrix;</li> </ul>	B3-i (Sect 2.7)
	<ul style="list-style-type: none"> <li>fails to adequately provide specific mitigation measures and their associated costs;</li> </ul>	B3-o (Sect. 2.6)
	<ul style="list-style-type: none"> <li>fails to provide a thorough analysis and mobility impairment study of our economies and social fabric during the 15-year construction period of incremental highway widening;</li> </ul>	D1-a (Sect 2.3)
	<ul style="list-style-type: none"> <li>fails to specifically address conflicts with the Clear Creek County Master Plan in the economic analysis;</li> </ul>	G4-g (Sect 3.10)
	<ul style="list-style-type: none"> <li>identifies project termini that represent an improper segmentation of the transportation project;</li> </ul>	E1-j (Sect 2.4)
	<ul style="list-style-type: none"> <li>presents inaccurate economic figures in Section 2.3.7 and Chapter 5;</li> </ul>	Specific response in Appendix 1
	<ul style="list-style-type: none"> <li>presents some alternatives that meet the need and some (rail and AGS) that far exceed the need, resulting in alternatives that are not comparable.</li> </ul>	B4-a (Sect 2.5)
	<ul style="list-style-type: none"> <li>should incorporate a historic property evaluation under subpart B of 36 CFR Part 800;</li> </ul>	G9-d (Sect 3.15)
	<ul style="list-style-type: none"> <li>should incorporate a detailed summary of current Clean Water Act violations, as well as immediate, practicable steps to correct these issues, not only how to avoid future violations;</li> </ul>	F7-b (Section 3.6)
	<ul style="list-style-type: none"> <li>did not apply the same level of critical study to several transit approaches as it did to the highway widening option;</li> </ul>	B5-b (Sect 2.7)
	<ul style="list-style-type: none"> <li>falls short of using a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment (42 USC 4332(a));</li> </ul>	B5-c (Sect 2.7)
	<ul style="list-style-type: none"> <li>eliminates many alternatives too early without enough supporting documentation;</li> </ul>	B4-b (Sect 2.5)
	<ul style="list-style-type: none"> <li>presents alternatives that do not accomplish the vision of a magnificent transportation system that respects and honors our history and natural environment;</li> </ul>	B4-b (Sect. 2.5)
	<ul style="list-style-type: none"> <li>includes a seriously flawed Section 106 consultation in that alternatives were eliminated within Tier 1 without full knowledge of the potential direct effects on historic structures and character;</li> </ul>	B5-g (Sect. 3.15)
	<ul style="list-style-type: none"> <li>does not address context sensitive solutions and ensure that such construction cannot be negated by an inadequate budget;</li> </ul>	Specific response to comment 781c2 in Appendix 1
	<ul style="list-style-type: none"> <li>is a post hoc rationalization for a decision that has already been made;</li> </ul>	B5-c (Sect 2.7)
	<p><b>The Draft PEIS should be supplement or revised:</b></p>	
	<ul style="list-style-type: none"> <li>because there have been cases of incomplete information being distributed, or information not being distributed, to relevant parties.</li> </ul>	B6-b
	<ul style="list-style-type: none"> <li>to include the results of significant post-draft public processes (such as the Rural Resort Region Coalition Consensus)</li> </ul>	E11-x (Sect. 2.1)
	<ul style="list-style-type: none"> <li>to take into account new events and information that support the choice of the rail alternative, and revise the capital and funding period screen.</li> </ul>	E11-b