



US 287 to Larimer
County Road No. 3



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
COLORADO DEPARTMENT OF TRANSPORTATION**

**PROJECT NH 0341-060
US 34 FROM US 287 to LCR 3
FINDING OF NO SIGNIFICANT IMPACT
JULY 2007**

Project NH 0341-060
US 34 from US 287 to LCR 3
FINDING OF NO SIGNIFICANT IMPACT

Submitted Pursuant to 42 USC 4332(2)(c) by the
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND
COLORADO DEPARTMENT OF TRANSPORTATION

Submitted By:

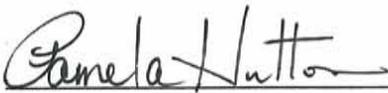
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FHWA Guidance on 23 USC 139(1)

A Federal agency may publish a notice in the Federal Register, pursuant to 23 USC 139(1), indicating that one or more federal agencies have taken final actions on permits, license, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 180 days after the date of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the federal laws governing such claims will apply.

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Table of Contents

| | |
|--|-----------|
| SECTION 1. INTRODUCTION | 1 |
| 1.1 Project Purpose and Need | 1 |
| 1.1.1 Where is the proposed project located? | 1 |
| 1.1.2 Why is CDOT proposing this project? | 2 |
| 1.2 Description of the Preferred Alternative | 2 |
| 1.2.1 Action Alternative Cross Sections Using CSS | 2 |
| 1.2.2 How Does the Action Alternative Meet Project Purpose and Need? | 5 |
| 1.3 Funding Status | 7 |
| 1.4 Clarifications to the EA | 7 |
| SECTION 2. MITIGATION MEASURES | 9 |
| SECTION 3. EA COMMENTS AND RESPONSES | 15 |
| 3.1 Agency Comments and Responses | 15 |
| 3.2 Public Comments and Response | 15 |
| 3.3 Public Hearing Q & A Comments and Responses | 17 |
| SECTION 4. SELECTION OF THE PREFERRED ALTERNATIVE | 19 |
| SECTION 5. FINDING OF NO SIGNIFICANT IMPACT (FONSI) | 19 |
| APPENDICES | 21 |
| Appendix A – EA Availability | 21 |
| Appendix B - Transcript of Public Hearing | 23 |
| Appendix C - Agency Comments | 31 |
| Appendix D - Public Comments Received During Review Period | 33 |
| Appendix E – Region 4 Commitments and Mitigation Table | 43 |

List of Exhibits

| | |
|--|---|
| Exhibit 1-1 US 34 Project Location | 1 |
| Exhibit 1-2 Preferred Alternative | 3 |
| Exhibit 1-3 Proposed Cross Sections | 6 |
| Exhibit 2-1 Mitigation Measures for Preferred Alternative—Action Alternative | 9 |

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Section 1. Introduction

Colorado Department of Transportation (CDOT), in cooperation with Federal Highway Administration (FHWA), proposes to improve US Highway (US) 34 between US 287 and Larimer County Road (LCR) 3, in Loveland, Colorado. The improvements will be located entirely in Larimer County, Colorado.

CDOT prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act of 1969 (NEPA), 40 Code of Federal Regulations (CFR) Parts 1500-1508, and 23 CFR Part 771 to assess the impact of the proposed improvements. Two alternatives were evaluated in the EA, and the Action Alternative was identified as the Preferred Alternative. FHWA approved the EA on May 4, 2007.

1.1 Project Purpose and Need

1.1.1 Where is the proposed project located?

This project encompasses approximately 6 miles of US 34 (also known as Eisenhower Boulevard) in Loveland, Colorado. The project corridor extends between a western terminus at US 287 (North Lincoln Avenue and North Cleveland Avenue one-way pair) and an eastern terminus of Larimer County Road 3 (LCR 3), 1.5 miles east of the I-25 interchange. This portion of US 34 is one of the most heavily traveled segments of US 34 in Colorado. Exhibit 1-1 shows the location of the project.

United States Highway 34 (US 34) is an east-west highway with a length of approximately 1,100 miles from Chicago to north central Colorado. Through Rocky Mountain National Park, US 34 is known as Trail Ridge Road, where it reaches an elevation of more than 12,000 feet.

**Exhibit 1-1
US 34 Project Location**



The Proposed Action would not include ramps and long-term configurations for the I-25 interchange area, which could extend west beyond Rocky Mountain Avenue and as far east as LCR 3E. Environmental impacts and subsequent design related to I-25 would be addressed by the following projects:

- The Interim Improvements for the I-25/US 34 interchange (construction scheduled 2008)
- The North I-25 EIS (Draft Environmental Impact Statement expected in 2008)

The US 34 project is located within Loveland's Growth Management Area. The eastern portion of the project extends into the town of Johnstown, where US 34 provides a northern boundary between I-25 and LCR 3. Johnstown city limits then extend to both sides of US 34 between LCR 3 and Weld County Road (WCR) 13.

In its 2030 Regional Transportation Plan, the North Front Range Metropolitan Planning Organization (which is the North Front Range Transportation and Air Quality Planning Council or NFRT & AQPC) identified US 34 as a roadway within a network of Regionally Significant Corridors.¹ US 34 provides access to adjacent businesses and downtown Loveland, as well as serving as a gateway to Rocky Mountain National Park, 32 miles to the west.

1.1.2 Why is CDOT proposing this project?

The purpose of the proposed project is to provide an improved transportation facility between US 287 and LCR 3 that would meet the following needs:

1. Improve current and future traffic mobility
2. Improve transportation safety
3. Accommodate 2030 travel demand

1.2 Description of the Preferred Alternative

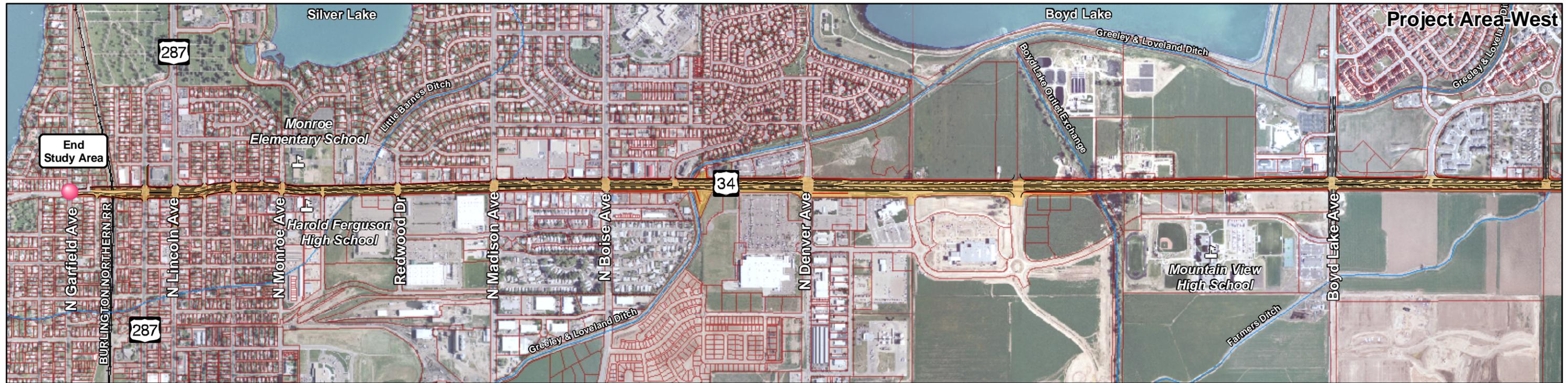
The Preferred Alternative, the Action Alternative, is for the proposed widening of US 34 to six lanes between US 287 (North Cleveland Avenue and North Lincoln Avenue one-way pair) and LCR 3. The widened roadway would taper from six lanes back to the existing four lanes at each end. The inclusion of the tapers would result in the extension of the project study area west to North Garfield Avenue and east 1,200 feet past LCR 3. The Action Alternative would not include ramps and long-term configurations for the I-25 interchange and associated local roads between and including Rocky Mountain Avenue and LCR 3E. Exhibit 1-2 illustrates the Preferred Alternative Alignment as shown at the public hearing.

1.2.1 Action Alternative Cross Sections Using CSS

Use of context sensitive solutions (CSS) principles throughout the corridor means that commitments would be made to avoid or minimize impacts on sensitive resources by modifying the cross section. These modifications would not compromise the function of US 34, its safety, or its level of service.

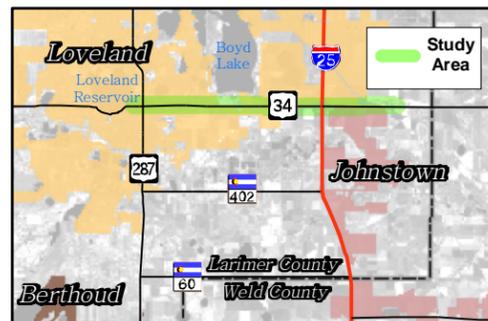
Although the functional classification of US 34 today is "urban" between US 287 and I-25 and "rural" from I-25 east to LCR 3, an urban section with curb and gutter would be designed throughout the entire project corridor. Proposed cross sections are illustrated in Exhibit 1-3. Although the entire project would have an urban section, two different cross sections are shown.

¹ The North Front Range Metropolitan Planning Organization (NFR MPO) defines a regionally significant corridor as "an important link in a multi-modal, regional network comprised of existing or new transportation corridors that connect communities and/or activity centers by facilitating the timely and safe movement of people, goods, information and services." Within that definition, US 34 is identified as a regionally significant roadway (see NFR MPO TAC Follow Up 012306 - Supplemental Result). Parallel regionally significant roadways include SH 402 to the south and Crossroads Boulevard to O Street to the north. Together, these facilities provide commuter access and make east-west connections within the Loveland, Greeley, Evans, Johnstown, and Windsor areas (see *North Front Range MPO Regionally Significant Corridors*, August 8, 2003).



Legend

- RTD park-n-Ride
- Proposed Edge of Pavement
- Railroads
- Proposed Lane Lines
- Canals & Ditches
- Proposed Edge of Sidewalk
- Schools
- Proposed Right-Of-Way
- Lakes
- Proposed I-25 Interchange Project
- Parcels



0 600 1,200 Feet
1 Inch = 1,200 Feet Or 1:14,400



Source: 2005 aerial photography provided by City of Loveland. Parks, schools, parcels, canals and ditches, lakes, roads, and railroads provided by City of Loveland. Road design information provided by J.F. Sato and Associates.
Map created June 20, 2007.



Exhibit 1-2

Preferred Alternative

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The first cross section includes the transition between the proposed six-lane at North Cleveland Avenue and the existing four-lane at North Garfield Avenue. It also includes the area between North Cleveland Avenue and the Greeley and Loveland Ditch, where, due to close proximity of cross streets and narrow right-of-way, the utilities would be beneath the parkway, sidewalk, and/or bike lane. The median width also would vary in this area; in some cases it would need to accommodate two sets of left turn lanes, one for each direction.

The second cross section, which extends from the Greeley and Loveland Ditch to the eastern project terminus at LCR 3, is the result of larger spacing between cross streets and a wider right-of-way potential. Space for utilities could be made outside the sidewalk and/or parkway area, and the median would not need to contain overlapping sets of turn lanes.

The proposed six-lane cross section for the US 34 project would generally contain 154 to 178 feet of right-of-way, which would accommodate:

- 28 to 52 feet set aside for a raised median and left turn lanes in the center of the highway
- Six 12-foot general purpose travel lanes (three in each direction)
- Two 7-foot bike lanes (one in each direction)
- Two 6-foot sidewalks separated from the highway by approximately 10 feet (where space permits). Although a 6-foot detached sidewalk is shown on Exhibit 1-3 (with a variable width parkway separation of 0 to 10 feet between the bike lane/curb and the walk), an 8-foot sidewalk width will be included in project design for areas of attached sidewalk (no parkway strip) per *Larimer County Urban Area Street Standards, Loveland Only, Figure 7-1L*.
- Curb and gutter
- 13 to 23 feet along each side of the highway west of the Greeley and Loveland Ditch or a 14-foot utility corridor easement for buried utilities to the east of the Ditch

1.2.2 How Does the Action Alternative Meet Project Purpose and Need?

The Action Alternative would meet US 34 project corridor mobility, safety, and travel demand requirements for 2030 in the following ways:

Mobility – It would provide for the minimum required level of service in 2030, LOS D.

