



I-70 FLOYD HILL PROJECT

Floyd Hill TT Meeting #23

JANUARY 13, 2021 | 1:00 p.m. - 3:00 p.m.

Meeting Summary TT Meeting #23

Welcome and Introductions

Jonathan Bartsch, CDR, convened the meeting. The meeting purpose was to review project updates, present the CSS Tracking Commitments Sheet, discuss the contracting and design process, and review the DRAFT NEPA Impacts and Mitigations. There were no changes to the agenda.

Project Updates

- Greenway and CR 314: Final design is complete. Currently working on the right of way acquisition. The Greenway will begin advertising in April 2021, with construction starting in June 2021, and wrapping up in the fall of 2021. CR 314 will begin advertising in June 2021, and construction will begin in late July/August 2021. CR 314 will likely wrap up in 2022.
- Westbound PPSL / MEXL: Construction will be done early Spring 2021. Currently, working in Idaho Springs and on paving projects.
- Resurfacing and guardrail work is being done between Georgetown and Empire.

CSS Process Overview DRAFT - **SUBJECT TO CHANGE**

Neil Ogden, CDOT, reviewed the DRAFT Floyd Hill CSS/CMGC Process Overview, image below:

refinement process. CSS participants will give input on how to structure this workshop.

- The NEPA Decision document will be moved forward concurrently with the “Alternatives Refinements/Verification Workshop.” NEPA will have a public process (targeting March/April 2021) consisting of a 30-day public review period.
 - **ACTION:** Add NEPA Public Review back into the Process Overview chart.
- CSS participants will be heavily involved during the Preliminary and Final Design phases in 2022.
 - **TT Question:** What will the TT be reviewing?
 - **Answer:** The PLT/TT will be consulted on the objectives in the CSS Commitments Tracking Sheet to ensure these are considered in the Preliminary and Final Design plans. Milestones will include: 30% design plans, 90% design plans, issues and context specific items, and major changes that need to be validated. The CSS Tracking Sheet also lists multiple documents that need to be prepared, these will be reviewed with comments from the TT during design.
 - **TT Comment:** 6 months for preliminary design might be tight. CDOT may want to consider expanding this timeline.
 - **Answer:** This is an extremely high-level draft process schedule, and it is highly likely that changes will be made in the timing and schedule. There will be multiple processes running concurrently as the project is packaged.
- **TT Question:** When will we know what “Package 1” is? And how will packages be broken out? How many packages will we end up with?
- **Answer:** We don’t know yet. The contractor will give substantial input on how to approach the project packaging and sequencing.
- **TT Comment:** There is a fairly big gap in the TT and PLTs active work between now and the Alternatives Refinement Workshop. There will need to be a re-entry time period for the TT to reorient and re-look at CSS Commitment tracking. There will also need to be a look at PLT/TT membership and changes made as needed to ensure the right people and expertise are on the team.
 - **ACTION:** Add “CSS Orientation” prior to the “Alternatives Refinement Workshop” (September 2021)
 - **ACTION:** Review TT/PLT membership prior to Alternatives Refinement Workshop to ensure the right people and skillsets are at the table.

CSS Commitment Tracking Sheet Review

The TT reviewed the Tracking Sheet Created by the ITF. Amy Saxton, Clear Creek County, noted that the Tracking Sheet catalogues the design and construction commitments as well as the spirit, tone, and tenor of the process to the contractor.

See, CSS Commitment Tracking Sheet attached.

Neil Ogden, CDOT, walked the TT members through a strawman example of how CSS commitments would be tracked through the design and construction process. He made a few jokes - tough group. 😊 We were all laughing inside.

Neil also provided the following Q&A:

Q: How will the Tracking Sheet be used during the CM/GC Process?

A: It will be a reference document in RFP. Then, the contractor will receive a copy once under contract. The CSS Tracking Sheet is a working tool in the Alternative Refinement/Validation Workshop and will serve as a standing check in item at all TT/PLT meetings through design and construction.

Q: How does the Tracking Sheet inform different the design/construction processes?

A: It is a base for where we have been. It will inform the Alternative Refinement, then Preliminary Design, then Final Design, then Construction.

