

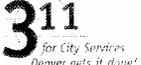


**APPENDIX B AGENCY COMMENTS RECEIVED DURING THE
REVIEW PERIOD**



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| <p>Colorado Historical Society/State Historic Preservation Officer</p> <p>Comment #2</p> | <div data-bbox="764 228 907 370" data-label="Image"> </div> <p data-bbox="730 378 947 480" style="text-align: center;"> COLORADO HISTORICAL SOCIETY </p> <p data-bbox="485 505 1192 526" style="text-align: center;"> The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137 </p> <p data-bbox="422 570 611 591">November 27, 2006</p> <p data-bbox="422 618 793 760"> Tony Gross, P.E. Senior Project Manager Colorado Department of Transportation Region 6 2000 S. Holly Street Denver, CO 80222 </p> <p data-bbox="422 786 1171 807">RE: I-25 Valley Highway Final Environmental Impact Statement. (CHS #40477)</p> <p data-bbox="422 834 569 855">Dear Mr. Gross</p> <p data-bbox="422 883 1205 930">Thank you for your correspondence dated November 16, 2006 and received by our office on that same date regarding the above-mentioned project.</p> <p data-bbox="422 958 1255 1125">After review of our files, we have determined that our office has only consulted under Section 106 of the National Historic Preservation Act (Section 106) on the Preferred Alternative for the project. We concur with the findings under Section 106 as presented in chapter 4.7 of the EIS for the Preferred Alternative. However, we do not concur with the findings presented in the chapter for the remaining alternatives since our office was not consulted under Section 106 for those remaining alternatives. We request additional consultation regarding this matter and how it should be presented in the EIS.</p> <p data-bbox="422 1151 1184 1198">If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.</p> <p data-bbox="422 1226 516 1247">Sincerely,</p> <div data-bbox="380 1247 743 1369" data-label="Text"> <p>For  Georgianna Contiguglia State Historic Preservation Officer</p> </div> <p data-bbox="422 1421 625 1442">cc: Chris Horn/FHWA</p> | <p data-bbox="1297 846 1961 1255"> Response to Comment #2: Thank you for your time and effort reviewing the Final EIS and during the Section 106 consultation process. At this time, CDOT and FHWA intend to proceed with the Preferred Alternative. FHWA and CDOT consulted with the SHPO under Section 106 of the National Historic Preservation Act for only the Preferred Alternative and not for the other alternatives analyzed. As described in the Final EIS, no historic properties will be affected by the Preferred Alternative. This is also true for Phases 1 and 2, which are part of the Preferred Alternative. Although historic properties would have been affected by the other alternatives, the other alternatives are not being considered further. Therefore, Section 106 consultation on these alternatives is not required. Clarification regarding the Section 106 consultation process has been included in the ROD. </p> <p data-bbox="1297 1287 1961 1446"> The timing of implementation of Phases 3 through 6 is currently uncertain. It is possible that additional properties may become eligible for the National Register of Historic Places (NRHP) before these future phases are implemented. Therefore, this issue will be reevaluated prior to approval of any future phases. </p> |

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| <p>City and County of Denver</p> <p>Comment #3A</p> |  <p>DENVER THE MILE HIGH CITY</p> <p>December 18, 2006</p> <p>Mr. Tony Gross, PE Senior Project Manager Colorado Department of Transportation (CDOT) Region 6, 2000 South Holly Street Denver, CO 80222</p> <p>RE: Denver Comments on the I-25 Valley Highway Final EIS</p> <p>Dear Mr. Gross:</p> <p>Thank you for the opportunity to comment on the I-25 Valley Highway Final Environmental Impact Statement (VHEIS) dated November 2006. Denver continues to be supportive of the VHEIS as our two agencies have addressed and successfully resolved many complex issues and concerns. However, the city's two major items of concern continue to be the coordination of the Federal Boulevard Environmental Assessment (Federal EA) with the VHEIS and the Section 4(f) Evaluation of the three Barnum Parks with the preferred alternative at the interchange of US 6 and Federal Boulevard. We have provided CDOT with this input during the VHEIS and the draft EIS, and it is our hope that you will address them:</p> <ul style="list-style-type: none"> • Denver requests that elements of the recommended alternative of the Federal EA be incorporated into the VHEIS limits on Federal Boulevard from 5th Avenue to 7th Avenue. These elements include provision for a third northbound lane (3rd NBL), 8-foot pedestrian zone with provisions to widen pedestrian zone to 13.5-feet if and only if, this does not result in additional building impacts, and a 16-foot median width. The main effort to date by the VHEIS has been to not preclude the 3rd NBL, however properties impacted between 5th and 7th by both the VHEIS and the Federal EA are the same for both projects with varying degree of impacts. Unfortunately, they are not being recognized by the VHEIS even though a preferred alternative has been identified on both environmental efforts that CDOT is the lead agency and Denver is the cooperating agency. Furthermore, the widening of Federal Boulevard (State Highway 88) to incorporate the 3rd NBL and the reconstruction of the interchange of US 6 and Federal are Regionally Funded Projects in the 2030 Metro Vision Regional Transportation Plan for Fiscally Constrained Roadway System Improvements. It is important to note, there are laws that protect property owners from eminent domain authority and repetitive property acquisitions for the benefit of the public. Incorporation of the preferred alternatives of both projects within the VHEIS limits for Phase I is the reasonable and sound approach.  | <p>Department of Public Works Office of the Manager</p> <p>201 W. Colfax Avenue, Dept. 608 Denver, CO 80202 phone: 720-865-8630 fax: 720-865-8795 www.denvergov.org/PublicWorks</p> <p>Response to Comment #3A: The Federal Boulevard EA limits stop at 5th Avenue and do not continue to 7th Avenue as you suggest. This change to 5th Avenue was requested by CCD more than one year ago, and contradicts this comment. The issue of termini for the Federal Boulevard EA was resolved for that project in coordination with the CCD and is outside the scope of the Valley Highway EIS. This issue was discussed with the CCD after receipt of these comments, and the CCD modified this comment to indicate that they did not desire to extend the northern terminus for the Federal Boulevard EA beyond 5th Avenue.</p> <p>Through our discussions, CDOT and CCD have agreed that additional improvement to Federal Boulevard north of 5th Avenue, beyond those included in the Valley Highway Preferred Alternative, could be pursued by CCD but not as part of the Valley Highway EIS/ROD. Due to the low level of detail available for that project at this point, neither CDOT nor FHWA is in a position to identify the appropriate level of NEPA documentation/approval for such improvements. However, CDOT will work cooperatively with CCD as they develop additional detail and advance this project. If appropriate and approved, the CCD improvements could be constructed along with the Valley Highway Phase 1 improvements, at CCD's cost. The reconstruction of Barnum East Park included in this ROD would move the ball fields far enough to the east so as not to preclude future visions by CCD for adding a third northbound lane on Federal Boulevard between 5th Avenue and US 6.</p> |