Safety – Project improvements would decrease congestion, improve intersection design through the addition of turn lanes, and improve access. These factors are expected to result in a reduction in crash rates.

Travel Demand – Capacity increases provided by the expansion of US 34 from four lanes to six lanes, together with the addition of left turn lanes in the median and auxiliary lanes, would meet the 2030 travel demand.

Why Do We Need the US 34 Project?

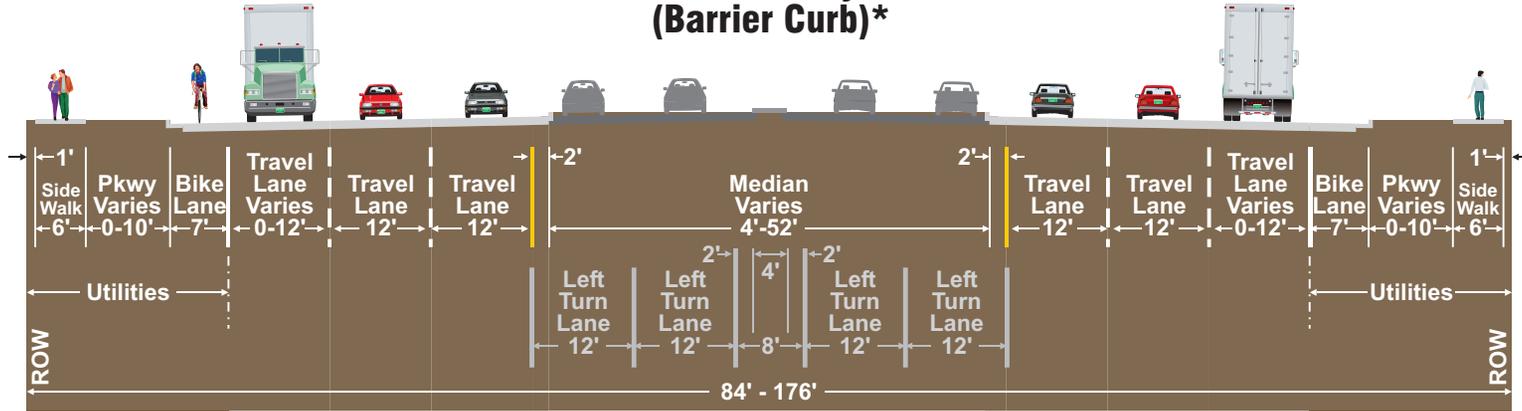
The purpose of the proposed project is to provide an improved transportation facility between US 287 and LCR 3 that would meet the following needs:

- Improve current and future traffic mobility
- Improve transportation safety
- Accommodate 2030 travel demand

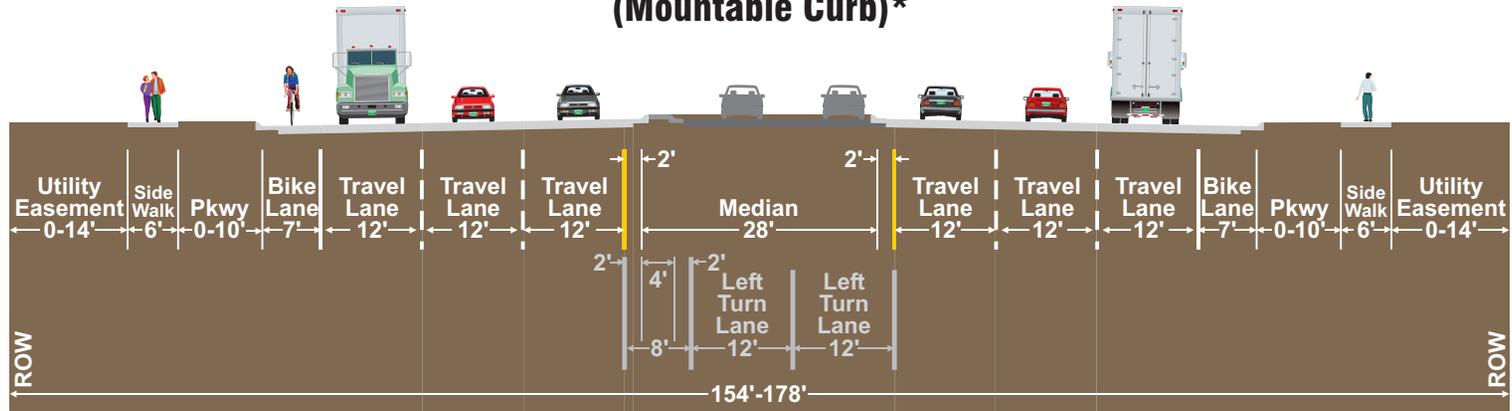
The Action Alternative meets these needs.

Proposed Cross Sections

N Garfield Avenue to Greeley & Loveland Ditch (Barrier Curb)*



Greeley & Loveland Ditch to LCR 3 (Mountable Curb)*



*Although a 6-foot detached sidewalk is shown above (with a variable width parkway separation of 0 to 10 feet between the bike lane/curb and the walk), an 8-foot sidewalk width will be included in project design for areas of attached sidewalk (no parkway strip), per Larimer County Urban Area Street Standards, Loveland Only, Figure 7-1L.



Exhibit 1-3

Proposed Cross Sections

1.3 Funding Status

US 34 is included in the North Front Range Metropolitan Planning Organization 2030 Fiscally Constrained Plan.

1.4 Clarifications to the EA

Clarifications to the EA based on document review are as follows:

Page 1-15. Second bullet: Cordova Pass Drive is now Kendall Parkway.

Page 1-15. The City of Loveland Resolution 101-2001 includes the area between Madison and Cleveland Avenues only and does not extend between Lincoln Avenue and LCR 3.

Pages 2-11 and 12, Exhibit 2-3. Not all intersection configurations were included in the EA in this exhibit. The following are acknowledged intersections that exist in the corridor today:

- Madison Avenue – Includes a southbound double left and northbound two through lanes
- Mountain Lion Drive – Intersects with US 34 North Denver Avenue and Sculptor Drive
- Sculptor Drive – Existing lanes should now be indicated in blue
- McWhinney Boulevard – Based on previous studies, the left turn from southbound McWhinney Boulevard to eastbound US 34 is a prohibited movement
- Fall River Drive – Intersects with US 34 between Hahn's Peak Drive and Rocky Mountain Avenues

The information provided is an update to the US 34 traffic study of September 2005. All configurations will be field checked and coordinated with the City of Loveland again prior to project design activities.

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Section 2. Mitigation Measures

The Region 4 Commitments and Mitigation Table shown as Appendix H in the EA is included in this document as Appendix E. The Mitigation Measures Table included in the EA as Exhibit 3-20 is shown below as Exhibit 2-1.

**Exhibit 2-1
Mitigation Measures for Preferred Alternative—Action Alternative**

| Resource Category | Mitigation or Commitment |
|--|---|
| Visual Resources (Construction Related) | Visual impacts will be minimized during the construction by limiting stockpiles and equipment storage to designated areas. Any traffic control devices will be removed promptly after use. |
| Air Quality (Construction Related) | <p>Best Management Practices (BMPs) will be implemented to reduce the impact of potential particulates less than 10 microns during construction, including:</p> <ul style="list-style-type: none"> • Spraying exposed soil and soil surfaces with water, wetting agents, and/or soil binding agents • Covering trucks carrying fine materials • Minimizing mud tracking from the construction area • Controlling speed limits for trucks traveling on roads with high silt loading in the construction area • Performing proper maintenance on construction equipment |
| Right-of-Way and Relocations (Project Related) | <p>CDOT will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), which provides for uniform and equitable treatment of all persons displaced from their homes, businesses, or farms. The Uniform Act is a form of compensation, not mitigation.</p> <p>The information in this section is based on conceptual design; the actual number of relocations and specifics on property acquisitions will be known when final design is complete. Measures to further reduce the number of relocations and amount of acquisition will be implemented as part of final design.</p> <p>For any person(s) whose real property interests may be affected by this project, the acquisition of those property interests will comply fully with the Uniform Act. The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects. It was created to provide for and insure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied “uniformly,” CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source. Additionally, the Fifth Amendment of the US Constitution provides that private property may not be taken for a public use without payment of “just compensation.” All affected owners will be provided notification of the acquiring agency’s intent to acquire an interest in their property, including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each property owner to assist him or her with this process.</p> <p>In certain situations, it may also be necessary to acquire improvements that are located within a proposed acquisition parcel. In those instances where the improvements are occupied, it becomes necessary to “relocate” those individuals from the subject property (residential or business) to a replacement site. The Uniform Act provides for numerous benefits to these individuals to assist them both financially and with advisory services related to relocating their residence or business operation. Although the benefits available under the Uniform Act are far too numerous and complex to discuss in detail in this document, they are available to both owner-occupants and tenants of either residential or business properties. In some situations, only personal property must be moved from the real property and this is also covered under the relocation program. As soon as feasible, any person scheduled to be displaced shall be furnished with a general written description of the displacing agency’s relocation program which provides at a minimum, detailed information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. It shall also provide notification that the displaced person(s) will not be required to move without at least 90 days’ advance written notice. For residential relocatees, this notice cannot be provided until a written offer to acquire the subject property has been presented, and at least one comparable replacement dwelling has been made available. Relocation benefits will be provided to all eligible persons regardless of race, color, religion, sex or national origin. Benefits under the Uniform Act, to which each eligible owner or tenant may be entitled, will be determined on an individual basis and explained in detail by an assigned right-of-way specialist.</p> |

| Resource Category | Mitigation or Commitment |
|---|---|
| Socioeconomics (Project Related) | Mitigation measures will be the same as for right-of-way. |
| Land Use (Project Related) | Mitigation for the changes in land use will be through compensation to the landowners during the right-of-way acquisition process. |
| Environmental Justice (Project Related) | All property acquisition will follow the procedures outlined in the CDOT Right of Way Manual. CDOT follows the Federal Uniform Relocation and Real Property Acquisition Act of 1970 (Public Law 91-646), as amended in 1987 (Public Law 100-17), 1991 (Public Law 102-240) and 1997 (Public Law 105-117). The purpose of the act is "To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs." For additional discussion, see Section 3.3.1.1. |
| Hazardous Materials/Waste (Project Related) | <p>The following are sites of potential concern and include specific recommendations:</p> <ul style="list-style-type: none"> • Seven historic gas stations, dry cleaners, and automobile repair facilities. Completion of a Phase 1 Environmental Site Assessment is required for any properties showing historic uses that could contribute to the presence of hazardous materials for which right-of-way will be required. That report will indicate past and current uses of that site and will determine if that site does or historically has affected the corridor. Note that right-of-way acquisition from all nine properties is anticipated, each of which will pose a level of risk that CDOT will acquire a contaminated property and the liability for cleanup associated with it. In addition, contamination from four of these properties may have migrated into the existing US 34 right-of-way. • Four Leaking Underground Storage Tank (LUST) sites. The groundwater monitoring reports for the LUST sites located at Craig's Conoco and the Shell Service Station should continue to be reviewed. These reports will provide information pertaining to the extent of groundwater contamination and its potential migration beneath the study area. If project construction activities disturb subsurface soils or groundwater in the area of the U Pump It and Schrader's LUST sites at the North Madison Avenue intersection, pre-characterization of soils and groundwater for project personnel health and safety issues, as well as for materials management and dewatering issues, will be performed. Right-of-way acquisition is anticipated from all four LUST sites, each of which may pose a risk that CDOT will acquire a contaminated property and the liability for cleanup associated with it. In addition, contamination from three of these properties may have migrated into the existing US 34 right-of-way. • Oil and Gas Well. If project right-of-way and subsequent construction activities disturb or come in close proximity to the McDonough #16-2 oil and gas tank battery location, pre-characterization of soils and groundwater for project personnel health and safety issues, as well as for materials management and dewatering issues, will be performed. • Electrical Transformers. The Poudre Valley Rural Electric Association (REA) should be contacted if any of the transformers are to be disturbed during construction activities. Xcel Energy and the City of Loveland also have the potential to own transformers located along the project corridor. They too should be contacted if any of the transformers are to be disturbed during construction activities. If any of the transformers test positive for PCBs, the utility company of ownership will be responsible for handling and disposal. • Structures Containing Lead-Based Paints and/or Friable Asbestos. If either or both of these hazardous materials are encountered, coordination with the Colorado Department of Public Health and Environment (CDPHE) and other agencies that regulate these materials will occur. <p>If additional hazardous materials are encountered before or during construction of the Action Alternative, CDOT's Section 250, Environmental Health and Safety Management specification will be used. If necessary, a health and/or safety plan and materials management plan will be prepared and implemented to mitigate potential health and safety hazards to workers and the public. Pre-characterization of soils and groundwater for project personnel health and safety, materials management, and dewatering is required before disturbance of subsurface soils or groundwater by highway construction activities at sites of potential concern. Depending on the results of the pre-characterization of test results, coordination with various agencies and permitting may be required. If the test samples are deemed hazardous, a materials management plan will be developed that describes the specifics of the hazardous waste permitting and compliance issues.</p> |