Q: Are the CSS commitments project requirements?

A: The CSS commitments are project requirements if we can all work together to make them realistic and achievable.

The TT members were asked to contact Taber Ward, CDR Associates, directly with changes to the CSS tracking document. No changes were made to the document at the meeting.

DRAFT NEPA Impacts and Mitigation

Mandy Whorton, Peak Consulting, and Vanessa Henderson, CDOT, reviewed high level Draft NEPA Impact and Mitigation tables.

Mandy noted that 24 resources/topics were evaluated, consistent with CDOT NEPA Manual. Farmlands, Paleontological Resources, and Section 6(f) recreational resources are not present in Project area and were not evaluated. The presentation included tables with impacts and associated mitigation measures, as well as mitigation strategies recommended from the ROD and CSS process. The tables present a high-level summary; the EA and associated technical reports provide much more information.

In the chat box, Vanessa clarified that the impacts listed are for all of the Alternatives, but the mitigation just refers to the Preferred Alternative (Canyon Viaduct).

Highlights from the TT Discussion are captured below and are presented in more detail in the attached slides.

1. AIR QUALITY:

TT Question: Does this include dust/aerosols?

Answer: Yes, it includes particulate matter PM₁₀. Mitigation measures also include dust control measures.

TT Question: How was the baseline air quality established? Where are the air quality monitors located?

Answer: CDPHE regulatory monitors provide the baseline for regional air quality and were reviewed for this project. Vanessa stated that the closest monitor to the project site is at NREL in Golden. Additional air quality analysis will be provided as a companion document at the request of the CDOT Executive Director. The companion report will include a summary of data from the air quality monitors that are being managed by CDOT and Clear Creek County in Idaho Springs and at the top of Floyd Hill, but these monitors are not regulatory and can't be used for anything other than information.

TT Comment: CDPHE recently reviewed the Clear Creek County monitors to validate readings and make any needed adjustments.

2. CULTURAL RESOURCES:

TT Comment: Clear Creek County requested that it be noted, for the record, that they do not agree with the findings of "No Adverse Effect" on cultural resources for the south frontage road and have provided official comments to CDOT to this effect. Vanessa said that CDOT and the county have been discussing the issue and that the county's objection is noted in the EA.

3. FLOODPLAINS:

It was noted that there would be a 1400 linear foot relocation of the Creek and the floodplain will be improved.

4. HAZARDOUS MATERIALS:

TT Comment: Only certain sections of the groundwater are mineralized; this will impact dewatering mitigation tactics. Not all areas will need to be dewatered. Suggestion to start by checking on the far west end of the project limits.

5. LAND USE & RIGHT OF WAY:

TT Comment: Clear Creek County requested that it be noted, for the record, that they object to the Tunnel Alternative, South Frontage Road Option because it is not consistent with the Greenway Plan and Open Space Park.

Mandy responded that the EA document captures this and other concerns from the county regarding the south frontage road. The slides are a high level overview and do not contain all of the verbiage.

6. SECTION 4(f):

TT Comment: Request that the definition of "Greenway" and "Greenway Trail" be included in the NEPA document to ensure that the difference between these two concepts is clear.

TT Comment: Clear Creek County Open Space requested that it be noted, for the record, that they do not agree that there is no use of Section 4(f) Recreational Property.

Mandy responded that the regulations for defining Section 4(f) resources are specific. 4(f) lands are determined by ownership, and CDOT Right of Way and the Creek itself are exempt. Further, the Open Space Property on the south side of Clear Creek Canyon is "dispersed recreation," and, as such, not subject to 4(f).

TT Comment: This is only one interpretation of Section 4(f) and Clear Creek County will be meeting internally on these issues and will review how the EA approaches this whole topic in detail.

TT Question: Isn't the Greenway clearly a Section 4(f) resource?

Answer: The Greenway is a recreational resource that comprises lands in variety of uses and ownership. The trail itself (outside of the area in the Game Check Park) is also not 4(f) because it is primarily a transportation facility in transportation right of way.