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| <p>City and County of Denver</p> <p>Comment #3B</p> | <p>RE: Denver Comments on the I-25 Valley Highway Final EIS December 18, 2006 Page 2</p> <ul style="list-style-type: none"> • Contrary to the statements in the VHEIS, the city is not satisfied with the level of mitigation for park impacts. While Parks & Recreation (P&R) appreciates CDOT's efforts to date in conceptualizing a reconstructed Barnum East Park, several key issues still await resolution with CDOT regarding mainly mitigation and compensation for Barnum Parks – Barnum, Barnum North, and Barnum East, including: <ol style="list-style-type: none"> 1. CDOT has proposed \$2 million as mitigation for Barnum East impacts in total. Denver feels this is significantly short of what it will actually cost to reconstruct Barnum East, to compensate for the ball fields that will be out of play during construction, compensate for loss of revenues while the fields are out of play, and fund the upgrading of alternate ball field facilities for the displaced users. 2. P&R has consistently expressed major concerns with the Barnum East concept design, such as increased maintenance concerns with the two-tiered retaining wall on the east side, parking lot and perimeter steep grades/slopes, earthwork, drainage feasibility, etc. Denver believes that CDOT needs to develop an appropriate design that will satisfactorily address the concerns of the Department of Parks and Recreation. 3. To date no resolution has been reached on boundary disputes in the Barnum Parks. Although various statements in the VHEIS imply resolution and closure, P&R upholds serious disagreement with CDOT's conclusions on boundary lines, acreage calculations and property title issues. Further, P&R feels strongly that these discrepancies on property issues lead to a net loss of designated park land and parkland being excluded from the 4(f) evaluation. The pertinent issues are: <ol style="list-style-type: none"> a. Barnum East - Acreage loss disagreements based on boundary differences. CDOT claims that the preferred alternative results in a loss of 1.5 acres, while P&R maintains a total loss of 3.3 acres. b. Barnum North - P&R's maintains that there is no defined north right-of-way (R/W) line for US6 along Barnum North, but believed that an agreement was reached with CDOT where the boundary is defined by usage. Thus the park's southern boundary is delineated by a line starting from the intersection of the west R/W line of Federal Blvd. and the toe of slope, continuing west along the toe of slope until it meets the fence, then continuing along the fence until it intersects the north US6 R/W on the west side of the park. The VHEIS does not recognize this boundary and as a result, about 3.5 acres of park land are being impacted and not addressed by the 4(f) process. <p>Once again, Denver requests that CDOT provide the title documentation for Barnum North and Barnum East. P&R has asked for this in the past but has yet to receive any documentation. Denver is prepared to do the same.</p> | <p>Response to Comment #3B: Clarification have been included in the ROD regarding impacts and mitigation for two Section 4(f) properties, Barnum North Park and Barnum East Park, as follows:</p> <ul style="list-style-type: none"> • Barnum North Park: The ROD reflects that 0.42 acres of Barnum North Park will be converted to transportation use, and that CDOT will pay just compensation to CCD for this land. The ROD also reflects that CDOT will relocate approximately 525 linear feet of trail and replace fencing, turf and irrigation system in the vicinity of the trail. • Barnum East Park: The ROD reflects that 2.1 acres of Barnum East Park will be converted to transportation use, and that CDOT will pay just compensation to CCD for this land. The ROD reflects that CDOT will acquire an approximately 0.5 acre strip of land on the east side of the park and deed this land to CCD, and that CDOT will reconstruct Barnum East Park, with in kind replacement of facilities to current Denver standards. In addition, the ROD reflects that CDOT will provide reasonable compensation to CCD to cover costs that may be associated with replacement fields during the time that Barnum East Park is closed for construction. <p>In addition to these Section 4(f) clarifications, the ROD reflects that CDOT will acquire the 1.3 acre strip of land south of 5th Avenue and will pay CCD just compensation for this land. CDOT will evaluate that final disposition through the normal CDOT right-of-way process and procedures.</p> <p>CDOT will work with CCD to prepare and enter into an intergovernmental agreement (IGA) at an appropriate time in the future. The IGA will establish details of the above mitigation, the working relationship between CDOT and CCD, and the method to resolve any difference. The IGA will include:</p> <ul style="list-style-type: none"> • Details and design review process for trail relocation in Barnum North Park • Details and design review process for reconstruction of Barnum East Park • Replacement field considerations • Compensation issues • Construction responsibilities and coordination |