| Resource Category | Mitigation or Commitment |
|---|---|
| Utilities, Irrigation Ditches, and Railroads (Project Related) | Coordination with county and city officials and local utility owners will minimize disruption of service. Coordination will also be necessary with the appropriate ditch companies and railroads to minimize disruption during construction. |
| Historic Preservation (Project Related) | No mitigation is required. However, the commitment to CSS design is applicable to US 34 design adjacent to all National Register of Historic Places (NRHP) eligible properties. Should extensive ground disturbance in these areas occur from other sources such as private development prior to final design and construction, the CSS design will be reconsidered. |
| Historic Preservation (Construction Related - Archaeological Resources) | If buried cultural materials were exposed during construction, the CDOT senior staff archaeologist will be notified immediately to ensure evaluation as required by the National Historic Preservation Act (NHPA) and all other applicable state and federal regulations. |
| Section 4(f) Resources (Project Related) | No mitigation measures are required. FHWA concurrence letters on <i>de minimis</i> impacts are located in the EA in Appendix A, Environmental Coordination. On January 9, 2007 and January 29, 2007, the Federal Highway Administration (FHWA) concurred with the finding that the effects of this proposed improvement constituted a <i>de minimis</i> impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. |
| Noise (Project Related) | Residences between N. Garfield Avenue and the Burlington Northern Railroad (BNRR) Bridge: After application of feasible and reasonable criteria, three receptors in the US 34 corridor required additional analysis. Receptors 60 and 61 at the far western end of the corridor represent residences located on both sides of US 34 between North Garfield Avenue and the BNRR bridge. The predicted noise levels for these homes under the Action Alternative (year 2030) are 68 to 69 dB(A), which is a 1 dB(A) increase over the existing levels. Although a noise wall is not considered feasible for either of these locations, some noise reduction could be provided by construction of a closed rail safety barrier on both sides of US 34 in association with the bridge improvements. The area will be re-examined during final design. The Reserve Apartments (Receptor 18) are located on the north side of US 34 off McWhinney Blvd. Based on visual inspection, each building appeared to contain five ground-floor units each. The predicted noise level for these apartments under the Action Alternative (year 2030) is 72 dB(A), which is a 2 dB(A) increase over the existing levels. A 660-foot-long barrier was modeled along the proposed CDOT right-of-way, which is located on top of the existing terrain that currently provides some noise reduction. The easternmost 100 feet of the barrier diverts from the CDOT right-of-way and wraps around to the north along McWhinney Blvd. The amount of noise reduction, in dB(A), that will be achieved by the barrier was predicted for barrier heights ranging from 6 to 12 feet. Predictions were made using both the "wall" and "berm" barrier types in the Traffic Noise Model (TNM). The desired noise reduction is 5 to 10 dB(A). The results were that a 10-foot-tall barrier is appropriate. The cost benefit ratios for either the wall or berm barriers modeled is less than CDOT's standard of \$4,000 per dB of noise reduction per benefited receptor. The cost of each modeled barrier was calculated using a unit cost of \$30 per square foot for walls and \$10 per cubic yard for berms. Noise reduction was calculated using TNM. The number of benefited receptors is calculated as the number of homes where at least 3 dB(A) of noise reduction was predicted, and for the 10-foot-tall barrier there are 14 benefited receptors. Based on this analysis, a 10-foot-tall barrier will be considered for this area. This analysis will be re-examined during the final design phase of the project. |
| Noise (Construction Related) | In general, construction activities will be limited to daytime work hours. Construction equipment will be turned off during prolonged periods of nonuse and an effort will be made to combine noisy operations to occur during the same time period. Stationary equipment will be located as far away from receptors as feasible and curtains will be erected around stationary equipment in areas close to residences. Additionally the contractor will be required to use mufflers on engines (or intake silencers, engine enclosures, and noise blankets) and quiet-use generators. |
| Paleontological Resources (Construction Related) | When the project design plans are finalized, the CDOT paleontologist will examine them and determine the extent of disturbance of Pierre Shale, if any, that may occur during construction. If monitoring is required, a monitoring and mitigation plan will be prepared based on the discipline report written for the project EA. If any subsurface bones or other potential fossils are found during construction, the CDOT staff paleontologist will be notified immediately to assess their significance and make further recommendations. |

| Resource Category | Mitigation or Commitment |
|--|---|
| <p>Vegetation and Noxious Weeds (Project Related)</p> | <p>All CDOT revegetation BMPs and guidelines will be followed to ensure adequate revegetation of the study area. All disturbed areas will be seeded in phases throughout construction. Mitigation measures are anticipated to include the following activities:</p> <ul style="list-style-type: none"> • Limit the amount of disturbance of grading to 10 feet beyond the toe of slope. Project will follow CDOT standard specifications for amount of time that disturbed areas are allowed to be non-vegetated. • Avoid existing trees, shrubs and vegetation, to the maximum extent possible. Schedule a preconstruction site visit to identify the vegetation that will be protected during construction. • Implement temporary and permanent erosion control measures to limit erosion and soil loss. Slopes should be roughened at all times. • Revegetate all disturbed areas with native grass and forb species. Seed, mulch and mulch tackifier will be applied in phases throughout construction. • Remove topsoil heavily infested with noxious weeds from the site or bury it under a minimum of 5 feet of fill. <p>The Integrated Noxious Weed Management Plan located in Appendix E of the EA will be updated during the design phase immediately before the construction phase.</p> |
| <p>Wildlife (Project Related)</p> | <p>Mitigation of wildlife impacts will include the following activities:</p> <ul style="list-style-type: none"> • Minimize disturbance to native plant communities • Minimize tree removal • Use erosion control techniques, such as silt fence, to protect surrounding areas that may be used by wildlife species • Use wildlife-friendly erosion control blankets to minimize impacts on wildlife • Follow requirements of CDOT Region 4, as follows: The MBTA protects all migratory birds, nests and eggs except English sparrow, European starling, and rock dove and resident game birds. For projects that could potentially result in the killing, taking, harassing, or harming of these birds, the following conditions must be adhered to: <p>Tree trimming/removal. Tree trimming and/or removal activities shall be completed before birds begin to nest or after the young have fledged. In Colorado most nesting and rearing activities occur between April 1 and August 31. However, since some birds nest as early as February a nesting bird survey must be conducted by a biologist before any tree trimming or removal activities begin.</p> <p>Bridge/box culvert work. Bridge or box culvert work that may disturb nesting birds must be completed before birds begin to nest or after the young have fledged. No bridge or box culvert work may take place between April 1 and August 31. If work activities are planned between these dates, nests must be removed (before nesting begins) and appropriate measures taken to assure no new nests are constructed. Failure to remove and keep nests from becoming established could postpone construction of the project.</p> <p>Clearing/grubbing activities. Clearing and grubbing of vegetation that may disturb ground nesting birds must be completed before birds begin to nest or after the young have fledged. If work activities are planned between April 1 and August 31, vegetation must be removed and/or trimmed to a height of six inches or less prior to April 1. Once vegetation has been removed and/or trimmed, appropriate measures (such as repeated mowing/trimming) must be implemented to ensure vegetation does not grow more than six inches. Failure to maintain vegetation height of six inches or less could provide habitat suitable for nesting birds that could postpone construction of the project.</p> |

| Resource Category | Mitigation or Commitment |
|--|---|
| Wetlands (Project Related) | <p>The Action Alternative design will include avoidance and minimization of impacts on the project corridor wetlands. Impacts on wetlands will be avoided and minimized as much as practical during the final design process. The design will comply with the policy of Executive Order 11990 regarding impacts to wetlands. The following specific BMPs from the <i>Erosion Control and Storm Water Quality Guide</i> (CDOT 2002) will be required during construction to reduce the potential for wetlands to be indirectly affected by sedimentation from accelerated erosion or by hazardous materials (such as fuel or equipment lubricants):</p> <ul style="list-style-type: none"> • All disturbed areas will be revegetated with native grass and forb species. Seed, mulch and mulch tackifier will be applied in phases throughout construction. • Slopes will be roughened at all times. • Check dams will be used where appropriate to slow the velocity of water through roadside ditches and in swales. • Wetland areas not to be disturbed will be protected with fences and erosion logs to prevent encroachment of construction equipment and sediment. • Wetlands subject to temporary impacts will be returned to pre-construction elevations and conditions with the goal of preserving the original wetland plant community to the extent this is practical. <p>Both jurisdictional and non-jurisdictional wetlands will be mitigated on a 1:1 basis. Wetland areas temporarily impacted by construction activities will be restored as soon as possible following completion of the activity.</p> |
| Wetlands (Construction Related) | <p>The following construction wetland mitigation measures are proposed to protect wetlands in temporary impact areas.</p> <ul style="list-style-type: none"> • All wetland areas and water bodies not impacted by the project will be protected from unnecessary encroachment by temporary fencing. Sediment control such as silt fence or erosion logs will also be used where needed to protect the area from sediment. Siltation control devices will be placed on the down-gradient side of construction areas to prevent soil from entering wetland areas. • Staging of construction equipment, equipment refueling, or storage of construction supplies will not be allowed within 50 feet of a wetland. • A stormwater management plan will be developed prior to and for inclusion in the construction bid plans. All bare fill or cut slopes adjacent to wetlands will be stabilized as soon as practicable. • No fertilizers will be allowed on the project. • Work areas will be limited to minimize construction impacts to wetlands. |
| Water Quality (Project Related) | <p>The project will comply with the process outlined in Appendix I of the CDOT Drainage Design Manual (see Appendix G of the EA).</p> <p>A Stormwater Management Plan (SWMP) will be completed during final design. It will address specific methods of reducing pollutants in stormwater runoff during construction. Stormwater BMPs for a site during construction will consist of five major elements:</p> <ol style="list-style-type: none"> 1. Implementation of BMPs for erosion control. These include, but are not limited to, phased seeding with mulch and tackifier, the use of wildlife friendly erosion control blankets, the use of embankment protectors, the use of berm diversions or check dams, and outlet protection for storm sewer pipes. 2. Implementation of BMPs for sediment control. These include, but are not limited to, erosion bales or logs, silt fence, storm drain inlet and outlet protection, sediment traps, concrete washout and saw water containment basins, and stabilized construction entrances. 3. Implementation of BMPs for materials handling and spill prevention. These include, but are not limited to, stockpile management, material management, material use, and spill prevention and control. 4. Implementation of BMPs for waste management. These include, but are not limited to, concrete, hazardous, and contaminated waste management to ensure that solid or liquid wastes are not carried off the site by stormwater. 5. Implementation of BMPs for pollution prevention. These include treatment during dewatering and paving operations. It also includes the use of street sweeping and temporary waterway crossings. |

| Resource Category | Mitigation or Commitment |
|--|--|
| | <p>Permanent BMPs will be designed to protect stormwater quality and reduce pollutant discharges after construction is complete. The following is a list of commitments and conceptual BMPs applicable to the US 34 project corridor. A determination of exact methods and locations of stormwater BMPs will be made during final design.</p> <ul style="list-style-type: none"> • <u>Conduct hydrologic and hydraulic (H&H) study.</u> CDOT will conduct a H&H study during final design for the western portion of the US 34 corridor as appropriate, depending on the level of completion of the Loveland drainage projects now in progress. • <u>Use existing and/or design additional wet or sedimentation vaults.</u> Underground wet or sedimentation vaults capture and treat runoff. This type of structure has a grit chamber and removes debris, trash, and sediment from storm flows. The City of Loveland already has vaults along the US 34 corridor. Due to lack of open land for the western portion of the US 34 corridor, the design of additional vaults may be required. CDOT will coordinate this activity with the city and pursue maintenance agreements with the city. • <u>Construct detention ponds.</u> CDOT will coordinate with the city to develop permanent BMPs near Mountain View High School where additional land may be available for detention ponds. • <u>Coordinate to establish permanent BMPs.</u> CDOT has begun coordination and will continue to work with the City of Loveland, Town of Johnstown, and developers to develop and implement permanent BMPs to address the expansion of US 34 as developments progress from Boyd Lake Avenue east to LCR 3. |
| <p>Water Quality (Construction Related)</p> | <p>See SWMP discussion above under Water Quality (Project Related).</p> |
| <p>Threatened and Endangered Species (Construction Related)</p> | <p>Based on current studies, no threatened, endangered, and special status (TES) species or species of concern have been identified as likely to occur in the project corridor. US Fish and Wildlife Service (USFWS) requires updated documentation on the TES plant species prior to implementation of construction activities. USFWS concurrence for the Preble's meadow jumping mouse must also be renewed before construction. Additional evaluations and surveys, if warranted, will be conducted prior to construction for any new TES species identified subsequent to the current study.</p> |

