

# I-70 East Supplemental Draft EIS Review and Comment Training



**DENVER**  
THE MILE HIGH CITY

City and County of Denver – I-70 East EIS

# **NEPA Basics & the I-70 East EIS**

# NEPA Basics

- NEPA is a federal act
- Applies to all major federal actions and decisions
  - Systematic, interdisciplinary approach to planning
  - Involves “widespread coordination, review, and public disclosure”
- What triggers NEPA?
  - Federal funding
  - Need for federal permitting or approval

# What is the Purpose of NEPA?

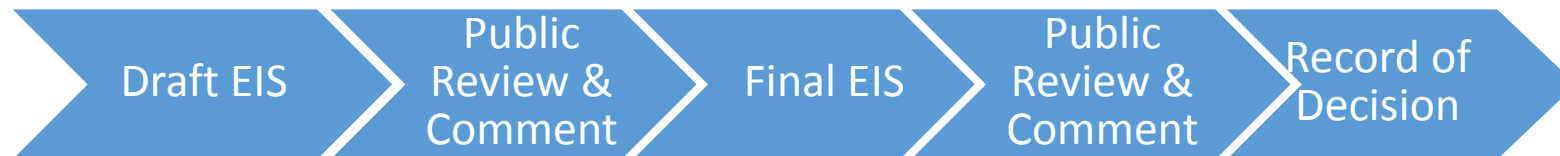
- NEPA is procedural—not substantive (it’s the process; not the decision)
  - However, substantive laws are addressed during NEPA
- NEPA documents must:
  - Take a “hard look” at significant environmental impacts
  - Inform decision makers
  - Provide a reasoned decision
  - Inform the public / consider and reflect public input

# Environmental Impact Statements are Highest Level of NEPA Process and Documentation

- Environmental Impact Statements, or EISs, prepared when an agency's proposed action will likely have significant environmental or social impacts
  - Complex and lengthy analysis
  - Multiple alternatives
  - Substantial public and agency involvement
  - Ends with a Record of Decision
- CDOT's I-70 East EIS
  - Initiated in 2003 as a joint highway-rail proposal (with RTD's East Corridor)
  - Initial Draft EIS issued in 2008 but no consensus on alternatives
  - Supplemental Draft EIS to be issued on August 29, 2014, with new, widely supported Partial Lowered Cover (PCL) Alternative

# What's a Supplemental EIS?

## EIS Typical Process:



If changes to the proposed action, or new information or circumstances, would result in significant environmental impacts not evaluated in the EIS, a supplemental EIS may be issued.

## I-70 East EIS Process:



# Where Are We in the NEPA Process for I-70 East?



# Some Project History – How It Started

2003

- FHWA/ CDOT & FTA/RTD issued a joint notice to prepare an EIS

June 2006

- Highway and transit elements were separated into two independent projects

2008

- I-70 East (hwy) Draft EIS
  - Analyzed four alternatives (two existing alignment, two realignment) with no preferred alternative
  - EIS stalled: lack of strong support for any alternative and funding uncertainty



# More Project History

2009

- RTD's East Rail Line EIS and Record of Decision issued, approving commuter rail between downtown Denver and DIA

2010

- CDOT/FHWA formed the Preferred Alternative Collaborative Team (PACT) to identify a preferred alternative
  - CCD participated in the PACT
  - PACT did not reach consensus on a preferred alternative

# More Project History

## 2011

- CCD initiated outreach efforts with community groups to identify neighborhood goals and expectations
- CDOT/FHWA continued community outreach

## 2012

- CDOT revisited past alternatives
- New Partial Cover Lowered (PCL) alternative developed
- Realignment alternatives eliminated

## 2013

- CCD, Adams County, Commerce City issued official letter of support for PCL
- New alternative triggered need for Supplemental Draft EIS to analyze effects

# NEPA Steps

# NEPA Steps: Scoping

Scoping

Purpose and Need

Alternatives Development and Screening

Impact Analysis

Mitigation Commitments



# What Agencies Are Involved in I-70 East?

Scoping: formal coordination on project scope and major issues to be addressed

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## Cooperating Agencies (permitting/regulatory authority)