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| <p>City and County of Denver</p> | <p>RE: Denver Comments on the I-25 Valley Highway Final EIS December 18, 2006 Page 3</p> <p>4. The VHEIS needs to acknowledge the Federal EA recommended alternative and the section 4(f) evaluation of additional impacts to the Barnum Parks within the VHEIS limits. Barnum East will again be impacted with the construction of the 3rd NBL including elements of the recommended alternative of the Federal EA which Denver would prefer to consolidate impacts of both environmental efforts as a one-time impact. Further, the 8'/13.5' pedestrian zone of the Federal EA which ends at 5th Avenue should be extended up to 8th Avenue as it will facilitate better connectivity between Barnum North, Barnum, and Barnum East.</p> <p>5. CDOT's intentions for making Parks whole are restricted to the Barnum East parcel. P&R firmly believes that wholeness for Barnum Parks is not only the reconstruction of Barnum East but also better connectivity between Barnum and Barnum East. P&R recognizes that the net acreage mitigation/compensation cannot occur on the Barnum East property alone, and suggests that Denver receives financial compensation equal to the value of net acreage lost for all Barnum Parks impacted by both the VHEIS and Federal EA. Denver would apply compensation toward acquiring properties west of Federal Boulevard to improve access between Barnum and Barnum East.</p> <p>We are ready and willing to commit our resources to resolve these major concerns, so the VHEIS may proceed with Denver's support toward a Record of Decision in early 2007 as scheduled.</p> <p>Sincerely,  Guillermo V. Vidal Manager</p> <p>Attachment Cc: Councilwoman Kathleen MacKenzie Councilwoman Judy Montero Pam Hutton, CDOT Reza Akhavan, CDOT Kim Bailey Nancy Severson Lesley Thomas Patrick Wheeler Councilwoman Rosemary Rodriguez Chris Horn, FHWA Randy Jensen, CDOT Steve Rudy, DRCOG Peter Park Amy Mueller Stuart Williams Andrea Riner</p> | <p>4. See response to Comment #3A. As discussed, further improvements along Federal Boulevard north of 5th Avenue will be considered as part of a separate action.</p> <p>5. See response to Comment #3A and Comments #3B above. CDOT will provide compensation to CCD for the park areas converted to transportation use as presented in these responses and as described in Section 3.0 of this ROD.</p> |

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| <p>City and County of Denver</p> <p>Comment #3C-1</p> <p>Comment #3C-2</p> <p>Comment #3C-3</p> | <p style="text-align: center;">ATTACHMENT I-25 Valley Highway Final EIS Denver Comments December 18, 2006</p> <p><u>Executive Summary:</u></p> <ol style="list-style-type: none"> 1. ES-14 - First bullet under Construction, reword to: Use and <i>maintain</i> construction BMPs. This verbiage should be used consistently throughout the FEIS when the uses of BMPs are mentioned. 2. ES-14 - 29th bullet under Construction, reword to: Minimize off-site tracking of mud and debris by washing construction equipment in controlled areas, <i>using vehicle track pads where applicable</i>, and by temporary access stabilization. 3. Pg ES-18, Areas of Controversy and Unresolved Issues: As expressed in our cover letter, Denver's two remaining major concerns requiring resolution in the VHEIS are: <ul style="list-style-type: none"> • Incorporation of elements from the Federal Boulevard Environmental Assessment into the VHEIS limits on Federal Boulevard from 5th Avenue to 7th Avenue. These elements include provision for a third northbound lane, 8-foot pedestrian zone with provisions to widen pedestrian zone to 13.5-feet if and only if, this does not result in additional building impacts, and a 16-foot median width. The main effort to date by the VHEIS has been to not preclude the 3rd NBL, however properties impacted between 5th and 7th by both the VHEIS and Federal EA are the same for both projects with varying degree of impacts. Unfortunately, they are not being recognized by the VHEIS even though a preferred alternative has been identified on both environmental efforts that CDOT is the lead agency and Denver is the cooperating agency. Furthermore, the widening of Federal Boulevard (State Highway 88) to incorporate the 3rd NBL and the reconstruction of the interchange of US 6 and Federal are Regionally Funded Projects in the 2030 Metro Vision Regional Transportation Plan for Fiscally Constrained Roadway System Improvements. There are laws that protect property owners from eminent domain authority and repetitive property acquisitions for the benefit of the public. Incorporation of the preferred alternatives of both projects within the VHEIS limits for Phase I is the reasonable and sound approach. • The VHEIS implies that Denver is satisfied with the level of mitigation for park impacts, and that is not the case. While Parks & Recreation (P&R) appreciates CDOT's efforts to date in conceptualizing a reconstructed Barnum East Park, several key issues still await resolution with CDOT regarding mainly mitigation and compensation for Barnum Parks – Barnum, Barnum North, and Barnum East, including: <ol style="list-style-type: none"> A. CDOT has proposed \$2 million as mitigation for Barnum East impacts in total. Denver feels this is significantly short of what it will actually cost to reconstruct Barnum East, to compensate for the ballfields that will be out of play during construction, compensate for loss of revenues while the fields are out of play, and fund the upgrading of alternate ballfield facilities for the displaced users. B. P&R has consistently expressed major concerns with the Barnum East concept design, such as increased maintenance concerns with the two-tiered retaining wall on the east side, parking lot and perimeter steep grades/slopes, earthwork, <p style="text-align: center;">1</p> | <p>Response to Comment #3C-1: BMPs will be maintained so that they function as intended.</p> <p>Response to Comment #3C-2: Measures such as vehicle track pads will be considered during final design and construction planning.</p> <p>Response to Comment #3C-3: Please see response to Comment #3A and Comment #3B.</p> |