Vanessa suggested that a meeting could be held between Clear Creek County, CDOT, and FHWA about Section 4(f) to discuss this further. The county agreed that it may be a good idea, but would like to wait until they've been able to review the EA first.

7. WATER QUALITY

TT Comment: CDPHE does not use the term "BMP" for permanent water quality facilities anymore; it should be changed throughout to *Control Measures* or "CM."

8. WILDLIFE AND AQUATIC SPECIES

TT Comment: Gary Frey indicated a question or comment on the wildlife impacts and mitigation but due to technical difficulties with his audio, the group was not able to understand the comment.

In the chat, Mandy noted that if the comment was related to fish impacts, the EA does identify brown trout spawning areas in the Project Area. These areas will be avoided during spawning season. Additionally, the 404 mitigation plan will include creek improvements and potentially creating new habitat areas (pools) as part of the mitigation plan.

ACTION: CDR to follow up with Gary Frey to capture his comment/input.

See attached for email correspondence with Gary Frey after the meeting.

Next Steps

PLT Meeting (1.28.2021)

Virtual Public Engagement

- We will be sending Public Engagement notices out to the TT to help advertise.

Procurement

- **ACTION:** TT members who would like to review the RFP, should contact Neil. A confidentiality agreement will need to be signed.
- **ACTION:** CDOT to onboard Cindy Neely, PLT member, to serve as the CSS Representative and participate in the Contractor/Selection Observation process

Action Item Summary

CSS PROCESS OVERVIEW CHART

- **ACTION:** Neil to add a line/arrow for "Design/Selection" under the existing line "CM/GC Contractor/Selection"
- **ACTION:** Add NEPA Public Review back into the Process Overview chart
- **ACTION:** Add "CSS Orientation" prior to the "Alternatives Refinement Workshop" (September 2021)
- **ACTION:** Review TT/PLT membership prior to Alternatives Refinement Workshop to ensure the right people and skill sets are at the table.

CSS TRACKING

- **ACTION:** TT Members to send Taber feedback

NEPA IMPACTS/MITIGATION

- **ACTION:** CDR to follow up with Gary Frey due to bad connection. (See attached correspondence.)

PROCUREMENT

- **ACTION:** TT members who would like to review the RFP, should contact Neil. A confidentiality agreement will need to be signed.
- **ACTION:** CDOT to onboard Cindy Neely, PLT member, to serve as the CSS Representative and participate in the Contractor/Selection Observation process

Attendees

Bill Coffin, John Muscatell (Floyd Hill Community); Mitch Houston (CCC School District); Amy Saxton, Cindy Neely (Clear Creek County); Andy Marsh (Idaho Springs); Martha Tableman (CCC Open Space); Melinda Urban (FHWA); Holly Huyck (Upper Clear Creek Watershed Association); Margaret Bowes (I-70 Coalition); Yelena Onnen (Jefferson County); Tracy Sakaguchi (CMCA); Steve Cook (DRCOG); Gary Frey (Trout Unlimited); Stephen Strohming (Gilpin County); Jeff Hampton, Vanessa Henderson, Patrick Holinda, Neil Ogden (CDOT); Mandy Whorton (Peak Consulting); Anthony Pisano, Tyler Larson (Atkins); Kevin Shanks (THK); Jonathan Bartsch, Taber Ward (CDR Associates)

I-70 Floyd Hill Project

TT Meeting #23

January 13, 2021

CDOT I-70 Mountain Corridor



COLORADO
Department of
Transportation

AGENDA

1. Welcome & Introductions
2. Corridor Project Updates
3. CSS Commitment Tracking
4. Draft NEPA Impacts and Mitigation
5. CSS Process Overview and Schedule
6. Next Steps



Corridor Project Updates



CSS Commitment Tracking

ITF Report Out

- ITF Meetings (November 4th, 19th and December 3rd)
- Development of CSS Tracking Spreadsheet
- Draft of CSS preamble with **"how-to"** guide
- CSS Tracking will be incorporated into RFP

- How will the Tracking Sheet be used during the CM/GC Process?
- How does the Tracking Sheet inform different the design/construction processes?
- Will the Tracking Sheet continue to be edited during the design and construction processes? Where are there room for edits?
- How does the Tracking Sheet function in Construction?
- Are the CSS commitments project requirements?
- Example tracking item!!