- US Army Corps of Engineers
- US Environmental Protection Agency
- FTA
- RTD
- CDPHE

## Coordinating Agencies (planning /programming authority)

- Adams County
- Aurora
- Commerce City
- City and County of Denver
- DRCOG
- Public Utilities Commission

# NEPA Steps: Purpose and Need

Scoping

Purpose and Need

Alternatives Development and Screening

Impact Analysis

Mitigation Commitments



# Why is the Purpose and Need Important?

- Sets the stage for developing and evaluating alternatives
  - Both broad concepts and specific design elements must support the articulated needs
- Purpose: Concise statement of main goals
- Need: Details on underlying reasons action must be taken

# Lead Agencies Define Purpose and Need

- Authority and responsibility to define the purpose and need
- Council on Environmental Quality (and courts) defer to DOT to articulate purpose and need for transportation projects
- Nearly all transportation purpose and need statements address mobility and safety – in accordance with mission and responsibility to the traveling public
- For I-70 East EIS, the purpose and need was jointly developed by RTD and CDOT, with public and local agency review, to address multimodal needs and responsibilities. RTD action became the East Corridor / EAGLE project.



# I-70 East EIS Purpose and Need

- I-70 East Purpose and Need has not changed since Draft EIS

## Project Purpose

The purpose of the project is to implement a transportation solution that improves safety, access, and mobility and addresses congestion on I-70.

## Project Needs

- Increased transportation demand
- Limited transportation capacity
- Safety concerns
- Transportation infrastructure deficiencies

# NEPA Steps: Alternatives

Scoping

Purpose and Need

Alternatives Development and Screening

Impact Analysis

Mitigation Commitments



# Alternatives: Heart of the NEPA Process

- Must consider a “reasonable range of alternatives” that meet the project Purpose and Need
- What is “reasonable”?
  - Alternatives that are practical or feasible from a technical or economic standpoint
- What is a “reasonable range”?
  - If there are potentially a large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed.
  - Example: a proposal to designate a wilderness area in a National Forest might include dedicating 0, 10, 30, 50, 70, 90, or 100 percent of the forest to wilderness, not every possible percent.

# NEPA Steps: Alternatives

Scoping

Purpose and Need

Alternatives Development and Screening

Impact Analysis

Mitigation Commitments



# What Are CCD's Focus Areas for Impacts?

- Air quality and human health
- Connectivity
- Housing
- Economic and business impacts
- Recreation
- Aesthetics
- Everything else

# NEPA Steps: Mitigation Commitments

Scoping

Purpose and Need

Alternatives Development and Screening

Impact Analysis

Mitigation Commitments



# What Is Mitigation?

- Mitigation measures are related to an impact caused by the project.
- Mitigation measures are related to the severity of the impact.
- I-70 impact severity is related to the context of the cumulative impacts of past actions and environmental justice considerations.

# What is the Difference between Mitigation and Enhancement?

- Mitigation measures must be directly related to an impact due to the project (23 CFR 771.105(d)).
  - Offsetting benefits are considered for environmental justice impacts
- Enhancements are actions that improve the environment but are above and beyond what is required under NEPA mitigation of environmental impacts.
  - Not directly related to a project impact
  - Beyond the context and intensity of the impact



# I-70 East: Alternatives Review

What is CDOT proposing?