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| <p>City and County of Denver</p> | <p>drainage feasibility, etc. Denver believes a fair approach is for CDOT to <u>pay for a design consultant who will address these concerns to the Department of Parks and Recreation's satisfaction.</u></p> <p>C. To date no resolution has been reached on boundary disputes in the Barnum Parks. Although various statements in the VHEIS imply resolution and closure, P&R upholds serious disagreement with CDOT's conclusions on boundary lines, acreage calculations and property title issues. Further, P&R feels strongly that these discrepancies on property issues lead to a net loss of designated park land and parkland being excluded from the 4(f) evaluation. The pertinent issues are:</p> <ul style="list-style-type: none"> i. Barnum East - Acreage loss disagreements based on boundary differences. CDOT claims that the preferred alternative results in a loss of 1.5 acres, while P&R maintains a total loss of 3.3 acres. ii. Barnum North - P&R's maintains that there is no defined north right-of-way (R/W) line for US6 along Barnum North, but believed that an agreement was reached with CDOT where the boundary is defined by usage. Thus the park's southern boundary is delineated by a line starting from the intersection of the west R/W line of Federal Blvd. and the toe of slope, continuing west along the toe of slope until it meets the fence, then continuing along the fence until it intersects the north US6 R/W on the west side of the park. The VHEIS does not recognize this boundary and as a result, about 3.5 acres of park land are being impacted and not addressed by the 4(f) process. <p>P&R has repeatedly asked for title documentation from CDOT for the areas in question, but still has not received any documentation. Once again, Denver request's that CDOT provide the title documentation for Barnum North and Barnum East. Denver is prepared to do the same.</p> <p>D. The VHEIS needs to acknowledge the Federal EA recommended alternative and the section 4(f) evaluation of additional impacts to the Barnum Parks within the VHEIS limits. Barnum East will again be impacted with the construction of the 3rd NBL including elements of the recommended alternative of the Federal EA which Denver would prefer to consolidate impacts of both environmental efforts as a one-time impact. Further, the 8'/13.5' pedestrian zone of the Federal EA which ends at 5th Avenue should be extended up to 8th Avenue as it will facilitate better connectivity between Barnum North, Barnum, and Barnum East.</p> <p>E. CDOT's intentions for making Parks whole are restricted to the Barnum East parcel. P&R firmly believes that wholeness for Barnum Parks is not only the reconstruction of Barnum East but also better connectivity between Barnum and Barnum East. P&R recognizes that the net acreage mitigation/compensation cannot occur on the Barnum East property alone, and suggests that Denver receives financial compensation equal to the value of net acreage lost for all Barnum Parks impacted by both the VHEIS and Federal EA. Denver would apply compensation toward acquiring properties west of Federal Boulevard to improve access between Barnum and Barnum East.</p> <p>Denver is ready and willing to commit the necessary resources to resolve these major concerns, so that the VHEIS may proceed with Denver's support toward a Record of Decision in early 2007 as scheduled.</p> <p style="text-align: center;">2</p> | <p>See response above</p> |

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| City and County of Denver | <u>Purpose and Need (Chapter 1):</u> | |
| | <u>Alternatives (Chapter 2):</u> | |
| Comment #3C-4 | 4. Pg 2-64 Describes the relationship between the VHEIS and the City's Broadway NEPA study. To be as accurate as possible we suggest a few changes. Since the Broadway NEPA study scope did not include and the study will not analyze them, this report should strike "improvements to Santa Fe Drive, and refinement of the redevelopment plan to reduce or redistribute the traffic." This report should also strike any mention of the developers and development plans. The developers do not hold any type of priority status over any of the other 20+ area stakeholders participating in the process. The second bullet in the second set of bullets has a missing "c" in what should read "preclude". The third bullet in the second set of bullets is unclear. It is probably intended to indicate that the Broadway NEPA interchange alternative should be configured to operate at least as efficiently as the VHEIS no action. In the final paragraph, the southern terminus of the Broadway NEPA study is Arizona, not Louisiana. | Response to Comment #3C-4: Clarification has been provided in the ROD. Response to Comment #3C-5: This particular purpose and need objective is related to mobility across the I-25 corridor, so "NA" is appropriate for Federal Boulevard in this table. To your point, however, about bike/ped facilities along Federal Boulevard, CDOT is committed to upgrading these facilities through the project limits. Eight foot attached sidewalks are reflected in the Federal Boulevard typical section on page 2-78 of the Final EIS and graphically represented on page 9 of the Preferred Alternative Concept Plan. A new traffic signal with pedestrian actuation and crosswalks is to be provided at Federal Boulevard and 5 th Avenue as is shown in Figure 3-15 of the Final EIS and page 9 of the Preferred Alternative Concept Plan. A barrier separated sidewalk on the Federal bridge over US6 is a possibility that has been applied elsewhere within the metro area and will be given further consideration during final design. |
| Comment #3C-5 | 5. Pg 2-74, Table 2-14: At Federal Blvd, Intermodal relationships and bike/ped mobility indicates "NA" what about sidewalks along Federal between 5 th & 7 th and barrier separation on the Federal bridge? Pedestrian crossing at the new signal at 5 th Ave? | |
| Comment #3C-6 | 6. Pg 2-74, Table 2-14: Parks and Recreation: "substantial" reconfiguration of Barnum East – suggest replacing with "complete reconfiguration and reconstruction". | |
| Comment #3C-7 | 7. Pg 2-78, Typical Federal Section – indicates 8-foot attached sidewalks; five 12-foot travel lanes and a varied width raised median. The Federal EA is recommending 11-foot lanes. Lane widths should be reduced accordingly; additional width should be added to the sidewalks for a minimum of 10-feet with 13-feet preferred. Barrier separation of sidewalks from adjacent traffic should be included on the bridge over US6. This section does not appear to accommodate the additional 3 rd NB lane that is the recommended alternative in the Federal EA; it is unclear if the raised 16-foot median that is also part of the recommended alternative is accommodated in this section. It would be better to understand how the median will function in this section for pedestrians and automobiles. Additionally, boards at the public hearing indicated that barrier separation, pedestrian lighting and other features would be included as part of the bridge design. These enhancements will likely be difficult if the sidewalk is only 8-feet. | Response to Comment #3C-6: The reconfiguration of Barnum East Park is described in detail in the Final EIS. This rewording is not needed. Response to Comment #3C-7: Lane and sidewalks widths as presented are consistent with design criteria agreed to during development of the Valley Highway EIS. A detailed typical section will be developed during final design and tested for compatibility with the Federal EA typical section. Please refer to the Concept Plan for the Valley Highway EIS Preferred Alternative (FHU, 2006) for further information relevant to the third northbound lane and median placement and widths. Please see response to Comment #3C-5. |
| Comment #3C-8 | 8. Pg 2-78, Include a typical section of the Federal bridge across US 6. | |
| Comment #3C-9 | 9. Pg 2-86, Figure 2-47 illustrates the typical section for Santa Fe and Kalamath. An 8-foot attached sidewalk next to 3 lanes of high volume traffic adjacent to a retaining wall should not be permitted due to noise and safety concerns. | |
| Comment #3C-10 | 10.Pg 2-88, US 6/FEDERAL BOULEVARD INTERCHANGE AND MAINLINE– This section indicates to access Bryant one will "exit (6 th Ave) at Federal and either take 5 th , 7 th or 8 th Avenues. What happened to access to Bryant from the slip ramps adjacent to US6? | |
| Comment #3C-11 | 11.Pg 2-88, This same section also indicates that Federal will be "widened to accommodate double left turn lanes at the intersections with US6" – there is no mention of the need for the 3 rd NB lane that is | Response to Comment #3C-8: A detailed typical section will be developed during final design reflecting features as agreed to between CDOT and CCD. That typical section may be modified as a result of the further study to be initiated by CCD for Federal Boulevard, as described in the response to Comment #3A. |