Draft NEPA Impacts and Mitigation

- 24 resources/topics evaluated, consistent with CDOT NEPA Manual
- Farmlands, Paleontological Resources, and Section 6(f) recreational resources not present in Project area
- Permanent and temporary impacts detailed
- Mitigation measures for identified impacts, as well as mitigation strategies recommended from ROD and CSS process

Resource	Impacts	Mitigation
Air Quality	<ul style="list-style-type: none"> • Improved regional and localized air quality due to improved traffic flow • Minor impacts to air quality during construction 	<ul style="list-style-type: none"> • Best management practices (BMPs), such as fugitive dust control plan, wetting haul roads and soil piles, covering stockpiles, control of construction equipment (idling, staging, etc.)
Cultural Resources	<ul style="list-style-type: none"> • Six historic sites within Project area; No Adverse Effects • Clear Creek County concern regarding local history of Colorado Central Railroad under Tunnel Alternative, South Frontage Road (not Preferred Alternative) • One archaeological site in Project area; not expected to be impacted 	<ul style="list-style-type: none"> • Review construction plans for potential impacts to known archaeological site; monitor if warranted • Stop work and evaluate in case of unexpected discovery of archaeological sites during construction

Resource	Impacts	Mitigation
Floodplains	<ul style="list-style-type: none"> • No change to floodplain elevation with creek realignment • No floodplain encroachments or rise in floodplain elevation for bridges • Mitigation and restoration enhances / restores floodplains and restore floodplain values 	<ul style="list-style-type: none"> • Confirm floodplain modeling during final design • Coordinate with FEMA and Clear Creek County floodplain administrator as required • Implement Section 404 mitigation for Clear Creek realignment • Implement restoration of north bank of Clear Creek under viaduct
Geologic Resources	<ul style="list-style-type: none"> • Excavation of 0.5M to 1.5M cubic yards of rock • Rock cuts up to 180 feet high • Rock excavation can present long-term rockfall hazards • Large failures during construction can cause road closures and safety concerns 	<ul style="list-style-type: none"> • Design rock cuts using proven techniques (rockfall catchments, mesh, cable netting, fences, scaling, and blasting analyses) • Incorporate permanent rockfall mitigation during construction

Resource	Impacts	Mitigation
Hazardous Materials	<ul style="list-style-type: none"> • Disturbance of hazardous materials facilities or former mining sites during construction, especially excavation and demolition • Dewatering of groundwater potentially containing heavy metals or other pollutants 	<ul style="list-style-type: none"> • Develop and implement Materials Management Plan • Develop and implement Health and Safety Plan • Implement construction BMPs to prevent hazmat from being exposed to air or surface waters • Evaluate dewatering activities and obtain and implement permit(s)
Land Use and Right of Way	<ul style="list-style-type: none"> • No change in land use or land use patterns • Consistent with and supports local land use goals • Tunnel Alternative, South Frontage Road Option is not consistent with Greenway Plan • Right of way acquisition of 22 to 34 acres of public property and 1.6 to 1.8 acres of private property 	<ul style="list-style-type: none"> • Property acquisition will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and associated state and federal procedures.
Noise	<ul style="list-style-type: none"> • Noise levels exceeding Noise Abatement Criteria for 105 noise-sensitive receptors, primarily residential land uses • Temporary, intermittent increases in noise during construction; rock blasting would be noisiest activity 	<ul style="list-style-type: none"> • Noise abatement (wall) recommended in eastern Idaho Springs • Benefitted receptor survey to be conducted to determine if noise wall is desired • BMPs for construction noise activities and communication to affected residents