Section 3. EA Comments and Responses

This section provides comments received during the public comment period and a response to each comment. Sections are as follows:

- Section 3.1 provides written comments and responses to the agency comments received from the City of Loveland.
- Section 3.2 provides written comments and responses to the three email comments received during the 30-day document review and three written public hearing comment sheets received subsequent to the hearing.
- Section 3.3 provides a summary of comments and responses recorded during the question and answer (Q&A) portion of the public hearing.

The proposed action has been coordinated with appropriate federal, state, and local agencies to comply with NEPA and CDOT Procedures for Public Involvement and Participation. The notice of availability of the EA was published in the *Loveland Daily Reporter-Herald*, the *Greeley and Windsor Tribunes* on May 15, 2007, and again on May 27, 2007; and the *Johnstown Breeze* on May 17, 2007, and again on May 24, 2007. Notice was also included in a mailing to agencies and residents located within one-quarter-mile of US 34, and potentially directly affected property owners. The entire document is available on the project website at www.dot.state.co.us/US34EA/. The EA document was available at the locations listed in Appendix A for a review and comment period beginning May 15, 2007, and ending June 14, 2007.

A public hearing was held on June 5, 2007, at Harold Ferguson High School at 804 East Eisenhower Boulevard, Loveland, Colorado. Thirty-two members of the public signed the attendance sheet for the hearing. A summary of the hearing transcript is provided in Appendix B. Appendix D includes emails and comment sheets received during the 30-day public comment period.

3.1 Agency Comments and Responses

Appendix C details City of Loveland review suggestions. Suggestions requiring a clarification for the EA are included in Section 1.4. These clarify the project limits in City of Loveland Resolution 101-2001 and provide updates on intersection configurations along US 34. No other agency comments were received.

3.2 Public Comments and Response

Three emails were received during the document review period, and three comment sheets were returned by mail subsequent to the public hearing. Appendix D includes the complete text of these emails and comment sheets. Comments and responses are summarized below.

E-1. Thomas J. Allen, M.D., of Loveland, Colorado wrote with concerns that the current arrangement for pedestrians and bicycles on US 34 is terrible. He included concerns at I-25 and US 34 for a future bridge design with safe and secure bicycle-pedestrian treatment, especially railing features, and the need for a dedicated bike lane on the street.

Response. The project design includes a dedicated bike lane along US 34 within our study limits. We have forwarded your concerns to the City of Loveland to consider during the design of the I-25 and US 34 interim improvement project.

E-2. Andrea Dutton, owner of Flowerama building at Madison and US 34, asked how much land she will lose to the north of the building, will the widening or just resurfacing occur to the west along Madison, and will the existing two curb cuts be affected?

Response (emailed to her by Long Nguyen on June 13, 2007, and summarized as follows).

1. Based on the existing county parcel data and the proposed right-of-way, the project would encroach into this property approximately 5 feet across the 100-foot frontage for a total of 500 square feet.
2. The proposed project widening as defined in the EA will occur from east of Garfield Avenue to LCR 3. Resurfacing projects are underway in the corridor now.
3. The right-in/right-out access on US 34 east of the Flowerama building will remain. Should the property be redeveloped in the future, accesses would be re-evaluated. The second access, south of the building, is from Madison Avenue, which is a city street and not subject to CDOT requirements.

E-3. Unidentified Author. Commenter expressed that the information presented at the hearing was good and the availability of CDOT staff to answer questions was also good. Commenter also noted that the room acoustics made the presentation hard to understand and suggested that another place be used for future meetings.

Response. Comments are appreciated, and the input on the meeting facility will be noted for future reference.

E-4. Gail Rogers expressed thanks for resurfacing and fixing US 34 and for saving the pine trees west of I-25.

Response. Commenter thanks are noted.

E-5. Steve Engeman owns the property at 7311 E. US Highway 34 and is concerned about possible property loss and having adequate space along US 34 to allow big trucks to safely back into their docks. He also noted concerns about access to US 34 and potential acceleration and deceleration of big trucks in the vicinity of LCR 3E if a light is installed or extra lanes are added in that area.

Response. Preliminary plans show some encroachment into this property; however, based on parcel boundaries shown by the Larimer County assessor and aerial photography, this would not have an impact on current driveway configurations on the property.

A turn lane from westbound US 34 is proposed to northbound LCR 3E. Continued coordination with CDOT is recommended as improvements related to LCR 3E occur in advance of the proposed US 34 widening described in the EA.

E-6. Ronnie Hogan sent a letter via email regarding his concerns for impacts on his undeveloped property at the southwest corner of Jefferson Avenue and US 34. Mr. Hogan's letter also expressed a prior understanding that US 34 would be widened to the north avoiding his property, and he also felt the "extreme curving of the alignment to the South...is arbitrary and not the safest and best engineering practice." Along with his concern that the alignment of the Preferred Alternative would take off a portion of his property frontage, he is also concerned that the illustration of this proposed alignment ahead of project design and funding "represents a taking of my property rights without just compensation."

Response. Until completion of the EA process, no binding commitment could have been made regarding a future alignment for US 34. Although the EA project design goal was to follow the present centerline when possible, several context sensitive alignment alternatives were designed to avoid impacts on historic properties. When federal funds are used for a project, CDOT is bound to comply with Section 106 of the National Historic Preservation Act and Section 4(f) of the Transportation Act.

The area in the vicinity of US 287 and US 34 is of interest as traffic studies and design concepts have been examined to maximize mobility and safety for the traveling public. Numerous design concepts have been shared through time within the community. Adjacent properties are affected by these designs.

The City of Loveland conducted a study and public involvement process in 1997, *The East/West Mobility Study*. The results of this study included an hourglass-shaped roundabout to manage traffic at US 287 (Lincoln and Cleveland Avenues) and US 34. This design would have had an impact on both the Dairy Queen and Mr. Hogan's property if implemented. While this design concept is not being pursued now, the EA does not preclude a roundabout design should that be determined the best way to manage traffic at that location.

The meandering alignment between North Monroe Avenue and the project terminus east of Garfield Avenue is a sound design, meeting and exceeding the AASHTO and CDOT design criteria for the proper design speeds and highway cross sections at this location. The intention of this project is to have a conservative preliminary design. There will be a great deal of refinement in the final design to minimize impacts and update the design.

Although the need for the proposed Action Alternative has been established, scheduling and funding for the widening of portions or all of the US 34 study corridor have not been identified for design or construction activities at this time. Also, CDOT is not required to provide early compensation to landowners in the corridor.

3.3 Public Hearing Q & A Comments and Responses

Q&A comments and responses are summarized below. Commenters are numbered to match the transcript summary found in Appendix B.

S-1. Gail Rogers of Loveland, Colorado asked about the fate of the pine trees in the median of US 34 (between Denver and Boyd Lake Avenues).

Response. CDOT responded that the alignment and lane additions are not going to have an impact on the pine trees; the trees will stay in the median.

S-2. Unidentified Speaker (from CDOT) clarified other ways to receive public hearing comments by use of written comment sheets available at the hearing location.

S-3. Nancy Crom asked about phased construction possibilities.

Response. Because CDOT does not yet have funding, it is unknown; however, phasing could depend on funding availability.

S-4. Unidentified Speaker expressed concern about existing congestion problems at the Madison Avenue southbound to US 34 intersection. There was some discussion of which movements were of concern at this location.

Response. CDOT clarified that US 34 looks at numbers of through lanes and turn lanes as related to US 34 and that the City of Loveland focuses on the operations of Madison Avenue itself.

City of Loveland explained that the city was studying a series of three alternative designs for that area for the north-south component of the intersection in an ongoing feasibility study, which runs from 16th Street south to 11th Street. The City will use the results of the US 34 EA in conjunction with that study. The results should address intersection concerns.

S-5. John Brown expressed thanks for CDOT's consideration of maintaining the spruce trees along US 34 and also asked if CDOT would continue to maintain right-in/right-out access to individual properties.

Response. CDOT acknowledged the comment about the pine trees and noted that generally the right-in/right-out accesses would be maintained.

CDOT clarified that access would continue as right-in/right-out for current land uses until redevelopment of a property when access will be re-examined and re-evaluated possibly resulting in consolidation of access.

S-6. Laurence Weedn asked if the curb and gutter would remain where it is today or how existing turn lanes could become through lanes.

Response. CDOT referred to the project maps and intersection configurations and explained that turn lanes would not be eliminated and that the existing curb and gutter would be moved north or south to accommodate the changes based on the forthcoming design, which is not funded at this time.

S-7. Steve Oliver asked how US 34 ranked relative to priorities of other state projects.

Response. CDOT said this project ranked pretty low and that after completion of the EA process, interim improvements could be done without building the whole project, and some improvements can be made to make travel a little easier.

Section 4. Selection of the Preferred Alternative

Based on the *US 34: US 287 to LCR 3 Environmental Assessment (EA)*, the public hearing summary, and the summary of comments, FHWA has determined that the Action Alternative, as described in Section 2.4.2 on pages 2-7 to 2-16, of the EA is the Preferred Alternative.

Section 5. Finding of No Significant Impact (FONSI)

FHWA has prepared the attached *US 34: US 287 to LCR 3 Environmental Assessment (EA)* in compliance with all applicable environmental laws and executive orders.

The FHWA has determined that the Action Alternative, as described in Section 2.4.2 on pages 2-7 to 2-16 of the EA, will have no significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) is based on the attached EA, which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

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Appendices

Appendix A – EA Availability

The proposed action has been coordinated with appropriate federal, state, and local agencies to comply with NEPA and CDOT Procedures for Public Involvement and Participation. The notice of availability of the EA was published in the *Loveland Daily Reporter-Herald*, the *Greeley and Windsor Tribunes* on May 15, 2007, and again on May 27, 2007; and the *Johnstown Breeze* on May 17, 2007, and again on May 24, 2007. Beginning May 15, 2007, the EA document was available at the locations listed below for a review and comment period ending June 14, 2007:

FHWA (front desk)
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

CDOT Headquarters
Public Relations Office
4201 East Arkansas Avenue, Room 277
Denver, Colorado 80222

CDOT Region 4 (front desk)
1420 2nd Street
Greeley, Colorado 80631

CDOT Region 4
Loveland Residency (front desk)
2207 East Highway 402
Loveland, Colorado 80537

Larimer County Planning Office
(front desk, main floor)
200 West Oak Street
Fort Collins, Colorado 80521

North Front Range Metropolitan Planning
Organization
419 Canyon Avenue, Suite 300
Fort Collins, Colorado 80521

City of Loveland, Public Works (front desk)
410 East 5th Street
Loveland, Colorado 80537

Loveland Chamber of Commerce
and Visitor Center
5400 Stone Creek Circle
Loveland, Colorado 80538

Loveland Public Library
300 North Adams
Loveland, Colorado 80537

Town of Johnstown, Town Hall (front desk)
101 Charlotte Street
Johnstown, Colorado 80534

The entire document is available on the project website at www.dot.state.co.us/US34EA/. A CD copy of the EA and appendices has been included with this document.