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| City and County of Denver | in the recommended alternative for the Federal EA, nor does it mention the intended sidewalk width, a raised pedestrian median or barrier protection on the bridge. | |
| Comment #3C-12 | 12.Pg 2-88, "A braided eastbound on-ramp would be provided that would allow traffic continuing east on US 6 to avoid mixing with traffic destined for I-25." Will this provide access to Bryant as well? | |
| Comment #3C-13 | 13.Pg 2-89, Figure 2-50 – A signal is not indicated at the intersection of 5 th & Federal. | |
| Comment #3C-14 | <p><u>Transportation Analysis (Chapter 3):</u></p> <p>14.In comparing Figure 3-6 to Figure 3-14, it is unclear how the mainline service level can improve from the LOS E in the no action to LOS D in the preferred alternative when the only change in that stretch is the negative impact of the reduction of the weave distance between the Broadway NB on ramp and the Santa Fe NB off ramp.</p> | <p>Response to Comment #3C-9: This typical section is consistent with that presented in the Draft EIS and was developed through a collaborative effort with City of Denver staff. It is subject to further refinement during final design to identify improvements consistent with FHWA and CDOT noise guidance and AASHTO design standards for pedestrian facilities.</p> <p>Response to Comment #3C-10: Bryant access from and to the west are provided via slip ramps routed through Federal Boulevard. More specific detail is included in the Concept Plan for the Valley Highway EIS Preferred Alternative (FHU, 2006).</p> |
| Comment #3C-15 | 15.Pg 3-35, Section 3.6 - Pedestrian and Bicycle Facilities – No pedestrian or bicycle improvements are mentioned for the improvements along Federal Blvd within the VHEIS study area between 5 th & 7 th Avenues. | |
| Comment #3C-16 | <p><u>Environmental Consequences (Chapter 4):</u></p> <p>Social-Economics and Community</p> <p>Right-of-Way and Displacements</p> <p>Parks and Recreation</p> <p>16.Denver Parks and Recreation (P&R) generally supports the Preferred Alternative roadway improvements at US 6 and Federal Blvd. Traffic safety in the area will significantly improve, particularly with the elimination of the 5th Ave. on-ramp to US 6. However, this alternative imposes significant impacts on Barnum Parks—Barnum, Barnum North and Barnum East. Generally, the FEIS implies that Denver is satisfied with the level of compensation for park impacts, and that is not the case. While P&R appreciates CDOT’s efforts to date in conceptualizing a reconstructed Barnum East Park, several key issues still await resolution with CDOT, including:</p> | <p>Response to Comment #3C-11: Please see response to Comment #3A.</p> <p>Response to Comment #3C-12: Eastbound traffic from Federal Boulevard on the ramp would have three options – take the braided ramp to eastbound US6, slip to Bryant Street, or continue to the collector-distributor lanes to access I-25.</p> |
| | <p>A. Since it will be completely reconstructed, Barnum East Park will be out of play for at least 2 seasons. CDOT agreed to fund park reconstruction, but they must also compensate for the loss of revenue while the fields are out of play and fund the upgrading of alternate ballfield facilities for the displaced users. The upgrade cost will be credited against the revenue loss.</p> <p>B. The concept for the reconstructed Barnum East Park demonstrates that the park can be constructed on a smaller parcel. Although the concept includes all the elements from the original park and offers a new playground plaza, P&R has consistently expressed concerns with the design, such as maintenance issues with the two-tiered retaining wall on the east side, steep slopes in the parking lot, drainage feasibility, etc. As part of the compensation, we request CDOT to pay for a design consultant selected by P&R who will address these concerns.</p> <p>C. The cost to reconstruct Barnum East is closer to \$4 million, not \$2 million. We attach our estimate of the Design Workshop concept, prepared by the Architerra</p> | <p>Response to Comment #3C-13: A signal will be included at 5th Avenue and Federal. This is shown on other figures and the Concept Plan. A clarification has been added to the ROD.</p> <p>Response to Comment #3C-14: The improved operations is realized with the continuation of the fourth northbound lane beyond the Santa Fe interchange thereby relieving the “bottle neck” condition that exists today. The no action alternative assumes that the bottle neck would remain.</p> <p>Response to Comment #3C-15: Pedestrian improvements are included along Federal Boulevard in the Preferred Alternative as identified in the concept plan.</p> <p>Response to Comment #3C-16: CDOT and FHWA are pleased that Denver Parks and Recreation generally supports the Preferred Alternative. Please see response to Comments #3A and #3B.</p> |