Resource	Impacts	Mitigation
Recreation Resources	<ul style="list-style-type: none"> • Preferred Alternative enhances Greenway experience and Greenway trail • Tunnel Alternative, South Frontage Road Option substantially degrades Greenway experience • Temporary closures of trail and creek use during construction, primarily rock blasting, when safety warrants • Noise and visual impacts to recreational users during construction 	<ul style="list-style-type: none"> • Work with Clear Creek County to integrate Greenway vision and recreational accesses into final design of Greenway and frontage road • Coordinate with rafting companies and other recreationalists regarding river closures • Sign and provide other construction information to recreationalists • Fence off construction areas near creek banks during active construction • Establish a safety-critical zone in the vicinity of rock blasting
Section 4(f) Resources	<ul style="list-style-type: none"> • No use of Section 4(f) historic properties <ul style="list-style-type: none"> • Transportation Facility Exception for US 6/40 historic alignment (generally follows CR 314) • No use of Section 4(f) recreational properties <ul style="list-style-type: none"> • Enhancement Exception for improvements to Greenway trail through Game Check Park (for the sole purpose of enhancing recreation) 	<ul style="list-style-type: none"> • Documentation of exceptions; no mitigation required

Resource	Impacts	Mitigation
<p>Socioeconomic and Community Resources, Environmental Justice</p>	<ul style="list-style-type: none"> • Improved travel conditions for local and regional travelers • Improved access to commercial and recreational sites and jobs • Change in US 6 access affecting Two Bears Tap and Grill and river recreation outfitters • Construction-related impacts, including travel delays, changes in accesses, increased emergency response times, reduction in through-traveler patronage for local businesses; visual impacts and increased noise and air emissions during construction 	<ul style="list-style-type: none"> • Provide signage or other materials to communicate business access during construction and changes in access after Project is complete • Consider early action project for US 40 roundabouts • Maintain access to Two Bears and for river recreation outfitters during construction • Develop and implement Public Information Plan • Track and implement CSS mitigation commitments with the PLT and TT

Resource	Impacts	Mitigation
Threatened and Endangered Species	<ul style="list-style-type: none"> • Potential impacts to PMJM, northern leopard frog, and Townsend's big-eared bat habitat from: <ul style="list-style-type: none"> • Vegetation removal • Construction staging • Ground clearing and introduction / spread of noxious weeds 	<ul style="list-style-type: none"> • Identify and implement no-work zone in PMJM suitable habitat in Beaver Brook • Install wildlife fence outside of riparian areas and outside of PMJM hibernation (September to May) • Avoid unnecessary disturbance of trees and shrubs; revegetate disturbed areas with native species
Vegetation and Noxious Weeds	<ul style="list-style-type: none"> • Clearing and grubbing of vegetation • Loss of vegetation and trees • Habitat disturbance • Soil exposure and potential for erosion / introduction of noxious weeds 	<ul style="list-style-type: none"> • Develop and implement Landscape Plan • Develop and implement Noxious Weed Management Plan

Resource	Impacts	Mitigation
Visual Resources	<ul style="list-style-type: none"> • Additional built elements (retaining walls, rock cuts, cut and fill slopes, vegetation removal, viaduct piers and shading) disrupt visual coherence and present strong visual contrast with natural features • Views of trail and creek are especially sensitive for recreationalists • Substantial but temporary visual impacts during construction due to the presence of large equipment, temporary signage, equipment for detours such as barriers and cones, dust and debris, temporary fencing, material stockpiles, staging areas, and barren landforms during earthwork activities such as grading and rock cutting 	<ul style="list-style-type: none"> • Review and follow I-70 Mountain Corridor Aesthetics Guidance and I-70 Mountain Corridor Design Criteria, including specific elements related to viaduct design, rock cuts, lighting, bridge piers, signs, and water quality BMPs • Track and implement other CSS mitigation commitments with the PLT and TT

