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Colorado Department of Transportation, Region 1
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David Nicol
Division Administrator, Colorado Division
Federal Highway Administration
12300 W. Dakota Ave. Suite 180
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Re: EPA Comments on the I-70 Mountain
Corridor Draft Programmatic Environmental
Impact Statement CEQ # 040554

Dear Messrs. Kullman and Nicol:

The Environmental Protection Agency (EPA), Region 8, has reviewed the Draft Programmatic Environmental Impact Statement (DPEIS) for the I-70 Mountain Corridor transportation project. Our comments are provided in accordance with our authorities pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4231, Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

This DPEIS analyzes proposed alternatives for the I-70 transportation corridor from the western fringe of the Denver Metropolitan area to Glenwood Springs, Colorado. This "Tier 1" analysis is intended to support a decision on which mode(s) of transportation will operate in this corridor, what the general alignments of such modes will be, the general nature of the infrastructure needed to accommodate the modes, and the environmental and community impacts of these modes. The following comments are intended to assist you in preparing the Final Programmatic EIS upon which the selection of an alternative mode will be based.

The DPEIS contains an enormous amount of information. In some areas, such as the indirect impacts of growth, it is among the most extensive analyses this EPA Region has seen within the context of an EIS. I want to acknowledge the significant work you have performed in analyzing the impacts of this difficult decision. We appreciate the strong working relationship

EPA has with both the Colorado Division of the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT). The DPEIS reflects many of the comments EPA made during the scoping and EIS development process.

Results of EPA's Review and General Comments

- As indicated in the DPEIS, the decision as to whether the project should accommodate short or long-term transportation needs (for a 2025 or a 50-year vision) has not yet been made. Until this is clarified, it is difficult to identify the environmentally-preferred alternative. The document shows that in order to meet short-term demand, generally, the dual-mode bus in guideway alternative, with its improved energy efficiency (as compared to diesel bus in guideway), lower construction impacts and operational flexibility, appears to have the fewest environmental impacts. The document appears to show that the minimal action alternative may also be environmentally preferred, particularly if travel management options are enhanced and analyzed, but this alternative is not in the preferred group. A longer-term solution will have additional impacts, but otherwise may be appropriate, depending on the purpose of this project. However, based on the information provided, it is difficult to determine which of the longer-term alternatives may have the least significant environmental impacts considering all resources evaluated.
- No matter which alternative is selected, EPA strongly supports the stated environmental stewardship goals in the PDEIS that this is an opportunity to significantly enhance the environmental conditions throughout the existing corridor. This can be accomplished through state of the art mitigation and environmental management.
- We also recommend that the Final EIS include a more detailed plan for minimizing both congestion and environmental impacts during the extensive period of construction.

Specific Comments on the DPEIS

- Purpose and Need: The DPEIS indicates that a decision will be made on whether to plan for accommodating short or long-term transportation needs before the preferred alternative is identified in the Final PEIS. EPA believes that this clarification is essential to the purpose and need statement and in helping identify the environmentally-preferred alternative for NEPA as well as the least environmentally damaging practicable alternative (LEDPA) under section 404 of the Clean Water Act.
- Travel Demand Forecasts: The document relies on a baseline projection for travel demand that includes an estimate of current suppressed demand and projections of maximum growth along the corridor, which were obtained from the affected counties and the Forest Service. This travel demand estimate is used as the basis for determining the adequacy of each alternative. The goal is then to accommodate the traffic at the peak hour of the peak day of the peak season, which may be unnecessary and raises additional questions. First, the projected numbers may over-estimate growth, so that alternatives appear to become congested sooner than they might otherwise. For example, the minimal action alternative

was excluded from the preferred group of alternatives because it does not go far enough in meeting projected travel demand; however, given an expansion of travel management options, the minimal action alternative may well achieve a more realistic travel demand projection. Second, it is not clear whether FHWA and CDOT analyzed the sustainability of the ecosystem, given projected growth in the project area. An increase in population along with the projected increase in day and non-work visitors to the area could cause significant additional stress on the ecosystem, including the National Forests and the environmental infrastructure within local communities. It is not clear whether the impacts of this growth were contemplated in the White River National Forest and Arapahoe Roosevelt National Forest comprehensive management plans. The FEIS should discuss this issue.