# Supplemental Draft EIS Alternatives

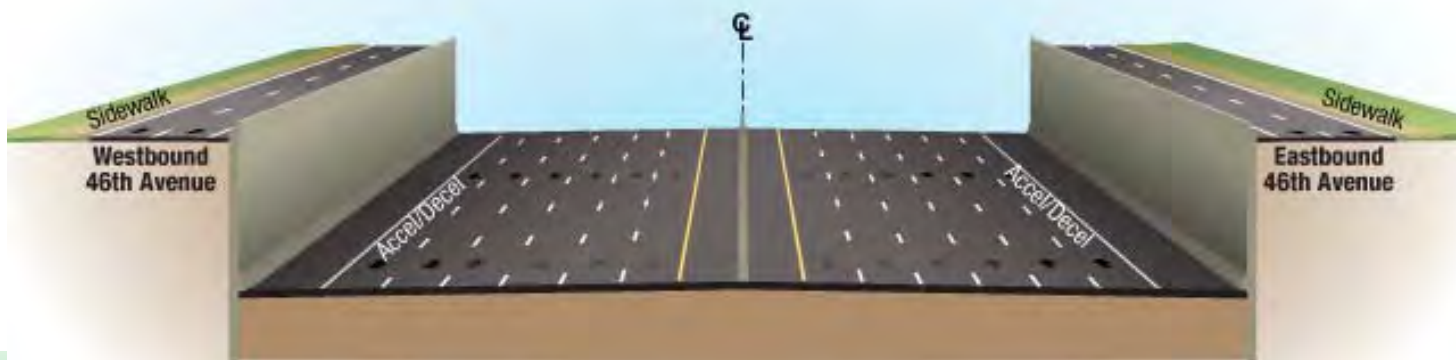
- No Action
- Partial Cover Lowered Alternative (Preliminarily Identified Preferred Alternative)
  - Connectivity Options: Basic or Modified
  - Operational Options: General Purpose or Managed Lanes
- Revised Viaduct
  - Expansion Options: North or South
  - Operational Options: General Purpose or Managed Lanes

Realignment alternatives eliminated after 2008 Draft EIS  
(do not meet Purpose and Need)

# CDOT's Proposed Action Partial Cover Lowered (PCL) Alternative

## ■ Design Elements

- Two additional lanes in each direction between I-25 and Tower Road, for a 10-lane section
- Reconnect the Elyria and Swansea neighborhoods
  - *Remove the viaduct*
  - *Rebuild below grade*
  - *Place a cover*



# CDOT Recommends PCL Alternative because...

- Is broadly supported by the public and local officials
- Improves safety and mobility for all users of I-70
- Meets the purpose, need, goals, and objectives identified for this project
- Restores and enhances the community and the social environment

CCD formally supports PCL Alternative as Preferred Alternative.



# Elements of CDOT's Preferred Alternative Supported by CCD

- Alignment: in current location - PCL
- Swansea Elementary School will remain in place
- Steele/Vasquez to remain in place as interchange
- Second lid would not be precluded, but would not be part of CDOT's base project (CCD responsibility )
- York would be 2 way over I-70 & Josephine would be a bike/ped bridge, not through Street – request of CCD incorporated in to design by CDOT
- Frontage roads and connectivity

CCD will not revisit these decisions through SDEIS process

# Preferred Alternative = Managed Lanes

- New lanes will be managed lanes.
- How does a managed lane work?
  - Allows buses and High Occupancy Vehicles (HOVs) to travel in managed lane
  - Adjusts toll pricing during peak travel times
- Purpose is to manage congestion, improve travel time. Toll revenue will *not* cover I-70 East project costs.

## Other Alternatives: Revised Viaduct

- Rebuild viaduct
- Two additional lanes in each direction between I-25 and Tower Road, for a 10-lane section
- Two lanes each direction on 46<sup>th</sup> Avenue below viaduct
- Two options: north shift and south shift
  - Differences include local roadway modifications and property impacts

## Other Alternatives: No Action

- Replace viaduct between Brighton Blvd and Colorado Blvd without any added capacity
- Two options: north shift and south shift
  - Shift and right-of-way acquisition must occur in order to maintain traffic on I-70 during reconstruction
- Also includes existing and committed roadway and transit improvements in project area, defined by DRCOG 2035 MetroVision RTP



# Presentation of Alternatives in Supplemental Draft EIS

- Alternatives chapter (Chapter 3) contains description of design and construction information
  - Provides basis for impact analysis
  - Construction phasing may not be fully developed but should be enough to understand the impacts – temporary and permanent
- Detailed drawings and other supporting information included in appendices
- Other locations: visual resources and cumulative effects sections

CCD has also developed relevant information from planning efforts, health impact assessment, public outreach, etc.