Resource	Impacts	Mitigation
Water Quality	<ul style="list-style-type: none"> • Increased impervious surfaces contribute to increased stormwater runoff • Winter road maintenance and use of deicers continue to adversely affect water quality • Permanent water quality BMPs improve water quality <ul style="list-style-type: none"> • Water quality basins remove sediments and metals • Roadside ditches dilute chlorides • Continued transport of hazardous materials on I-70 presents risks of spills entering Clear Creek, especially over creek on viaduct or next to creek on frontage road • Shading under viaduct could limit vegetation growth and ability to filter sediment and pollutants • Exposed soils during construction increase potential for erosion and sediment entering water during construction 	<ul style="list-style-type: none"> • Refine and implement water quality BMPs recommended by SWEEP ITF and included in 20% design • Maintain permanent water quality BMPs and train staff to implement non-structural BMPs • Obtain and follow provisions of all applicable state and local stormwater and dewatering permits • Implement appropriate construction BMPs for erosion and sediment control, including stormwater management plan • Revegetate and stabilize disturbed areas

Resource	Impacts	Mitigation
Wetlands and Aquatic Resources	<ul style="list-style-type: none"> • Small area (approximately 40 square feet) of wetlands and approximately 1,500 linear feet of surface waters impacted • Primary impact results from realigning Clear Creek near the Veterans Memorial Tunnels • Avoids impacts to high-quality Beaver Brook wetlands and Sawmill Gulch • Potential indirect impacts to wetlands and waters of the US from shading under bridges • Temporary water quality impacts from construction activities 	<ul style="list-style-type: none"> • Install construction limit fencing around all delineated and mapped wetlands not directly affected in the Project area • Limit construction activities (use of fertilizers, hydromulching, construction staging, washout areas, etc.) to no closer than 50 feet from wetlands and surface waters without written authorization from CDOT biologist • Obtain Section 404 Individual Permit and develop / implement compensatory mitigation plan in coordination with USACE, EPA, CPW, rafting groups, and SWEEP ITF

Resource	Impacts	Mitigation
Wildlife and Aquatic Species	<ul style="list-style-type: none"> • General wildlife habitat, elk winter range habitat, and bighorn sheep habitat incorporated into transportation facilities • Improves riparian and stream habitat through stream restoration and enhancement for reclamation and creek relocation mitigation plan • Reduces wildlife-vehicle conflicts with wildlife fencing • Permanent loss of habitat connectivity over I-70 due to wildlife fencing with no crossing • During construction, wildlife habitat would be disturbed, and animals may avoid the area due to increased human activity, noise, and lighting; disturbance of creek could adversely affect fish and fish habitat 	<ul style="list-style-type: none"> • Provide a new wildlife crossing in the Region 1 area of the I-70 Mountain Corridor (east of EJMT) but outside Project limits <ul style="list-style-type: none"> • One or more of six crossings identified by ALIVE ITF • Commensurate with cost of wildlife crossing at top of Floyd Hill (approximately \$17M) • Designed, funded, and constructed before Project closeout • Construct wildlife bench under US 6 bridges • Install and maintain wildlife fencing from Floyd Hill/Hyland Hills interchange to Soda Creek Road, on north and south sides of I-70 • Review Johnson Gulch culvert design for passage of medium sized fauna • Develop and implement habitat restoration plan for affected SB 40 areas and in conjunction with Section 404 mitigation plan and riparian restoration under viaducts • Install temporary construction fencing to protect riparian areas during construction • Conduct pre-construction surveys for raptors and migratory birds • Review rock blasting activities in bighorn sheep habitat locations with the ALIVE ITF

Resource	Impacts	Mitigation
Cumulative Impacts	<ul style="list-style-type: none"> • Cumulative benefits to socioeconomic, community, and recreational resources from complementary investments in transportation and recreational facilities; increased sales tax revenue and property values, and improvements to visitor access and increased recreation opportunities regionally • Cumulative benefits to air quality from reduced vehicle emissions from higher fuel efficiency standards, improved traffic flow in Express Lanes, improvements in vehicle technology, increased use of electric and hybrid vehicles, and national emission control programs; expanded regional bicycle network helps reduce VMT • Cumulative benefit to wildlife from new I-70 crossings • Cumulative improvement to Clear Creek from water quality BMPs, partnerships to improve fish habitat and floodplains 	<ul style="list-style-type: none"> • None required