- Minimal Action Alternative: The DPEIS states that the minimal action alternative does not relieve congestion and would not meet the underlying need for the project (Page 2-22). As suggested above, the travel demand portion of the Minimal Action Alternative should be analyzed in greater detail, given the minimal environmental impacts of this alternative. This alternative is said to cost \$1.31 billion, with the bulk of that cost for construction. The cost allotted to travel demand management is \$104 million, and the DPEIS does not present any modeling to show how travel demand management might reduce demand. A significant component of the travel demand is recreational non-work days and overnight winter and summer weekends. Therefore, incentives to manage this demand may reduce congestion and increase capacity. We can discuss incentives for additional travel management should you desire. If possible, the FEIS should quantify the effects of a more robust travel demand management scenario on reducing existing and future peak demand, in both the short term and the long term.
- Road Deicers: Road deicers can be a major contributor to water quality degradation. We are concerned that all alternatives appear to result in additional deicer usage, and that the impacts of deicers are not sufficiently analyzed. Although the document provides excellent information on the amount of deicer expected in various segments of the corridor, it does not include information on the impacts of additional deicer material on vegetation and water quality, nor does it include information on Best Management Practices (BMPs) to ensure that water quality will not be further impaired by deicers. Deicer issues include compliance with chloride standards, ammonia, and metals. In addition, the current model used (FHWA's Driscoll model) is a one-time picture of water quality impacts from chemical deicers, and does not capture what will happen over time.
- Sediment: The long-term fate and transport of sediment should be further addressed in the Tier 2 evaluations. Current usage of traction sand is listed as 76,050 tons per year along the entire project corridor, and is anticipated to increase for all of the alternatives. This is of particular concern along Straight Creek and Black Gore Creek, where both water bodies are on the State's impaired water list due to sediments. The DPEIS does not provide assurance that the water bodies will not be further impaired. The FEIS should include assurance that water bodies will not be further impaired in lieu of the specific BMPs, which we assume will be in the Tier 2 documents.

- Storm water Permit: As stated above, the DPEIS does not provide certainty that impaired waters along the project corridor will not be further impaired, and that definite BMPs and/or mitigation measures will be included. Given the size and complexity of the project and the proximity of construction to several impaired water bodies, such an assurance cannot be given at this stage, and there is a strong concern that Colorado's general construction storm water permit will not be appropriate for the construction activities proposed along the corridor. We can provide specific suggestions on what should be included in an individual permit for these projects, if that would be of use to you for consideration in the final EIS.
- Air Quality Impacts: The document does not adequately address Mobile Source Air Toxics. It also does not analyze PM 2.5 to show compliance with the NAAQS as well as a comparison of alternatives. In addition, there appears to be no PM10 monitoring near the right-of-way (e.g., within several hundred feet) at a high volume, high congestion area. We recommend that this analysis be done and that monitoring for PM10 and/or PM 2.5 be done both during and after construction to adequately characterize air quality impacts.
- Indirect and Cumulative Impacts of Growth: The document does a good job of addressing the indirect and cumulative environmental impacts from growth, which are significant for this project. Habitat fragmentation and additional impervious surfaces which would lead to wildlife and water quality potential impacts are analyzed in this document. We appreciate the comprehensive analysis done in the DPEIS on this issue and acknowledge that CDOT and FHWA were responding in part to EPA's requests for such analysis. However, strategies on how to deal with these impacts are missing from the document. We can discuss strategies to address these growth impacts on a programmatic level and for more specific Tier 2 analyses.
- Environmental Justice: The document does not appear to support the conclusion that low income and minority populations are not disproportionately impacted by this project. EPA Region 8's methods of identifying low income and minority communities would have included more communities than the method used in the DPEIS. It is important for projects such as this to achieve meaningful public involvement for all minority and low income communities. We can provide additional suggestions on strategies to address these issues.
- Amount of Funding: The amount of funding committed by the Transportation Commission and available for this corridor over the next 20 years appears to be about \$1.6 billion (see pages ES-2 and 5-11), but the cut-off for choosing preferred alternatives is set at \$4 billion. The underlying basis for the \$4 billion is not set out in sufficient detail in the draft. If this is a significant basis for choosing preferred alternatives, there should be better information on the selection of \$4 billion as the cut-off.

Ratings

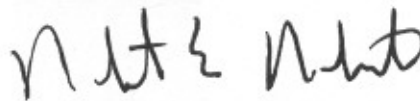
Based on the EPA's procedures for evaluating potential environmental impacts of proposed actions and the adequacy of information presented, EPA is rating all of the alternatives (both preferred and not preferred alternatives) as EC-2.

At this level of analysis, it is difficult to identify one environmentally preferred alternative when there are so many trade-offs of impacts among alternatives, and where the purpose and need statement does not focus on a short or longer-term solution. We cannot make the determination of an environmentally preferred alternative on the basis of the information presented. However, as stated above, the document appears to show that, for a short-term solution, the dual-mode bus in guideway alternative, and perhaps the minimal action alternative, appear to have the fewest overall environmental impacts. A longer-term solution will have additional impacts, but may be appropriate. We strongly recommend that any alternative selected should be designed and constructed using state of the art mitigation to improve environmental conditions and prevent further degradation along the corridor.

The "EC" (environmental concerns) portion of the rating means that EPA's review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" portion of this rating means that the draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment. We recognize the difficulty in providing certain details at this stage of analysis, but some additional information would complete the full disclosure of information and better support your decisions. A summary of EPA's rating system is enclosed.

While we have summarized our key concerns in this letter, we offer to provide you with more detailed comments within the next 30 days. We would appreciate the opportunity to discuss these comments with you and provide the additional detail. If you have any questions on these comments, please contact me or Larry Svoboda at 303 312-6004. We look forward to a continuation of the excellent working relationship we believe we have developed with you on this very important project.

Sincerely,



Robert E. Roberts
Regional Administrator

Enclosure

cc: Tom Norton, Executive Director, CDOT
Chris Paulsen, CDOT Region 1
Monica Pavlik, FHWA Colorado Division
Jean Wallace, FHWA Colorado Division
Tim Carey, US Corps of Engineers