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| <p>City and County of Denver</p> | <p>Group. We found significant pricing differences in earthwork costs, the restroom/concessions building, and ballfield lighting.</p> <p>D. To date no resolution has been reached on boundary disputes in the Barnum Parks. Although various statements in the FEIS imply resolution and closure, P&R upholds serious disagreement with CDOT's conclusions on boundary lines, acreage calculations and property title issues. Further, P&R feels strongly that these discrepancies on property issues lead to a net loss of designated park land and parkland being excluded from the 4(f) evaluation. The pertinent issues are:</p> <ul style="list-style-type: none"> i. Barnum East--Acreage loss disagreements based on boundary differences. CDOT claims that the preferred alternative results in a loss of 1.5 acres, while P&R maintains a total loss of 3.3 acres. ii. Barnum North—P&R's maintains that there is no defined north right-of-way (ROW) line for US6 along Barnum North. We thought that we reached agreement with CDOT that this boundary is defined by usage. Thus the park's southern boundary is delineated by a line starting from the intersection of the west ROW line of Federal Blvd. and the toe of slope, continuing west along the toe of slope until it meets the fence, then continuing along the fence until it intersects the north US6 ROW on the west side of the park. The FEIS does not recognize this boundary and as a result, about 3.5 acres of park land are being impacted and not addressed by the 4(f) process. <p>P&R has repeatedly asked for title documentation from CDOT for the areas in question but still has not received any documentation. Once again, we request that CDOT provide the title documentation for Barnum North and Barnum East. We are prepared to do the same.</p> <p>E. CDOT's intentions for making Parks whole are restricted to the Barnum East Park parcel. P&R firmly believes that wholeness for Barnum Park is not only the reconstruction of Barnum East but also better connectivity between Barnum and Barnum East Parks. P&R recognizes that the net acreage compensation cannot occur on the Barnum East property alone, and suggests that we receive financial compensation equal to the value of net acreage lost. We would apply this toward acquiring properties west of Federal that could be used to open up access between Barnum and Barnum East Parks.</p> <p>F. As we have requested before, CDOT needs to acknowledge the Federal Blvd. EA project adjacent to the VHEIS at Federal and US6. Barnum East will again be impacted with the construction of the third NB lane and we would prefer to consolidate impacts as a one-time disturbance. Further, the 13.5' pedestrian zone which ends at 5th Ave. should be extended up to 8th Ave. as it will facilitate better connectivity between Barnum North, Barnum Park and Barnum East.</p> | <p>See response above</p> |
| <p>Comment #3C-17</p> | <p>17.Pg 4.4-25, Aesthetics/Urban Design - In the second paragraph, it states that "Because of the proximity of the Federal Blvd. interchange to neighborhoods and recreational facilities...this area would develop a more pedestrian emphasis and distinct identity" P&R strongly supports this and finds it consistent with our goal of increasing the connectivity between Barnum, Barnum North and Barnum East Parks.</p> | <p>Response to Comment #3C-17: As described previously, the Preferred Alternative includes a number of pedestrian facilities consistent with this goal.</p> |
| <p>Comment #3C-18</p> | <p>18.Pg 4.9-24, Paragraph #1 describes the Decatur WQ pond which will actually sit in the newly reconstructed Barnum East Park. While it does not use originally designated park land, it should be separate from the park, and not counted with CDOT's replaced acreage since it is not a typical park use. It will accommodate the park's parking lot drainage, but the majority of the drainage will be</p> | <p>Response to Comment #3C-18: The final location of this pond and sizing will be determined during final design. Alternative locations have been reflected in the Concept Plan for the Valley Highway EIS Preferred Alternative (FHU, 2006). It is CDOT's desire to segregate US6 flows from park and CCD roadway flows as well where feasible. CDOT will maintain its WQ ponds.</p> |

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| City and County of Denver | from US6. CDOT needs to assume maintenance responsibility for this pond which will require removal of debris, periodic dredging and grading, and revegetation. | |
| Comment #3C-19 | 19.Pg 4.20-23, The last paragraph in the Parks and Recreation section is misleading in asserting "...negative impacts are often offset by beneficial improvements so that park functions are retained. Project development efforts typically focus on avoiding impacts or maintaining and enhancing park...facilities. This has typically been accomplished by working with the C&CD and other agencies..."This implies that all issues have been worked out, but that is still not the case at this time. Issues (such as park boundaries, maintenance concerns, replacement cost. etc.) still remain to be resolved". | Response to Comment #3C-19: Please see response to Comment #3B. |
| Comment #3C-20 | 20.Pg 4.21-2, Table 4.21-1 states that 1.54 acres will be used from Barnum East Park. As this relates to the disputed boundaries, this statement should not be made. How were the 1.54 acres calculated? | Response to Comment #3C-20: Please see response to Comment #3B. |
| Comment #3C-21 | 21.Pg 4.3-3, Section 4.3.1.2 notes that "Parts of the parking facilities for Barnum East Park extend beyond the parks southern and eastern boundaries." As this is part of the park area that is part of the unresolved dispute between CCD and CDOT, it is not appropriate to make this statement as part of this document. | Response to Comment #3C-21: Please see response to Comment #3B. |
| Comment #3C-22 | 22.Pg 4.3-5, Table 4.3-2 indicates that "encroachment along...the park due to eastward expansion of Federal Boulevard to accommodate turning lanes on Federal Boulevard bridge over US 6, and new roadway/ramp from Federal Boulevard to eastbound US 6 or Bryant Street." It is unclear if the encroachment acquires ROW for a future 3 ^d NB lane. Please clarify as to whether or not this ROW is being accommodated as part of VHEIS. | Response to Comment #3C-22: Please see response to Comment #3A. |
| Comment #3C-23 | 23.Pg's 4.3-6 & 4.3-10, Sec. 4.3.2.5 - In Table 4.3.2 the statement "New right-of-way would cut across both ballfields, impairing their use and necessitating redesign and construction of some or all park facilities" is understated. Both ballfields will be shut down for at least a season and longer. The west field might be reconstructed and ready for use after one season, but the net result is the park will be closed for at least a couple of seasons. | Response to Comment #3C-23: Please see response to Comment #3B. |
| Comment #3C-24 | 24.Pg 4.3-12, Section 4.3.35 notes that "A concept for reconstructing Barnum East Park (see Figure 4.3.2) with upgraded facilities has been developed in consultation with the City and County of Denver." The language, "in consultation with CCD" implies that CCD is satisfied with the conceptual plan that has been developed which I don't believe is the case. | Response to Comment #3C-24: Please see response to Comment #3B. |
| Comment #3C-25 | 25.Pg 4.3-14, The same section indicates that they will provide "additional new park land along the east edge of the park by vacating the existing on-ramp and acquiring a strip of land from an adjacent property owner." Again, this area is part of the unresolved dispute between CCD and CDOT as to who currently owns land in this vicinity. | Response to Comment #3C-25: Please see response to Comment #3B. |
| Comment #3C-26 | 26.Pg 4.3-14, The same section indicates that, "Arrangements to be made by the City and County of Denver to provide alternative ballfield locations from permitted field users during seasons that will be disrupted by construction." Does CDOT have any responsibility for this mitigation measure or does the burden fall solely on CCD? Parks' understanding is that CDOT should compensate for revenue loss (from Barnum East) and contribute toward upgrading other facilities during the downtime. CDOT's contributions will be credited against the revenue loss. | Response to Comment #3C-26: Please see response to Comment #3B. |