CSS Process Overview and Schedule

Anticipated Schedule	CDOT / CMGC	CSS Involvement / Commitments Checklist	CSS Participants
Summer 2021	Procurement and Selection	Input on selection	PLT
Fall/winter 2021	Contractor input on preferred alternative	<ul style="list-style-type: none"> ● Input on adjustments to the alternative(s) 	Input on changes
Fall/winter 2021	Refine alternative – Minimize impacts, risks, and incorporate contractor constructability input. Revise NEPA analyses as needed	<ul style="list-style-type: none"> ● Wall and bridge aesthetics ● Creek Rehab / Impacts ● Phasing / Packaging ● Rock cuts / Mitigation ● Wildlife crossing ● Trail Design 	PLT – Process TT – SMEs SWEEP ALIVE
Late 2021– Early 2022	NEPA Decision Document Design Phase	<ul style="list-style-type: none"> ● Roadside Barriers ● Shared Vision elements ● Water Quality Ponds ● Rehab Old Road ● Riparian and Forested areas ● Communications Plan ● Community Impacts ● Signing Plan ● Lighting Plan 	PLT – Process TT – SMEs SWEEP ALIVE



Next Steps

NEXT STEPS

- PLT Meeting – January 28, 2021
- Virtual Public Engagement
- Contractor Procurement



Taber Ward <tward@mediate.org>

21912_Floyd Hill TT / Checking in

Gary Frey <gbfrey@msn.com>
To: Taber Ward <tward@mediate.org>

Tue, Jan 26, 2021 at 4:25 PM

Hi Tabor

Thank you for the opportunity to express my concerns regarding the effects on some of the information presented in the 1/13 meeting. My concerns get to the information presented on the effect of the project on the fishery in the project on the draft NEPA document.

Using the "chat" feature Mandy Wharton speculated that my concerns get to the potential problems with the brown trout spawning cycle. While that is a concern the effect on spawning is only one issue that Trout Unlimited is concerned with. First, a little background. There are three species of trout that may occupy the project area; Brown Trout, Rainbow Trout and Colorado Greenback Cutthroat Trout. There may be another variety known as a Cut Bow which is a hybrid of the mating of the Rainbow and Cutthroat species. I'm not aware of any Brook Trout in the project area. Only the Greenback Cutthroat is native to the Clear Creek drainage. The others are introduced primarily for recreation purposes. Generally spawning takes place as follows:

Brown Trout	Late August through mid-November
Rainbow Trout	Late February through late spring
Greenback Cutthroat	Late Spring through early summer

Given that the "spawning seasons" extend over roughly a nine month period the proposal to suspend activity that is injurious to spawning doesn't seem like a reasonable response. The SWEEP program was created as a way of verifying impacts from a development project and investigate appropriate mitigation. This hasn't happened; although SWEEP has a few meetings. What is the role of SWEEP in this project?

The Greenback has special status under Colorado procedures identified as a species of concern. Fortunately, Greenbacks occupy the higher elevations and rarely been found below Georgetown. However the Colorado Division of Parks and Wildlife should be consulted to see if they have and evidence of their presence.

The table, below, raises a concern. Under Impacts the second bullet offers potential mitigation without describing what the impacts are likely to be. I assume the last bullet is trying to identify those impacts. I think the second bullet should be moved to mitigation in response to the last bullet.

The discussion of the existing draft NEPA document raises a couple of other concerns: In discussing the draft EA Mandy implied that there wasn't any discussion of the impacts from other alternatives. NEPA requires that similar alternatives should be evaluated under a suite of suite4e of environmental disciplines. Without that comparison how do you compare alternatives from an environmental perspective?.

Finally, will the TT be asked to review the final draft of the EA before it is made public?

If you need clarification on any of this please don't hesitate to get back to me.

Gary Frey

Sent from [Mail](#) for Windows 10

[Quoted text hidden]



Taber Ward <tward@mediate.org>

21912_Floyd Hill // Following up on your questions and comments

Taber Ward <tward@mediate.org>

Wed, Jan 27, 2021 at 3:50 PM

To: Gary <gbfrey@msn.com>

Cc: Jonathan Bartsch <jbartsch@mediate.org>, "Ogden - CDOT, Neil" <neil.ogden@state.co.us>, Vanessa Henderson - CDOT <Vanessa.henderson@state.co.us>, Mandy Whorton <mandy.whorton@peakconsultingco.com>

Hi Gary,

Thank you again for your thoughtful input and feedback on the TT presentation. We have tried to provide answers to your questions below. Please feel free to reach out if you have further questions or need more information/clarification.