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Appendix B - Transcript of Public Hearing

The following is a summary of the public hearing presentation and question and answer session that followed the CDOT public hearing for US 34 from US 287 to LCR 3 on June 5, 2007. The hearing and associated open house were held at Harold Ferguson High School at 804 East Eisenhower Boulevard in Loveland, Colorado, between 4:30 PM and 6:30 PM.

Long Nguyen, CDOT US 34 Project Manager, opened the presentation with introductions of key staff present:

- Melinda Urban, Operations Engineer, Federal Highway Administration
- Karla Harding, CDOT Region 4, Region Transportation Director
- Scott Ellis, CDOT Region 4 Resident Engineer
- Sharleen Bakeman, CDOT Environmental Policy and Planning Section Manager
- Carol Parr, CDOT Region 4 Environmental Manager
- Rich Barker, CDOT Region 4 Right-of-Way Agent
- Gloria Hice-Idler, CDOT Region 4 Access Manager
- Shawn Han, Principal-in-Charge, J.F. Sato and Associates, Project Consultant
- Joanna Morsicato, Consultant Project Manager
- Randy Wampler, Consultant Roadway Engineer
- Tom Knostman, City of Loveland Engineer

Long Nguyen explained that the environmental assessment is part of the federal NEPA or National Environmental Policy Act process. All of the federal projects or projects that will receive federal funding require this process. The lead agency for this project is the Federal Highway Administration. The following presentation was made using a PowerPoint slideshow.

Purpose of Public Hearing. The purpose of this public hearing is to provide an opportunity for you to review project displays, ask questions, make comments to our analysis, and offer alternatives. We also encourage you to make formal comments, fill out comment sheets, and provide verbal comments to the court reporter right here.

Why is CDOT Proposing This Project? The purpose of the proposed project is to provide an improved transportation facility between US 287 and LCR 3 that meets three major needs: improve current and future traffic mobility, improve transportation safety, and accommodate 2030 travel demand.

Traffic mobility is measured by level of service, and within an urban area like US 34, level of service is recommended at "D" or better. Projected traffic volumes will increase about 40 percent on the west side of the project area and over 100 percent on the east end of the project area.

What is Level of Service? Intersection level of service has been evaluated and ranges from "A" to "F." For delay, the delay time at the intersection is less than 10 seconds per vehicle going from "B" between 10 and 20 seconds delay time; "C," between 25 and 35, 55 seconds delay; "E," between 55 and 80; and "F," over 80 seconds of delay time.

Let's pick an example. Let's look at level of service "A." To simplify things, let's assume that we have 12 vehicles waiting at the intersections. The delay time for each vehicle is 10 seconds, so 12 vehicles of 120 seconds is about 2 minutes of delay time at the intersection if we are looking at level of service "A."

The level of service for the existing intersections right now varies from "E" to "F" in the vicinity of Madison to Boise.

Without any improvements for the year 2030, all the intersections, which we have about 15 intersections within the corridor, will have a level of service of "D" or "F." And let me give some intersection delay tests so you will have some rough idea. Without any improvement for the year 2030, for Cleveland Avenue and Lincoln Avenue, the delay time would vary from 9.5 to 15 minutes.

For Redwood, it would be 2.5 minutes, Boise would be 3 minutes, Boyd Lake would be 5 minutes delay time. Rocky Mountain Avenue would be 14 minutes delay time if we do not have any improvements.

For the year 2030, with improvements, for all the intersections, level of service will improve and it is ranging from "B" to "D."

Safety. As mentioned earlier, the second need we are looking at within the corridor is to improve safety.

We collected data from the CDOT website and from the city police department, compiled the data, and reduced it to pie charts. As you can see, more than half the number of accidents happen at the intersections or are intersection related.

We then went one step further by breaking down by type of accident. From the distribution by type, you can see almost half the number of accidents are rear-end, and most of them happen at the intersections.

What Would Happen If No Improvements Were Made? This is the No Action Alternative. If there are no improvements, this means there would be no changes to the existing highway and no impact on human or natural environment. However, the mobility and safety concerns are escalated as the traffic volumes increase, and the intersection level of service would decline to level of service "E" and "F" along the entire corridor by the year 2030.

We also have access issues. As an example of an access issue, we could drive down there now and try to make a left turn lane from the south side of US 34, a left turn lane from a business and into US 34, you would have a big problem. At the same time, if you are making a left turn off US 287 up on US 34 and get off on a side street of businesses, we do have a problem too.

As you can see, increases in traffic volume of congestion lead to an increasing number of accidents or delay time. With the improvements for the project, by adding a through lane in each direction on US 34, adding an acceleration/deceleration lane at the intersections, and adjusting the timing at the signal, we improve the transportation mobility and safety tremendously.

The presentation was then turned over to Carol Parr to provide a summary of the alternative analysis and environmental impacts.

Alternatives Analyzed. When we began this study, we looked at several alternatives. We looked at transportation modes and parallel highway facilities, those were Crossroads and State Highway 402.

We looked at major realignment of US 34, widening US 34 using context sensitive solutions and also the No Action Alternative, which is left in as a baseline when you do NEPA.

The alternatives retained for additional study were widening US 34 using context sensitive solutions and the No Action Alternative.

Alternative transportation modes did not stand up alone and that was looking at bus service along 34, bicycle, pedestrian. None of those stood out and took care of the congestion like we were looking for.

The parallel highway facilities, both State Highway 402 and Crossroads are in the traffic model for US 34—State Highway 402 actually has an environmental assessment going on right now. So when we got the numbers for the traffic projections, these facilities were included.

So neither of those parallel highway facilities would have taken care of the problem on US 34. Major realignment of US 34—if we tried to move that to the north, there's Boyd Lake. And if we went to the south, there is the Big Thompson River, so we couldn't do that. And widening US 34 using context sensitive solutions was deemed the most appropriate way to go.

What is the Preferred Alternative? Widening US 34 using context sensitive solutions was the preferred alternative. It is the Action Alternative. And, as Long mentioned earlier, it extends just a little bit west of Cleveland Avenue and it goes all the way over to Larimer County Road 3. Again, the I-25 interchange is not part of our project. The Preferred Alternative is to widen to six lanes.

CSS and US 34. So what are context sensitive solutions? In areas along our corridor, we had some properties we wanted to avoid, such as historic properties and wetlands. We wanted to reduce the number of relocations, so we tried to reduce the impacts, and some of the design modifications that we used included reducing or eliminating the parkway strip between the sidewalk and roadway, relocating the sidewalk, and also locating utilities under portions of the parkway.

Resources Analyzed. During our environmental assessment, we looked at numerous resources and some are listed here. Right-of-way and relocations, we have a few relocations. Noise impacts were minimal. Air quality impacts were minimal. Water quality is one that we will be addressing with the City of Loveland and trying to work that out to be sure that any extra pavement we have there will be taken care of for the water quality. And we did have some historic properties.

Where Do We Go From Here? Right now we are at the public hearing, and we are hoping a lot of people comment. And we will be putting together the NEPA decision documents, and we hope to have that out by maybe the end of July. And right now, we have design and construction up here, but we do not have any funding identified.

However, I am sure if some of you were traveling in from the east, you noticed that there is some work going on on US 34 right now. So this project resurfacing is the one that's going on. We have another one that will be coming up. And then also in 2008, they will begin the interim improvements of I-25 and US 34 interchange.

Long Nguyen facilitated the following question and answer session.

S-1 GAIL ROGERS: My name is Gail Rogers. I live in Loveland. And I would just like to know what's going to happen just west of I-25 to the pine trees.

LONG NGUYEN: At first, we had a lot of comments on the pine tree in the median there. Is that what we're talking about, a pine tree in the median?

GAIL ROGERS: Yes.

LONG NGUYEN: And we spent a lot of effort and time and Randy, thanks to him, that he figured out a way to minimize that impact, and it's ended up that we have the alignment and the lane that's adding to that not going to impact the pine trees.

GAIL ROGERS: The pine trees will stay?

LONG NGUYEN: The pine trees will stay, yes.

GAIL ROGERS: And the guard rail will come right up to them?

LONG NGUYEN: Yes. The curb and gutter is at the edge of that.

GAIL ROGERS: Cool.

LONG NGUYEN: Thank you.

S-2 AUDIENCE SPEAKER: I just want to mention that any comments that are given will also go into the record, and not just the verbal comments, but the written comments also.

LONG NGUYEN: Right, right. Yeah, please feel welcome. There're comment sheets in the back. And if you can't think of comments or questions right now, please fill it out and send it back to us, and they will be incorporated into our documents.

S-3 NANCY CROM: Nancy Crom. I'm curious. Once this plan begins, will it be phased in sections or will there be construction through the entire link from County Road 3 through US 287.

LONG NGUYEN: Right now, we don't have any funding in the project for the design phase, right-of-way acquisition or construction, so we don't know yet. My guess if we look at it and we have limited dollars, we'll look at the least impact areas and start from there. But right now, as I said, we don't have any money to do anything yet.

S-4 UNIDENTIFIED AUDIENCE SPEAKER: The Madison Avenue intersection now, what you have now, we do not have enough room southbound on Madison, coming down Eisenhower, to stack up traffic. What we're doing now is not legal and what your proposing is going to make the situation worse.

LONG NGUYEN: Thank you for the comment. The intersection design is based on the traffic model that we received from North Front Range MPO, our planning organization, the plan one that we have in there, determines the number of lanes, two lanes, right lane turn lane, left turn lane, and that's what we show on our document. I believe the City of Loveland has a more detailed plan than this.

UNIDENTIFIED AUDIENCE SPEAKER: Okay. Madison southbound to Eisenhower, as it is now, we're not using the intersection properly. We're stacking cars up during rush hour, and what they've got proposed is putting in a solid green there and they're looking to restrict that usage of that set of lanes northbound Eisenhower. We're going to have a bottleneck there. It's bad now. It's going to get a whole lot worse.

TOM KNOTSMAN: So you say that the eastbound, the northbound meaning what's depicted here is restricted?

UNIDENTIFIED AUDIENCE SPEAKER: It would restrict it worse than what we got now. If you think they're probably using it now, we break the law the way we're going. We're all stacked up.

TOM KNOTSMAN: Okay. I see what you're saying. And you're saying it's stacking is on 34 going northbound?

UNIDENTIFIED AUDIENCE SPEAKER: No, it going southbound.

TOM KNOTSMAN: Southbound? Southbound, okay. Well this section doesn't apply to Madison. Madison is the city street and we at the City of Loveland have plans that we're developing to look at the improvement of that. We have a different criteria than – rather service-wise than CDOT does. Their level of service adequate is level service "D." We have level of service "C" that we have to meet. And so we're looking at three different alternatives for that corridor. And there's a feasibility study that's ongoing currently. We are currently waiting on the EA to look at the environmental issues with any underground tanks or any other issues on that corridor. And then we're also looking at the cost of impact, et cetera. So, we're moving forward on that.

I don't know about the illegality of the stack issues or not, but we do realize that there are significant stack issues. We've got three alternatives, two of those meet a level of service "C," one is "D," and so what we're trying to do is look at what's the best impact, how can we improve that. And that corridor study is from 16th all the way down into 11th Street south of Home Depot. When I get that environmental study which is within the next month, we'll sit down and try and draw a matrix of what the best impacts are, and then we'll be working with the public and landowners in the wider areas, the citizens, as kind of the stakeholders in this, and have a similar parallel process to this. And separate from that is Highway 34. So CDOT has plans, and if you look at the way we're proposing it, they're looking at the east/west component. We're looking at the north/south component.

We're all trying to look at that as, you know, where the bottleneck is and how to make improvements.

UNIDENTIFIED AUDIENCE SPEAKER: But right now the proposal is east/west. We've got turn lanes on some of those intersections in terms of making improvements.

TOM KNOTSMAN: If you look at the diagram here east/west, they actually proposal a double lane.

AUDIENCE SPEAKER: Okay, I'm sorry, the right turn lane, not left. Left turns lanes are great, right turns take a turn off the right hand turn lane.