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| <p>City and County of Denver Comment #3C-27</p> | <p>27.Pg 4.3-15, Table 4.3-3 indicates sidewalks along Federal would be replaced from 5th to 7th will be replaced to Denver standards. Please define the proposed sidewalk width. Sidewalks should be constructed on both sides of the street in this stretch of Federal.</p> | <p>Response to Comment #3C-27: Eight foot wide sidewalks are proposed with the Preferred Alternative on both sides of Federal Boulevard between 5th Avenue and 7th Avenue.</p> |
| <p>Comment #3C-28</p> | <p>28.Pg 4.3-16, Table 4.3-3 indicates that, "Park functional areas are offset to the east, adjacent to Federal Blvd., preserving opportunities for possible future needs by others." Presumably this is referring to the Federal EA and/or the need for a future 3rd NB lane. Does the offset to the east acquire ROW in CDOTs control for a 3rd NB lane if and when one is required or will future widening require acquisition of additional ROW from the park even if not of the parks functional area?</p> | <p>Response to Comment #3C-28: Please see response to Comment #3A. The relocation of park facilities will not preclude future widening of Federal Boulevard in that the park facilities will not need to be moved again if and when such an action occurs. However, future impacts of such an action are not being mitigated with this action, and will need to be considered with that future action.</p> |
| <p>Comment #3C-29</p> | <p>29.Pg's 4.4-19/4.4-25, Figure 4.4-4 indicates that "The Citizen Working Group concluded that wherever the highway crossed an arterial road at Broadway, Alameda Avenue, and Federal Boulevard – the node should have a pedestrian emphasis...These elements are intended as conceptual recommendations and possible design treatments. They do not indicate specific implementation commitments by CDOT or any city agency." Given the dimensions available to the pedestrian zone, the elements suggested for implementation by the CWG in this figure at Federal and US will be difficult for CDOT or any agency to accomplish. Furthermore, if there is no commitment by CDOT to actually construct such improvements what was the point of convening the CWG to work on the effort. If these elements are not constructed, quite possibly this could be seen as a breach of faith to the citizens involved in this effort. Proximity to the future West Corridor LRT should also be mentioned to help emphasize the need to enhance and improve pedestrian and bicycle safety, access and comfort.</p> | <p>Response to Comment #3C-29: CDOT is committed to make use of the conceptual "kit of parts" as well as continue to coordinate with agencies as design progresses.</p> |
| <p>Comment #3C-30</p> | <p>30.Pg 4.20-16, Table 4.20-5 indicates that the Federal EA may have "possible park impacts...not yet determined but likely to be minor." The Federal EA study area DOES NOT include Barnum Park or Barnum East. The study area for the Federal EA ends at 5th Avenue where it ties into the VHEIS. Any potential additional impacts to the park due to the 3rd NB lane and other widening elements that is part of the existing recommended alternative should be incorporated, mitigated and constructed by the VHEIS.</p> | <p>Response to Comment #3C-30: Please see response to Comments #3A and #3B. Additionally, it is unclear if the tie in to 5th Avenue would cause additional impacts to the parcel of land to the south of 5th Avenue beyond the tiny sliver that the Valley Highway Preferred Alternative would affect.</p> |
| <p>Comment #3C-31</p> | <p>31.Pg 4.20-19, Trans/Traffic Impacts: This is the first and possibly only time US 6 is mentioned the construction of which bisected Barnum Park which should be considered as a cumulative impact.</p> | <p>Response to Comment #3C-31: Aerial photographs indicate that Barnum Park and Barnum North Park were developed concurrent with or after the construction of US 6.</p> |
| <p>Comment #3C-32</p> | <p>32.Pg 4.20-23, Again, the FEIS states that "one other project, Federal EA has been identified as having the potential to impact parks...this will be determined in the EA. Please see earlier comment.</p> | <p>Response to Comment #3C-32: Please see response to Comments #3A and #3B.</p> |
| <p>Comment #3C-33</p> | <p>Aesthetics and Urban Design</p> <p>Air Quality</p> <p>33.Pg 4.5-3, Section 4.5.1.1, Though CAL3QHC guidance does specify stability class D and 1000 m mixing height in urban areas, this is not representative of morning meteorological conditions in Denver, which have usually driven the NAAQS violations.</p> <p>Although traffic volumes may be heavier in the afternoon, morning meteorological conditions are much more conducive to short-term air quality problems. Stability class E/F and light winds often prevail in the a.m.</p> <p>That might cause the 2025 8-hr design concentration to be much closer to the NAAQS.</p> | <p>Response to Comment #3C-33: The carbon monoxide hot-spot modeling was performed in accordance with EPA and CDOT guidelines. There are dozens of input settings for each model and different approaches may reasonably be taken by different modelers; however, the commenter did recognize that Class D and 1000 m were appropriate inputs.</p> <p>Regarding stability class, the EPA guidance states: "If the land use classification technique of Auer (1978) indicates more than half of the area to be rural, the use of E stability is recommended. If the land use classification technique of Auer shows more than half of the area to be urban, the use of D stability is recommended." afternoon. Response continued below</p> |