# CCD's Review & Comment Process

# What is CCD'S Role in the Comment Process?

- CCD has a major stake in the I-70 Project
  - Denver neighborhoods are most affected: Elyria, Swansea, Globeville
  - CCD has been involved from the beginning
  - CCD has worked with CDOT, community leaders, and affected neighborhoods to develop and improve CDOT's project

# What is CCD's Role in the Comment Process?

- Supplemental Draft EIS provides the best opportunity to relay detailed major concerns and effect change in project
- Balance big picture and detail comments
  - Opportunity to raise major concerns during SDEIS
  - Final EIS provides opportunity to review responses and refine comments – but not to raise new issues

# How to Effectively Review and Comment

# Review the EIS

- Read the “must read” sections and Table of Contents.
- I-70 EIS will have chapters discussing:
  - Executive Summary (must read)
  - Purpose & Need (has not changed since Draft EIS – must read chapter or summary handout)
  - Alternatives (must read summary handout) Transportation Impacts and Mitigations
  - Existing Conditions (Affected Environment), Environmental Consequences, and Mitigation by resource
  - Public and Agency Outreach & Coordination
  - Section 4(f) Evaluation (parks, recreation facilities, and historic resources)
- The EIS will be lengthy – requires focus

## Identify Major Concerns: Major Concerns Are...

- Information that would affect the proposed action or mitigation commitments
- An error in the analysis that may affect the outcome
- New information that would change the analysis and conclusions
- Impacts omitted, understated, or needing clarification
- Procedural mistakes
- Selection of alternative in conflict with substantive law

# Comment Objectives: How Will Your Comments Be Used?

- CDOT's consultant reads your comments in detail and categorizes:
  - Comments needing action, for discussion with CDOT
  - Other comments requiring discussion with CDOT
  - Comments noted, no action required
- Consultant/CDOT/FHWA project management team discuss key comments that require actions or that may affect the decision-making process.



# Comment Objectives: What Is the Goal of Your Commenting?

- Comments should result in an action.
  - Supplement, improve, or modify analyses or mitigations
  - Modify alternatives
  - Make factual corrections
- Comments should not simply make a point.
- Comments should not request that CDOT revisit past decisions, such as the project's purpose and need or previously eliminated alternatives.
- CCD should avoid submitting conflicting comments

# Writing Effective Comments

- Meaningful content, clear writing
  - Identify the EIS location you are commenting on.
  - Include any pertinent commenting history.
  - Summarize your request succinctly.
  - Provide supporting details and solid information.
  - Suggest specific language.
  - Offer solutions.

Your comments will be included in the Final EIS and become part of the public record.

# Effective Comments: Why One Voice?

- Conflicting comments are easy to dismiss because
  - CDOT has to make a judgment about priorities
  - Not CDOT (or FHWA's) role or authority to interpret priorities
- Clear, consolidated comments work because
  - Even if CDOT/FHWA disagree, they will need to explain why
  - Continues the conversation and provides ability to resolve issues during FEIS through ROD

# CCD's Comment Process

## Review Schedule & Process (45 day period)

Aug 29 – Sept 15: **10 working days** for staff and City Council review & comment; no conflicts within department



Sept. 16 – Oct 1: CCD comment resolution across departments; integrate City Council comments



Oct 2 – Oct 10: Prepare and submit final comments to CDOT (**Goal = one voice**)

# Review Participants

- City Attorney's Office
- Community Planning and Development
- Environmental Health
- Human Rights and Community Partnerships
- North Denver Cornerstone Collaborative
- Office of Economic Development
- Office of Sustainability
- Parks and Recreation
- Public Works
- Real Estate
- City Council

# What Happens Next?

- Supplemental Draft EIS (Aug 29, 2014)
  - Hard copies available at libraries, city offices, CDOT offices, Council offices and other community locations
  - Also available on CDOT's website – [www.i-70east.com](http://www.i-70east.com)
- Public Hearings (Sept 2014)
  - September 23 – Sable Elementary School, Aurora (2601 Sable Blvd)
  - September 24 – Kearney Middle School, Commerce City (6160 Kearney St)
  - September 25 – Bruce Randolph Middle School, Denver (3955 Steele St)
  - All 5:00pm to 8:00pm – open house with formal oral comments
- CDOT will staff an office in Swansea (Sept 2 to Oct 10, 2014)
  - Inside the Denver Rescue Mission (3501 East 46<sup>th</sup> Ave)
- Final EIS (Sept 2015)
- ROD (March 2016)
- Construction begins (pending funding) (Nov 2016)

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