TOM KNOTSMAN: I see what you're saying. Yes, we're taking those right turn lanes and making them into a clear lane in the interim. If you look at the three right movements, the eastbound to northbound is a significant move. Our 2030 projection is 400 peak hour vehicles. In our model, which is the north/south

Madison corridor, we are making improvements which include a dedicated right-turn lane from that westbound traffic -- well here I'll draw it-- the westbound traffic going north and onto Madison. So we're trying to make certain that we deal with that issue.

We have those two pine trees -- they're diseased and at the end of their age -- they're probably going to have to come down. You know that's just kind of the magnitude at what we're looking at there.

Seven-Eleven is here today to talk to us. I've been talking with them about our impacts onto their property. We're looking at all the gas tank issues that are resident to that corner and trying to figure out, you know, what's the most cost effective way to deal with that intersection, so that we do it once and it gives us, as citizens of Loveland, a long- term benefit. So, did that answer your question?

UNIDENTIFIED AUDIENCE SPEAKER: Yes.

TOM KNOSTMAN: I'd be happy to talk with you afterwards.

S-5 JOHN BROWN: My name is John Brown, and I would like to second the comment about saving the 100-year old blue spruce trees. The city made some design changes a few years ago to save those, and we have a number of concerned citizens. I heard a hint a moment ago that the pine trees may be at the end of their life span. We don't know that, and so.

LONG NGUYEN: Those on Madison.

JOHN BROWN: I understand that, but that was the same type of hedging that we got into with the city a few years ago about the 100-year old blue spruce trees. So thank you for the consideration of maintaining those trees.

Secondly, I'm concerned, as are all property owners along 34, that you will continue to maintain a right-in, right-out off of all individual properties. Is that correct?

LONG NGUYEN: As you look at the road - and thank you for hearing my comment about the blue spruce there. We're trying the best we can. We hear a lot of comments about efforts to keep them alive.

The second point I do have, that is the right-in access there. If you look at a roadmap there, you see there's some curbs and gutters going through there, which is not completely correct. We did have a note in there explaining that the existing access we maintain is this, with one access going to Enterprise and a car dealer, I guess, because of the safety -- let me look at the street by Madison maybe -- we try to link in that left turn lane to accommodate the turning, the left turning there, and for safety we close -- we never close out that left-hand lane going to that car dealer.

And, Gloria, do you have anything to add to that?

GLORIA HICE-IDLER: You do have access. Right- in, right-outs, a form of access until such time as we redevelop. When they redevelop, they are going to re-examine or re-evaluate access to see if we can consolidate or, you know, little pieces become a part of larger pieces and they redevelop, and we'll re-evaluate access. But any access that exists today, will continue to exist for its current use. It's not until you go to redevelop it.

S-6 LAURENCE WEEDN: I was just kind of wondering if with the curb and gutter on the south and north side, are you just leaving it where it is right now? Because a minute ago, you said you're going to use the existing turn lanes to be a through lane so you won't actually have a -- say you're going west, like our property is right there on Boise and Eisenhower -- so if you're going to the hospital, right now you have a turn lane to go to the hospital, but you're saying they're going to eliminate that; that it's going to be three lanes, but the right lane, if you decide to turn, you'll just stop all the traffic behind you and then turn?

LONG NGUYEN: If you look at the site plan again, I believe Boise and then you've got to check make sure -- Boise intersection we still have three through lanes and right-turn lane. We are not eliminating a right-turn lane.

LAURENCE WEEDN: So you're going to move the curb and gutter farther to the north?

LONG NGUYEN: We're going -- yes, we're going well, from that map, I think we're going to accept it, yeah, on both sides to a south and north to accommodate the three through and --

LAURENCE WEEDN: Through and the right.

LONG NGUYEN: -- and the right-turn lane.

LAURENCE WEEDN: So if you have no money and you think you're going to have money for I-25 and 34 to that end --

LONG NGUYEN: That's right.

LAURENCE WEEDN: -- is that going to happen before all this is going to happen?

LONG NGUYEN: Absolutely. The actual funding for the interchange -- a lot of funding came from private developers and through the City of Loveland, and that will happen quicker than this project. And as I mentioned there's no money in design phase at all.

LAURENCE WEEDN: So if you're making a guess, what year would that happen?

LONG NGUYEN: I can't give you any hope -- I cannot give you any indication.

LAURENCE WEEDN: Maybe not until 2030.

LONG NGUYEN: Well, I guess I'm joking around with my co-workers, I say maybe when I retire they will make this project happen, but who knows, some miracle will happen and we may have some money to do it. But right now I cannot give you this straight answer of when it's going to happen.

LAURENCE WEEDN: And if it does happen, you don't really know how far for the curb and gutters?

LONG NGUYEN: Well, roughly -- we know roughly where the curb and gutters are going to be, but after we have funding in the design phase, they will really look into it and look real closely where the exact location of the curb and gutter.

S-7 STEVE OLIVER: In the order of priorities of other state projects, where does this project rank so we can get a better sense of when we're going to start?

LONG NGUYEN: Well, as amended -- well, this project is in fiscally constrained plans which are the long-range plans. And, Karla, I need your help.

STEVE OLIVER: In the order of all the priorities CDOT is doing around the state, all the cash constraint projects you had that aren't funded that you're doing this on, where does this rank in order of priority?

KARLA HARDING: Pretty low.

STEVE OLIVER: Okay.

KARLA HARDING: I think here's the point. You know we've had a lot of different projects in the mix that have all been pumped out in this area. And we had hoped by the end of I think 2010, we were going to have widened 287 on north end of Fort Collins, the 34 business route we had in Greeley, as well as 402, all the way out to Henderson. This project was primarily there because we thought we could do some interim improvements that are a lower cost than that full widening. And hopefully by having this study done, we start implementing some of those without building the whole project. We can start making some improvements to make the travel a little easier on the corridor.

STEVE OLIVER: [inaudible]

KARLA HARDING: Well, possibly some restriping [indecipherable]. And the question came up earlier about whether we were getting funding to build the whole thing at once. Once we have to get it done, we can offer up, when monies do come available, we can -- it's not for us a small project through here, we can't do the whole thing, so maybe we do an intersection or we do a smaller section until we can get the whole thing done. But once the EA is done and we know what it's supposed to look like in the future we can start getting projects done, and money can start -- whether it's local money, developer money, state money, federal money, whatever. At least we can do something. Without an EA, we're stuck here without any money coming through.

LONG NGUYEN: Any more questions? If nobody has any questions, then I guess we'll continue to view displays and you're more than welcome to stop up and ask anybody around here and ask questions.

Thank you very much.

Note: The original official transcript of the public hearing is available upon request from CDOT.

Appendix C - Agency Comments

City of Loveland review of the EA by Tom Knostman resulted in the following suggestions submitted in a hand-marked copy of the EA on June 14, 2007.

Page 1-5: A reminder that the cross sections presented in Exhibit 1-3 were variable with regards to bicycle and pedestrian treatment.

Response: Text already states that Exhibit 1-3 “illustrates the range of variation in the existing cross section.”

Page 1-15: Second bullet refers to a Metro District project at LCR 3E (Cordova Pass Drive). LCR 3E is now Kendall Parkway.

Response: The text quoted from the planning source is now outdated. Kendall Parkway is correct.

Page 1-15: Verify that the City of Loveland Resolution 101-2001 extended between Lincoln Avenue and LCR 3, not Cleveland Avenue.

Response: Per an email from Dave Klockeman, dated November 9, 2005, this resolution only extended between Madison and Cleveland Avenues.

Pages 2-11 and 12, Exhibit 2-3: The following additions and updates were identified as current for June 2007:

- Madison Avenue – Revise to show southbound double left, northbound two through lanes
- Mountain Lion Drive – Should be shown
- Sculptor Drive – Existing lanes should now be indicated in blue
- McWhinney Boulevard – No left turn is indicated from southbound McWhinney Boulevard to eastbound US 34 – is this a prohibited movement?
- Fall River Drive – Should be shown

Response: The information provided is an update to the US 34 traffic study of September 2005. Also based on previous studies, the left turn from southbound McWhinney Boulevard to eastbound US 34 is a prohibited movement. None of this changes the outcome for the EA. All configurations will be field checked and coordinated with the City of Loveland again prior to project design activities.

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Appendix D - Public Comments Received During Review Period

- E-1. Thomas J. Allen, M.D.
- E-2. Andrea Dutton
- E-3. Unidentified Author
- E-4. Gail Rogers
- E-5. Steve Engeman
- E-6. Ronnie Hogan

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Joanna Morsicato

From: tomallenmd@pol.net
Sent: Tuesday, May 15, 2007 8:53 PM
To: Joanna Morsicato
Subject: Highway 34/I25

Hello,

Just a quick email to ask you to keep the needs of pedestrians and bicyclists well in mind while designing this project. The current arrangement is terrible! On a bike one rides next to a bridge guardrail just 2-3 feet high above I 25. With traffic whizzing past, one contemplates a tumble over the rail onto the interstate! Bicyclists need dedicated bike lanes on the street, not on separated bike paths frequented by moms with strollers, etc. Bridges with secure railing features would be appreciated greatly. Pedestrians likewise need safe travel routes. And crossing the entry and exit ramps from the interstate is very hazardous too as it is now. With a future of global warming and rising gas prices I suspect we will see more and more people on bikes. Please plan for us well. Thanks!

Thomas J. Allen, MD
Loveland, CO

Joanna Morsicato

From: adutton007@cox.net
Sent: Tuesday, June 05, 2007 8:59 PM
To: Amy Baerenklau
Cc: Joanna Morsicato
Subject: US34EA Public Comment

Name: Andrea Dutton
Title:
Org:
Address: 16578 Cedar Cir
 Omaha, Ne 68130
Phone: 402-670-2616
Fax:
Email: adutton007@cox.net
Newsletter: checkbox

Comment: Long, I own the Flowerama building and land at the corner of Eisenhower and Madison. I have reviewed the documents and as I live in Omaha, I could not attend your forum tonight. As widening occurs on US34, what amount of land will I lose to the North of the building? Will the widening (or just resurfacing) occur to the west along Madison? Will the two curb cuts be affected? I guess I couldn't glean from the study what specific impact each business may incur. As I have a tenant, who needs to operate with interruption, I would like to be able to pass good information along. Thank you. Andrea



Public Hearing
June 5, 2007, 4:30 p.m. to 6:30 p.m.
Harold Ferguson High School
804 East Eisenhower Boulevard
Loveland, CO 80537

Public Comment Sheet

Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA). Your input is very important to us. Space is provided below for your written comments.

PLEASE HAND IN THIS SHEET BEFORE YOU LEAVE TODAY - OR

- Mail this postage-paid form.
- Provide comments on the US 34 website: www.dot.state.co.us/US34EA/
- Call 303-797-1200 x1313

Comments must be received by June 14, 2007.

Thank you for resurfacing and fixing Highway 34 in Loveland. We appreciate what you are doing - my son and I are DOT volunteers to pick up trash on 34 and we care how it looks.

Thank you for saving our memory lane of 100 year old pine trees just west of I-25. They are so grand and an open corridor to Loveland.

Thanks again

Optional Information:

Name: Gail Rogers
Address: 2430 Calate St City, State, Zip: Loveland CO
80537



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- Call 303-797-1200 x1313

Comments must be received by June 14, 2007.

We own the property at 7311 E US Highway 34 and have serious concerns about any possible property loss. We currently have adequate space along 34 to allow the big trucks to safely back into our docks. We cannot afford to lose any property along 34 and trust the highway can be shifted south so our business does not suffer.

We also have concerns about our access to 34 and deceleration and acceleration at the big truck if a light is installed at 34 or extra lanes are added for any of the McWhinney projects

Optional Information:

Name: Steve Engeman

Address: 7311 E. us Highway 34 City, State, Zip: Loveland, CO 80538

June 18, 2007
Mr. Long Nguyen P.E.
Project Manager
US 34 Corridor Loveland

Dear Mr. Nguyen,

My wife and I are the owners of the vacant property located at the Southwest corner of Eisenhower Boulevard and Jefferson Avenue, more particularly described as 35 through 40 of Block 1, Warnock Addition to Loveland.