(1) Comment: "There are three species of trout that may occupy the project area; Brown Trout, Rainbow Trout and Colorado Greenback Cutthroat Trout. There may be another variety known as a Cut Bow which is a hybrid of the mating of the Rainbow and Cutthroat species. I'm not aware of any Brook Trout in the project area. Only the Greenback Cutthroat is native to the Clear Creek drainage."

Response: According to CPW data, only Brown Trout spawn in the area, and no cutthroats are present in this stretch. We should have included a bullet about fish in the Table presented to clarify this. Thanks for bringing this up, and we will clarify this point at the PLT meeting tomorrow.

(2) Comment: "The table, below, raises a concern. Under Impacts the second bullet offers potential mitigation without describing what the impacts are likely to be. I assume the last bullet is trying to identify those impacts. I think the second bullet should be moved to mitigation in response to the last bullet."

Response: The Table we presented at the TT was extremely high-level, and perhaps overly summarized. The impacts are captured in the EA and associated Tech Report. In the EA, the mitigation measure is: "*Construction work in the existing channel of Clear Creek between October 1 and May 31 will be prohibited without prior written approval from CPW to protect brown trout spawning habitat.*"

(3) Comment: "The SWEEP program was created as a way of verifying impacts from a development project and investigate appropriate mitigation. This hasn't happened; although SWEEP has a few meetings. What is the role of SWEEP in this project?"

Response: Yes, SWEEP does have a role in developing mitigation. Mitigation strategies were outlined in the PEIS and were included as appropriate. If you have further recommendations on mitigation that should be included, your input and feedback would be appreciated and useful as a comment on the EA when it is released. SWEEP will be reengaged during final design and will have an opportunity to comment on the design as it relates to SWEEP topics.

(4) Comment: "The discussion of the existing draft NEPA document raises a couple of other concerns: In discussing the draft EA Mandy implied that there wasn't any discussion of the impacts from other alternatives. NEPA requires that similar alternatives should be evaluated under a suite of environmental disciplines. Without that comparison how do you compare alternatives from an environmental perspective?"

Response: The EA includes impacts of all the alternatives, but mitigation in the EA is only shown for the preferred, with a note that if a different preferred alternative were selected, the mitigation would change. The tech reports, which will be attached to the EA, show mitigation for all alternatives.

(5) Comment: "Will the TT be asked to review the final draft of the EA before it is made public?"

Response: The TT will not review the EA before it is made public. The TT will have the opportunity to review the EA during the public review period. The summary of impacts and mitigation provided at the last TT was provided to ensure that we have accurately captured and covered the impacts, and this discussion and input is helpful to ensure that we do.

We hope this helps! Please do reach out with additional thoughts, comments, clarifications, or if we missed anything. This dialogue and your input is extremely helpful in this process.

Taber

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Taber Ward, J.D.
Program Manager
303.442.7367 x 204

www.mediate.org

CDR ASSOCIATES
COLLABORATIVE DECISION RESOURCES



Taber Ward <tward@mediate.org>

21912_Floyd Hill // Following up on your questions and comments

Gary Frey <gbfrey@msn.com>

Wed, Jan 27, 2021 at 4:53 PM

To: Taber Ward <tward@mediate.org>

Cc: Jonathan Bartsch <jbartsch@mediate.org>, "Ogden - CDOT, Neil" <neil.ogden@state.co.us>, Vanessa Henderson - CDOT <Vanessa.henderson@state.co.us>, Mandy Whorton <mandy.whorton@peakconsultingco.com>

Taber, thank you for the quick response.

The answers allay a lot of my concerns. Just to be clear in Comment (1), if CPW is saying there is no rainbow spawning in the project area then I can accept that. However, rainbows are present (I've caught several over the years. It's hard to imagine there isn't spawning if they are present

Sent from [Mail](#) for Windows 10

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