



## CHAPTER 1: INTRODUCTION

*This chapter presents a brief description of the NEPA process and how the I-70 East project started. It also summarizes the project's progress to date, including the publication of the 2008 Draft EIS and the 2014 Supplemental Draft EIS. Public involvement has significantly influenced the project thus far, so additional information about how the public can maintain involvement through the remainder of the process is included. Lastly, this chapter includes a list of all the chapters in this document and associated technical reports, which are attached to this document as Volume 2 and 3.*

Since the Supplemental Draft EIS was published in August 2014, additional analyses and content review have been performed for many of the resources discussed in this document. These updates, along with changes resulting from the comments received on the Supplemental Draft EIS, have been incorporated into this Final EIS. In this chapter, no content-related updates were made.

### History and purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA was the first major environmental law in the United States. NEPA established this country's national environmental policies.

## 1.1 What is the NEPA process?

NEPA requires analysis of projects with a federal nexus, such as federal funding, that may impact the environment. This is done through a rigorous process that allows the public to understand and comment on the benefits and impacts of the project. Federal agencies are required by NEPA to prepare an EIS for major federal actions that could significantly affect the quality of the human and natural environment. EISs are intended to disclose the effects of a project at a stage in the project where decision making can still be shaped by the environmental analysis and agency and public comments. This process allows decision makers to consider effects on the environment with other important considerations, such as need, feasibility, cost, and the safety of the traveling public.

### What is a federal nexus?

Under federal law, NEPA applies to any proposed action or transportation project that has a federal nexus, including, but not limited to, instances where:

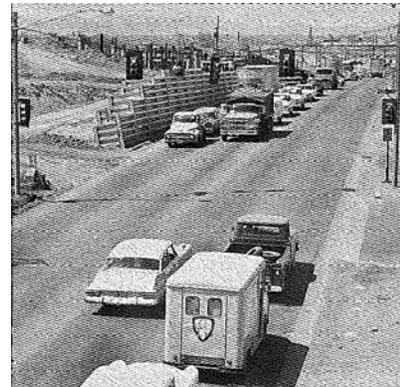
- Federal funds are involved
- Federal permits or approvals are required
- New or revised access to the interstate highway system is included

## 1.2 What is the history of I-70?

Planning for I-70 started nearly 60 years ago. As part of the recommendation for the “Valley Highway” (I-25), it was determined that Denver’s major east-west thoroughfare should be located along 46th Avenue to the east of the Valley Highway and along 48th Avenue to the west.

In 1947, Denver formally requested that the 46th Avenue/48th Avenue corridor be designated as a state highway between Sheridan Boulevard and Colorado Boulevard. Detailed studies and design efforts continued in the 1950s and 1960s, and I-70 construction was completed in 1964. The elevated section of I-70 East from Brighton Boulevard to Colorado Boulevard, known as the I-70 Viaduct, now carries approximately 145,000 vehicles per day, providing east-west access for commuters, freight, transit, and general-purpose traffic.

CDOT and FHWA propose improvements to the I-70 corridor where it crosses northeast Denver, Colorado, from I-25 on the west to Tower Road on the east.



*Historic photos of 46th Avenue from Commemorating the Opening of the East 46th Avenue Freeway (I-70), 1964*

The intent of the I-70 East EIS is to identify highway improvements along I-70 by:

- Analyzing alternatives that are intended to meet the project's purpose and need, and detailing the highway improvement alternatives development process;
- Evaluating the social, economic, and environmental effects (positive and negative) of the alternatives; and
- Identifying measures to avoid, minimize, or mitigate negative effects.

The aging viaduct is vulnerable to failure within the next 10 to 15 years, even with recent maintenance activities that were completed in 2011. In addition, by 2035, the corridor is projected to carry nearly twice as many vehicles as it was originally designed for, resulting in extended congestion and impaired mobility. The uninterrupted and safe movement of people and goods across I-70 through the Denver metropolitan area is essential to the region's economic vitality and quality of life.

### 1.3 What is the I-70 East EIS project?

This EIS process began in 2003 as part of the I-70 East Corridor EIS, which looked at both highway and transit solutions. The process was a joint effort among several agencies initially, including CDOT, FHWA, RTD, FTA, and Denver.

In June 2006, it was determined that the highway and transit elements of the I-70 East Corridor EIS process serve different travel markets, are located in different corridors, and have different funding sources. At this point, the highway and transit components of the analysis were separated.