You will recall that you and I met the morning of June 5 to discuss the proposed routing and widening of US 34 adjacent to my property. My visit was in response to your letter dated May 15, 2007. Unfortunately I was not able to attend the public meeting on the afternoon of June 5 because of medical treatments I was receiving at 3:00 PM and the following 24 hours.

You will recall that I requested that you send me copies of the plans showing the three alternate alignments and also the other plan showing the 4 alternate alignments. I have been delaying my comments until I received those documents and also had the opportunity to view the preliminary transcripts of the comments made at the June 5 public meeting. I have not received those requested plans.

You will recall that I told you of my actions during the last HW 34 widening project whereby I deeded property off of the frontage of my property for widening at no cost to the State. My meetings with DOT staff at that time indicated that there was a future study to consider further widening to 6 lanes. The City of Loveland was the owner of the land on the North side of HW 34 between Jefferson and Lincoln. I was told that the future widening would be coming off of the North side where the property was already owned by the City. I thought I had an understanding and agreement but unfortunately I do not have written documentation of my conversations with the project people.

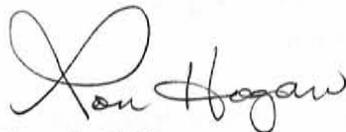
When I met with you on June 5 you indicated to me that the preferred route was to keep the alignment along the present centerline which is basically in keeping with what was told to me when I deeded property during the last widening project. You also said that because of an historic designation on a parcel East of Jefferson that you would be required to move the alignment to the North to miss that property. You told me that the Loveland City Engineer had informed your department that the City already owned the land on the South side of HW 34 between Lincoln and Cleveland and that the City had therefore recommended bringing the route back to the extreme South Alignment that is in your present plan. You also said that someone in the city had stated that there was a possible agreement that any widening would not go North of the present concrete block wall at the Walgreen site on the North side of the HW between Lincoln and Cleveland. I want to see any agreement with the City that would give the Walgreen property rights over any other property owners.

Be advised that the South alignment would take approximately 50 feet off of the West end of my property which is entirely contrary to my conversations with the DOT personnel when I freely gave them my property during the last widening project. I have not had time to fully document ownership of the other affected parcels but I also believe that the City has misrepresented to you that they own the property where the Dairy Queen is and also the properties between Lincoln and Cleveland. I am a retired PE&LS and I believe that the extreme curving of the alignment to the South instead of the alignment along the present centerline is arbitrary and not the safest and best engineering practice.

Mr. Nguyen, I commend you and your department for sending the letters directly informing the property owners to look at your plans and informing them of the public hearings. Be advised that I have not received any letter of notice from the City of Loveland advising of considerations of the Southern alignment now being considered. There may have been publication about hearings however I have been out of the USA several months on Rotary humanitarian projects this past few years and have not seen any publications of hearings on proposed alignments except the May 15, 2007 notice from you.

I am aware that there are no present schedules or funding for the project. You told me that the alignment will not be decided until the project progresses and that the Southern alignment may never take place. Be advised that I take the position that the mere presence of the preliminary plan represents a taking of my property rights without just compensation and that before finalization of the Southern alignment you should require proof of the ownership stated by the city of Loveland justifying the alignment deviating from the existing centerline. I consider your proceeding with the less safe Southern alignment without the proof of ownership by the City of other reasonable justification to be a negligent and unjust process.

Respectfully submitted,

A handwritten signature in black ink that reads "Ronnie E. Hogan". The signature is written in a cursive, flowing style.

Ronnie E. Hogan
Retired CO PE&LS 4845
3120 Bent Drive
Loveland, CO 80538
PH 970-667-2635
rhogan@lpbroadband.net

cc Joanna Morsicato
J.F. Sato & Associates
Jmorsicato@jfsato.com

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Appendix E – Region 4 Commitments and Mitigation Table

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Project Name: US 34: US 287 to LCR 3 Environmental Assessment
Project Number: NH 0341-060
Environmental Mitigation Table

(Per Region 4 format requirements - content same as EA Exhibit 3-20)

| Category | Mitigation Measures and Commitments | Date Completed |
|--|--|----------------|
| Construction Impacts | See below by resource type. | |
| Air Quality | <p>Best Management Practices (BMPs) would be implemented to reduce the impact of potential particulates less than 10 microns during construction, including:</p> <ul style="list-style-type: none"> · Spraying exposed soil and soil surfaces with water, wetting agents, and/or soil binding agents · Covering trucks carrying fine materials · Minimizing mud tracking from the construction area · Controlling speed limits for trucks traveling on roads with high silt loading in the construction area · Performing proper maintenance on construction equipment | |
| Noise | <p>In general, construction activities would be limited to daytime work hours. Construction equipment would be turned off during prolonged periods of nonuse and an effort would be made to combine noisy operations to occur during the same time period. Stationary equipment would be located as far away from receptors as feasible and curtains would be erected around stationary equipment in areas close to residences. Additionally, the contractor would be required to use mufflers on engines (or intake silencers, engine enclosures, and noise blankets) and quiet-use generators).</p> | |
| Wetlands | <p>The following Construction Wetland Mitigation Measures are proposed to protect wetlands in temporary impact areas.</p> <ul style="list-style-type: none"> · All wetland areas and water bodies not impacted by the project would be protected from unnecessary encroachment by temporary fencing. Sediment control such as silt fence or erosion logs would also be used where needed to protect the area from sediment. Siltation control devices would be placed on the down-gradient side of construction areas to prevent soil from entering wetland areas. · Staging of construction equipment, equipment refueling, or storage of construction supplies would not be allowed within 50 feet of a wetland. · A stormwater management plan would be developed prior to and for inclusion in the construction bid plans. All bare fill or cut slopes adjacent to wetlands would be stabilized as soon as practicable. · No fertilizers would be allowed on the project. · Work areas would be limited to minimize construction impacts on wetlands. | |
| Water Quality | <p>Temporary erosion control and stormwater measures would be implemented during construction activities. Colorado Department of Transportation (CDOT) would develop a Stormwater Management Plan (SWMP) during final design. The SWMP, which details BMPs used for construction, would be prepared in accordance with the CDOT <i>Erosion Control and Stormwater Quality Guide</i>, CDOT <i>Standard Specifications 107.25-Water Quality and 208-Erosion Control</i>.</p> | |
| Visual Resources | <p>Visual impacts would be minimized during the construction by limiting stockpiles and equipment storage to designated areas. Any traffic control devices would be removed promptly after use.</p> | |
| Historic Preservation/ Archaeological Resources | <p>If cultural materials were exposed during construction, the CDOT senior staff archaeologist would be notified immediately to ensure evaluation as required by National Historic Preservation Act (NHPA) and all other applicable state and federal regulations.</p> | |
| Paleontological Resources | <p>When the project design plans are finalized, the CDOT paleontologist would examine them and determine the extent of disturbance of Pierre Shale, if any, that may occur during construction. If monitoring is required, a monitoring and mitigation plan would be prepared based on the discipline report written for the project Environmental Assessment (EA). If any sub-surface bones or other potential fossils are found during construction, the CDOT staff paleontologist would be notified immediately to assess their significance and make further recommendations.</p> | |
| T and E Species | <p>Based on current studies, no threatened, endangered, and special status (TES) species or species of concern have been identified as likely to occur in the project corridor. US Fish and Wildlife Service (USFWS) requires updated documentation on the TES plant species prior to implementation of construction activities. USFWS concurrence for the Preble's meadow jumping mouse must also be renewed before construction. Additional evaluations and surveys, if warranted, will be conducted prior to construction for any new TES species identified subsequent to the current study.</p> | |

| Category | Mitigation Measures and Commitments | Date Completed |
|--------------------------------|--|----------------|
| Project Related Impacts | See below by resource type. | |
| Noise | <p>Residences between N. Garfield Avenue and the Burlington Northern Railroad (BNRR) Bridge: After application of feasible and reasonable criteria, three receptors in the US 34 corridor required additional analysis. Receptors 60 and 61 at the far western end of the corridor represent residences located on both sides of US 34 between North Garfield Avenue and the BNRR bridge. The predicted noise levels for these homes under the Action Alternative (year 2030) are 68 to 69 dB(A), which is a 1 dB(A) increase over the existing levels. Although a noise wall is not considered feasible for either of these locations, some noise reduction could be provided by construction of a closed rail safety barrier on both sides of US 34 in association with the bridge improvements. The area would be re-examined during final design.</p> <p>The Reserve Apartments (Receptor 18) are located on the north side of US 34 off McWhinney Blvd. Based on visual inspection, each building appeared to contain five ground-floor units each. The predicted noise level for these apartments under the Action Alternative (year 2030) is 72 dB(A), which is a 2 dB(A) increase over the existing levels. A 660-foot-long barrier was modeled along the proposed CDOT right-of-way, which is located on top of the existing terrain that currently provides some noise reduction. The easternmost 100 feet of the barrier diverts from the CDOT right-of-way and wraps around to the north along McWhinney Blvd. The amount of noise reduction, in dB(A), that would be achieved by the barrier was predicted for barrier heights ranging from 6 to 12 feet. Predictions were made using both the "wall" and "berm" barrier types in the Traffic Noise Model (TNM). The desired noise reduction is 5 to 10 dB(A). The results were that a 10-foot-tall barrier is appropriate.</p> <p>The cost benefit ratios for either the wall or berm barriers modeled is less than CDOT's standard of \$4,000 per dB of noise reduction per benefited receptor. The cost of each modeled barrier was calculated using a unit cost of \$30 per square foot for walls and \$10 per cubic yard for berms. Noise reduction was calculated using TNM. The number of benefited receptors is calculated as the number of homes where at least 3 dB(A) of noise reduction was predicted, and for the 10-foot-tall barrier there are 14 benefited receptors. Based on this analysis, a 10-foot-tall barrier would be considered for this area. This analysis would be re-examined during the final design phase of the project.</p> | |
| Hazardous Materials | <p>The following are sites of potential concern and include specific recommendations:</p> <p>Nine historic gas stations, dry cleaners, and automobile repair facilities. Completion of a Phase 1 Environmental Site Assessment is required for any properties showing historic uses that could contribute to the presence of hazardous materials for which right-of-way would be required. That report would indicate past and current uses of that site and would determine if that site does or historically has affected the corridor. Note that right-of-way acquisition from all nine properties is anticipated, each of which would pose a level of risk that CDOT would acquire a contaminated property and the liability for cleanup associated with it. In addition, contamination from four of these properties may have migrated into the existing US 34 right-of-way.</p> <p>Four leaking underground storage tank (LUST) sites. The groundwater monitoring reports for the LUST sites located at Craig's Conoco and the Shell Service Station should continue to be reviewed. These reports will provide information pertaining to the extent of groundwater contamination and its potential migration beneath the study area. If project construction activities disturb subsurface soils or groundwater in the area of the U Pump It and Schrader's LUST sites at the North Madison Avenue intersection, pre-characterization of soils and groundwater for project personnel health and safety issues, as well as for materials management and dewatering issues, would be performed. Right-of-way acquisition is anticipated from all four LUST sites, each of which may pose a risk that CDOT would acquire a contaminated property and the liability for cleanup associated with it. In addition, contamination from three of these properties may have migrated into the existing US 34 right-of-way.</p> <p>Oil and gas well. If project right-of-way and subsequent construction activities disturb or come in close proximity to the McDonough #16-2 oil and gas tank battery location, pre-characterization of soils and groundwater for project personnel health and safety issues, as well as for materials management and dewatering issues, would be performed.</p> <p>Electrical transformers. The Poudre Valley Rural Electric Association (REA) should be contacted if any of the transformers are to be disturbed during construction activities. Xcel Energy and the city of Loveland also have the potential to own transformers located along the project corridor. They too should be contacted if any of the transformers are to be disturbed during construction activities. If any of the transformers test positive for PCBs, the utility company of ownership would be responsible for handling and disposal.</p> <p>Structures containing lead-based paints and/or friable asbestos. If either or both of these hazardous materials are encountered, coordination with the Colorado Department of Public Health and Environment (CDPHE) and other agencies that regulate these materials will occur.</p> | |

| Category | Mitigation Measures and Commitments | Date Completed |
|----------------------------------|--|----------------|
| | <p>If additional hazardous materials are encountered before or during construction of the Action Alternative, CDOT's Section 250, Environmental Health and Safety Management specification would be used. If necessary, a health and/or safety plan and materials management plan would be prepared and implemented to mitigate potential health and safety hazards to workers and the public. Pre-characterization of soils and groundwater for project personnel health and safety, materials management, and dewatering is required before disturbance of subsurface soils or groundwater by highway construction activities at sites of potential concern. Depending on the results of the pre-characterization of test results, coordination with various agencies and permitting may be required. If the test samples are deemed hazardous, a materials management plan would be developed that describes the specifics of the hazardous waste permitting and compliance issues.</p> | |
| Right of Way/ Relocations | <p>CDOT will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), which provides for uniform and equitable treatment of all persons displaced from their homes, businesses, or farms. The Uniform Act is a form of compensation, not mitigation.</p> <p>The information in this section is based on conceptual design; the actual number of relocations and specifics on property acquisitions would be known when final design is complete. Measures to further reduce the number of relocations and amount of acquisitions would be implemented as part of final design.</p> <p>For any person(s) whose real property interests may be affected by this project, the acquisition of those property interests will comply fully with the Uniform Act. The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects. It was created to provide for and insure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied "uniformly," CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source.</p> <p>Additionally, the Fifth Amendment of the U.S. Constitution provides that private property may not be taken for a public use without payment of "just compensation." All affected owners will be provided notification of the acquiring agency's intent to acquire an interest in their property, including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each property owner to assist him or her with this process.</p> <p>In certain situations, it may also be necessary to acquire improvements that are located within a proposed acquisition parcel. In those instances where the improvements are occupied, it becomes necessary to "relocate" those individuals from the subject property (residential or business) to a replacement site. The Uniform Act provides for numerous benefits to these individuals to assist them both financially and with advisory services related to relocating their residence or business operation. Although the benefits available under the Uniform Act are far too numerous and complex to discuss in detail in this document, they are available to both owner-occupants and tenants of either residential or business properties. In some situations, only personal property must be moved from the real property and this is also covered under the relocation program.</p> <p>As soon as feasible, any person scheduled to be displaced shall be furnished with a general written description of the displacing agency's relocation program which provides at a minimum, detailed information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. It shall also provide notification that the displaced person(s) will not be required to move without at least 90 days' advance written notice. For residential relocatees, this notice cannot be provided until a written offer to acquire the subject property has been presented, and at least one comparable replacement dwelling has been made available. Relocation benefits will be provided to all eligible persons regardless of race, color, religion, sex or national origin. Benefits under the Uniform Act, to which each eligible owner or tenant may be entitled, will be determined on an individual basis and explained in detail by an assigned right-of-way specialist.</p> | |
| Land Use | <p>Mitigation for the changes in land use would be through compensation to the landowners during the right-of-way acquisition process.</p> | |
| Socioeconomics | <p>Mitigation measures would be the same as for right-of-way.</p> | |
| Section 4(f) | <p>No mitigation measures are required. FHWA concurrence letters on de minimis impacts are located in the EA in Appendix A, Environmental Coordination.</p> <p>On January 9, 2007, the Federal Highway Administration (FHWA) concurred with the finding that the effects of this proposed improvement constituted a de minimis impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied.</p> | |
| Aesthetics | <p>See Visual Impacts</p> | |
| Visual Impacts | <p>Only construction related as noted above.</p> | |
| Scenic Views | <p>See Visual Impacts</p> | |

| Category | Mitigation Measures and Commitments | Date Completed |
|--|---|----------------|
| Environmental Justice | All property acquisition would follow the procedures outlined in the CDOT Right of Way Manual. CDOT follows the Federal Uniform Relocation and Real Property Acquisition Act of 1970 (Public Law 91-646), as amended in 1987 (Public Law 100-17), 1991 (Public Law 102-240) and 1997 (Public Law 105-117). The purpose of the act is "To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs." | |
| USFS Lands | Not Applicable | |
| State Lands | Not Applicable | |
| BLM Lands | Not Applicable | |
| Historic and Archaeological Resources | No mitigation is required. However, the commitment to context sensitive solutions (CSS) design is applicable to US 34 design adjacent to all NRHP eligible properties. Should extensive ground disturbance in these areas occur from other sources such as private development prior to final design and construction, the CSS design would be reconsidered. | |
| Historic Bridge Structure Number | Not Applicable | |
| Paleontological Resources | Only construction related as noted above. | |
| T and E Species | No Mitigation Required | |
| Wildlife | <p>Mitigation of wildlife impacts would include the following activities:</p> <ul style="list-style-type: none"> · Minimize disturbance to native plant communities. · Minimize tree removal. · Use erosion control techniques, such as silt fence, to protect surrounding areas that may be used by wildlife species. · Use wildlife-friendly erosion control blankets to minimize impacts on wildlife. · Follow requirements of the Colorado Department of Transportation Region 4, as follows: The Migratory Bird Treaty Act (MBTA) protects all migratory birds, nests and eggs except English sparrow, European starling, and rock dove and resident game birds. For projects that could potentially result in the killing, taking, harassing, or harming of these birds, the following conditions must be adhered to: <p>Tree trimming/removal. Tree trimming and/or removal activities shall be completed before birds begin to nest or after the young have fledged. In Colorado most nesting and rearing activities occur between April 1 and August 31. However, since some birds nest as early as February a nesting bird survey must be conducted by a biologist before any tree trimming or removal activities begin.</p> <p>Bridge/box culvert work. Bridge or box culvert work that may disturb nesting birds must be completed before birds begin to nest or after the young have fledged. No bridge or box culvert work may take place between April 1 and August 31. If work activities are planned between these dates, nests must be removed (before nesting begins) and appropriate measures taken to assure no new nests are constructed. Failure to remove and keep nests from becoming established could postpone construction of the project.</p> <p>Clearing/grubbing activities. Clearing and grubbing of vegetation that may disturb ground nesting birds must be completed before birds begin to nest or after the young have fledged. If work activities are planned between April 1 and August 31, vegetation must be removed and/or trimmed to a height of six inches or less prior to April 1. Once vegetation has been removed and/or trimmed, appropriate measures (such as repeated mowing/trimming) must be implemented to ensure vegetation does not grow more than six inches. Failure to maintain vegetation height of six inches or less could provide habitat suitable for nesting birds that could postpone construction of the project.</p> | |
| Migratory Birds Species | No Mitigation Required | |
| Wildlife | No Mitigation Required | |
| Landscaping | No Mitigation Required | |

| Category | Mitigation Measures and Commitments | Date Completed |
|-------------------------------------|--|----------------|
| Vegetation and Noxious Weeds | <p>All CDOT revegetation BMPs and guidelines will be followed to ensure adequate revegetation of the study area. All disturbed areas will be seeded in phases throughout construction. Mitigation measures are anticipated to include:</p> <ul style="list-style-type: none"> · Limit the amount of disturbance of grading to 10 feet beyond the toe of slope. Project will follow CDOT standard specifications for amount of time that disturbed areas are allowed to be non-vegetated. · Avoid existing trees, shrubs and vegetation, to the maximum extent possible. Schedule a preconstruction site visit to identify the vegetation that will be protected during construction. · Implement temporary and permanent erosion control measures to limit erosion and soil loss. Slopes should be roughened at all times. · Revegetate all disturbed areas with native grass and forb species. Seed, mulch and mulch tackifier would be applied in phases throughout construction. · Remove topsoil heavily infested with noxious weeds from the site or bury it under a minimum of 5 feet of fill. <p>The Integrated Noxious Weed Management Plan located in Appendix E of the EA will be updated during the design phase immediately before the construction phase.</p> | |
| Soils | <p>No Mitigation Required</p> | |
| Prime Farmland | <p>No Mitigation Required</p> | |
| Floodplains/ Drainage | <p>See Water Quality below and above under construction related.</p> | |
| Water Quality | <p>The project will comply with the process outlined in Appendix I of the CDOT Drainage Design Manual (see Appendix G of the EA). A SWMP will be completed during final design. It will address specific methods of reducing pollutants in stormwater runoff during construction. Stormwater BMPs for a site during construction would consist of five major elements:</p> <ol style="list-style-type: none"> 1. Implementation of BMPs for erosion control. These include, but are not limited to, phased seeding with mulch and tackifier, the use of wildlife friendly erosion control blankets, the use of embankment protectors, the use of berm diversions or check dams, and outlet protection for storm sewer pipes. 2. Implementation of BMPs for sediment control. These include, but are not limited to, erosion bales or logs, silt fence, storm drain inlet and outlet protection, sediment traps, concrete washout and saw water containment basins, and stabilized construction entrances. 3. Implementation of BMPs for materials handling and spill prevention. These include, but are not limited to, stockpile management, material management, material use, and spill prevention and control. 4. Implementation of BMPs for waste management. These include, but are not limited to, concrete, hazardous, and contaminated waste management to ensure that solid or liquid wastes are not carried off the site by stormwater. 5. Implementation of BMPs for pollution prevention. These include treatment during dewatering and paving operations. It also includes the use of street sweeping and temporary waterway crossings. <p>Permanent BMPs will be designed to protect stormwater quality and reduce pollutant discharges after construction is complete. The following is a list of commitments and conceptual BMPs applicable to the US 34 project corridor. A determination of exact methods and locations of stormwater BMPs would be made during final design.</p> <p>Conduct hydrologic and hydraulic (H&H) study. CDOT would conduct a H&H study during final design for the western portion of the US 34 corridor as appropriate, depending on the level of completion of the city of Loveland drainage projects now in progress.</p> <p>Use existing and/or design additional wet or sedimentation vaults. Underground wet or sedimentation vaults capture and treat runoff. This type of structure has a grit chamber and removes debris, trash, and sediment from storm flows. The city of Loveland already has vaults along the US 34 corridor. Due to lack of open land for the western portion of the US 34 corridor, the design of additional vaults may be required. CDOT would coordinate this activity with the city and pursue maintenance agreements with the city.</p> <p>Construct detention ponds. CDOT would coordinate with the city to develop permanent BMPs near Mountain View High School where additional land may be available for detention ponds.</p> <p>Coordinate to establish permanent BMPs. CDOT has begun coordination and will continue to work with the City of Loveland, Town of Johnstown, and developers to develop and implement permanent BMPs to address the expansion of US 34 as developments progress from Boyd Lake Avenue east to LCR 3.</p> | |

| Category | Mitigation Measures and Commitments | Date Completed |
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| Wetlands | <p>The Action Alternative design would include avoidance and minimization of impacts on wetlands in the project corridor. Impacts on wetlands would be avoided and minimized as much as practical during the final design process. The design would comply with the policy of Executive Order 11990 regarding impacts on wetlands. The following specific BMPs from the Erosion Control and Storm Water Quality Guide (CDOT 2002) would be required during construction to reduce the potential for wetlands to be indirectly affected by sedimentation from accelerated erosion or by hazardous materials (such as fuel or equipment lubricants):</p> <ul style="list-style-type: none"> • All disturbed areas would be revegetated with native grass and forb species. Seed, mulch and mulch tackifier would be applied in phases throughout construction. • Slopes would be roughened at all times. • Check dams would be used where appropriate to slow the velocity of water through roadside ditches and in swales. <p>• Wetland areas not to be disturbed would be protected with fences and erosion logs to prevent encroachment of construction equipment and sediment.</p> <p>• Wetlands subject to temporary impacts would be returned to pre-construction elevations and conditions with the goal of preserving the original wetland plant community to the extent this is practical.</p> <p>Both jurisdictional and non-jurisdictional wetlands would be mitigated on a 1:1 basis. Wetland areas temporarily impacted by construction activities would be restored as soon as possible following completion of the activity.</p> | |
| Utilities, Irrigations Ditches and Railroads | <p>Coordination with county and city officials and local utility owners would minimize disruption of service. Coordination would also be necessary with the appropriate ditch companies and railroads to minimize disruption during construction.</p> | |
| Permit | Permit Measures and Commitments | Date Received |
| 404 NW/ Individual Permit # | | |
| 401 Permit | | |
| 402 Permit | | |
| Dewatering Permit | | |
| Municipal Permit | | |
| SB40 | | |
| Stormwater: CDPS Permit # | | |
| Stormwater: MS4 Phase I/Phase II and Areas | | |
| Well Permits from the Colorado Engineers Office | | |