The I-70 East EIS focuses on needed highway improvements between I-25 and Tower Road and is being conducted by CDOT and FHWA. The EIS for the transit elements in this area (East Corridor EIS) were completed by RTD and FTA in 2009; construction of the commuter rail transit line is anticipated for completion in 2016. The East Corridor EIS evaluated more than 100 alternatives (alignment, station locations, and technologies including bus rapid transit, light rail, and commuter rail). More information on the transit elements of this corridor is available at [www.rtd-fastracks.com](http://www.rtd-fastracks.com).



In November 2008, a Draft EIS was issued that evaluated the impacts of multiple alternatives. Following issuance of the Draft EIS, CDOT began a collaborative process with formation of the PACT in July 2010 to help decision makers with identifying a preferred alternative.

After many discussions, open dialogues, and public input, the PACT recommended the Current Alignment as the preferred alignment, but did not choose an alternative from those presented in the 2008 Draft EIS as the preferred alternative.

Following the PACT process, CDOT re-examined previously eliminated alternatives and developed a new alternative.

In August 2014, a Supplemental Draft EIS was released that updated the analysis in the Draft EIS and included additional analysis for the newly developed alternative.

NEPA allows lead agencies to preliminarily identify a preferred alternative at the Draft EIS stage. Although no preferred alternative was identified in the Draft EIS, FHWA and CDOT preliminarily identified a preferred alternative in the Supplemental Draft EIS. That alternative was refined and is identified as the Preferred Alternative in the Final EIS. Chapter 3, Summary of Project Alternatives, includes additional details on the Preferred Alternative.

Preparing this document provides an opportunity to respond to comments from agencies, stakeholders, and the public; further evaluate the Preferred Alternative that was preliminarily identified in the Supplemental Draft EIS; improve and modify previous analyses, as appropriate; and make updates to previous environmental documentation.

### **What is the PACT?**

The PACT is the Preferred Alternative Collaborative Team, which was comprised of state and federal agencies, advocacy groups, and stakeholders—including neighborhood representatives from Adams County, Aurora, Commerce City, and Denver. It was formed in July 2010 to help decision makers with identifying a preferred alternative.

## 1.4 Who has been involved in the I-70 East NEPA process?

NEPA requires that one or more lead agencies take responsibility for the environmental review process. For this project, FHWA is the federal lead agency and CDOT is the state lead agency. FHWA is providing highway design guidance and environmental oversight. CDOT is leading the highway design efforts and development of the EIS. The lead agencies also closely consider public comments on the project.

Staff from the affected jurisdictions and representatives of state and federal resource agencies provide advice and recommendations to the lead agencies about the scope and content of environmental analysis. These “cooperating agencies” are defined under NEPA as other agencies with jurisdiction by law or special expertise over evaluated resources (42 United States Code [USC] §§ 4331[a] and 4332[2]).



## 1.5 How were comments on the Supplemental Draft EIS addressed?

During the comment period, nearly 900 individual submissions—many containing multiple comments—were received from the public, stakeholders, and agencies on the Supplemental Draft EIS during the public review period from August 2014 to October 2014. Every comment was reviewed individually for response development. The comments and responses are provided in Attachment Q of this document. CDOT modified and revised the content of the document where appropriate in response to these comments.

## 1.6 What happens after the Final EIS?

After publishing the Final EIS and holding a public review period, the final step in the NEPA process is the preparation of a ROD that will select the preferred alternative, document FHWA’s final decision for the project, explain why it has taken a particular action, and present the mitigation measures and commitments to be incorporated into project construction and operation. The ROD will identify funding for the approved action consistent with the fiscally constrained section (Fiscally Constrained RTP) of the DRCOG 2040 MVRTP (DRCOG, 2015b).

## 1.7 When will the project be built?

Funding constraints limit the ability to fully construct the Preferred Alternative at one time. Therefore, the project will be built in phases. For more information regarding the phasing of the Preferred Alternative, refer to Chapter 8, Phased Project Implementation. Pending the completion of the NEPA process, construction of the first phase of the project is anticipated to begin in 2017.

## 1.8 How to stay involved and how CDOT will communicate with the public

The best way to stay involved and receive project updates is to join the project mailing list. To do this, visit the project website at: [www.i-70east.com](http://www.i-70east.com) or call the project hotline at 303-757-9413. CDOT will continue to keep the public informed about decision making and opportunities for input. Chapter 10, Community Outreach and Agency Involvement, summarizes all the techniques that CDOT practices to engage the public in the NEPA process.

To learn more about this document or to voice your comments and concerns, three public hearings are scheduled during the public review period and are listed below:

- Aurora: February 1, 2016  
North Middle School
- Commerce City: February 2, 2016  
Adams City High School
- Denver: February 3, 2016  
Bruce Randolph Middle School

## 1.9 How is this document organized?

This document is designed to provide readers with a complete record of the environmental analysis performed and the decision-making process that resulted in the identification of the Preferred Alternative. Accordingly, it includes the full analysis of the alternatives evaluated in the Supplemental Draft EIS, the No-Action Alternative and the Revised Viaduct Alternative, as well as updated analysis of the Preferred Alternative, the Partial Cover Lowered Alternative.

This document includes 10 chapters (Volume 1) and 15 attachments (Volumes 2 and 3) that support the analysis and information presented. It has the same chapter

arrangement as the Supplemental Draft EIS, but adds two new chapters (Chapter 8, Phased Project Implementation, and Chapter 9, Preferred Alternative Mitigation Commitments) and moves Community Outreach and Agency Involvement to Chapter 10. Each chapter includes multiple sections and subsections to make it easier for the reader to find the information they are looking for.

Volume 1 of the Final EIS includes the following chapters:

- Executive Summary (also included in Spanish)
- Chapter 1—Introduction
- Chapter 2—Purpose and Need
- Chapter 3—Summary of Project Alternatives
- Chapter 4—Transportation Impacts and Mitigation Measures
- Chapter 5—Affected Environment, Environmental Consequences, and Mitigation
- Chapter 6—Cumulative Impacts
- Chapter 7—Section 4(f) Evaluation
- Chapter 8—Phased Project Implementation
- Chapter 9—Preferred Alternative Mitigation Commitments
- Chapter 10—Community Outreach and Agency Involvement

A list of references and a list of preparers are included as a part of this volume to source the data and identify the authors of the document.

The 15 attachments provided in Volumes 2 and 3 present technical data and detailed analysis supporting the results provided in this document. Some of these technical reports include an addendum, which updates the analysis that was previously performed in preparing the Supplemental Draft EIS. There are three new attachments, presented as Attachments O, P, and Q.

Attachment A, *Alternative Maps*, is a standalone 11-inch by 17-inch booklet providing detailed maps for the project. Attachments B through P are provided in Volume 2. Attachment Q, *Supplemental Draft EIS Comments and Responses*, is provided in three parts in Volume 3 (also 11-inch by 17-inch). Attachments E, F, I, J, K, O, and P are new documents, while Attachments B, C, D, G, H, L, M, and N are addenda. The Supplemental Draft EIS Technical Reports for these addenda are included on the DVD attached to this document.

The attachments to this document are as follows:

- Attachment A—Alternative Maps
- Attachment B—Agency Consultation  
Agency Consultation Addendum
- Attachment C—Alternative Analysis  
Alternative Analysis Technical Report Addendum
- Attachment D—Community Outreach and Agency Involvement  
Community Outreach and Agency Involvement Technical Report Addendum
- Attachment E—Traffic  
Traffic Technical Report
- Attachment F—Environmental Justice  
Environmental Justice Technical Report  
(The Supplemental Draft EIS attachment required no modifications or updating, no addendum or new Technical Report has been prepared as part of the Final EIS)
- Attachment G—Relocations and Displacements  
Conceptual Stage Relocation Technical Report Addendum
- Attachment H—Hazardous Materials  
Hazardous Materials Technical Report Addendum
- Attachment I—Historic Preservation (Section 106)  
Section 106 Determinations of Eligibility and Effects  
Documentation for Finding of Adverse Effect
- Attachment J—Air Quality  
Air Quality Technical Report
- Attachment K—Noise  
Noise Technical Report
- Attachment L—Biological Assessment  
Biological Assessment Addendum
- Attachment M—Hydrology and Hydraulics  
Hydrology and Hydraulics Technical Report Addendum
- Attachment N—Wetlands and Other Waters of the U.S.  
Wetland Finding  
Wetlands and Other Waters of the U.S. Technical Report Addendum
- Attachment O—Aesthetic and Design Guidelines (new)
- Attachment P—Cover Planning (new)
- Attachment Q—Supplemental Draft EIS Comments and Responses (new)