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| City and County of Denver | <p>Note: This page continues of the response to Comment #3C-33, above.</p> | <p>Response to Comment #3C-33: continued</p> <p>Following this guidance, Class D should be used for this project. Granted, examination of the year 2005 CO data for the monitoring stations in the City and County of Denver showed that the weekday daily maximum 1-hour CO concentration frequently occurred during the 6 or 7 A.M. hours (39% of the total); Class E/F conditions may occur in these hours. However, temperature, wind, etc. that were modeled could be representative of either morning or Afternoon traffic conditions were modeled because of the more severe traffic congestion. Even so, changing the model input to Class E increased the 2025 maximum predicted 1-hour value by only 1.6 ppm to 17 ppm, which is less than half the CO NAAQS concentration of 35 ppm. Clearly it should not be a concern that the 1-hour CO NAAQS would be violated in 2025. For the 8-hour CO comparison, it is arguable that at least half of the daily maximum 8-hour CO period would be during daylight. Given that Class E/F is never appropriate for daylight hours but Class D can be appropriate for both daytime and nighttime conditions (following EPA stability class guidance), it is not clear that Class E/F would be an appropriate choice for the 8-hour CO values. Nevertheless, extrapolating the above 1-hour Class E result to 8 hours would give a 2025 maximum CO concentration of 8.4 ppm, still well below the NAAQS of 9 ppm. Therefore, using stability Class E for the CAL3QHC modeling would not change any of the local conformity conclusions.</p> <p>Regarding mixing height, the EPA guidance states: “A mixing height of 1000 m should be used for all 1-hour and 8-hour estimates. The CAL3QHC model, as with most mobile source models, is not sensitive to mixing height because the ambient impacts are very close to near ground-level sources.” The commenter did not state what they believed was an appropriate mixing height. Older EPA guidance stated that the mixing height was important only well below 100 m. That is much too shallow for a realistic mixing height. To demonstrate that it is not important, changing the mixing height in the model input file to 100 m did not change the predicted CO concentrations at all. Therefore, a mixing height of 1000 m is appropriate and does not affect the result.</p> <p>Stability Class D and a mixing height of 1000 m were both correct inputs to use in the CO modeling. Accepting the comment by using both Class E and a mixing height of 100 m would not alter the reported conclusions.</p> |

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| <p>City and County of Denver Comment #3C-34</p> | <p>34.Pg 4.5-9, Section 4.5.2.4, Most recent NATA was 1999. I would change it from 1996 as 1999 had better emission inventories. 2002 will also be run over the next year, but at the time of publication, 1999 may be the most current year.</p> | <p>Response to Comment #3C-34: It is true that the NATA was updated for 1999 and that it is the most recent published version. The intent of the sentence was to provide the uninitiated reader with some background on air toxics. The 1996 NATA was the first of its kind, so it is an appropriate reference. The 1999 NATA reference could have been included in the sentence though it is not required; however, this change would be so small that a clarification in the ROD is not necessary.</p> |
| <p>Comment #3C-35</p> | <p>35.Pg 4.5-12, Overall, I think the FEIS did a very good job of explaining the air toxics situation and the complexities associated with health effects. Nice work!</p> | <p>Response to Comment #3C-35: Thank you.</p> |
| <p>Comment #3C-36</p> | <p>36.Pg's 4.5-12 & 4.5.2.6, Higher grade fuel, meaning ultra low sulfur diesel? (as most engines are diesel)? Since on-road diesel is now ULSD as of Oct 2006, this requirement makes much sense and is a good public relations tool.</p> | <p>Response to Comment #3C-36: The commenter is correct on the basic intent of the statements. The intent was that the lower-grade higher-sulfur diesel fuel for off-road use (e.g., road construction) that was available for most of the EIS period would not be used. Recent diesel fuel requirements lowering sulfur content have helped to ensure that this will happen. Given the uncertainty in timing for constructing the project, it did not seem appropriate to specify in the EIS an exact grade of diesel fuel to be used because fuels may or may not have changed by then. Rather, the commitment was made to use higher-grade lower-sulfur diesel fuels available at the time of construction.</p> |
| <p>Comment #3C-37</p> | <p>Noise and Vibration</p> <p>37.Pg 4.6-4, The FEIS should clearly state what times were modeled for noise? Are all hours modeled and the peak selected, or is the peak hour pre-determined from traffic counts or modeling?</p> | <p>Response to Comment #3C-37: The morning peak traffic hour was used to assess noise impacts because morning tended to have more local street traffic closer to residences than afternoon. Traffic on I-25 and US 6 (major traffic noise sources) was modeled at LOS C regardless because these highways are congested during peak traffic volume hours. The peak noise hour represents a 60-minute period with the most vehicles and not necessarily a specific clock hour (e.g., 7:00-7:59). A decision was made leave the technical details in the technical report and not to repeat them in the EIS.</p> |
| <p>Comment #3C-38</p> | <p>38.Pg 4.6-6, Fig. 4.6-4 - Figure 4.6-4 should be labeled to indicate the noise sample average time (20 min). It's in the body text, but should also be listed with the figure.</p> | <p>Response to Comment #3C-38: This information is provided in the text; duplication on the figure is not needed.</p> |
| <p>Comment #3C-39</p> | <p>39.Pg 4.6-9, Table 4.6-2 - Are the existing and modeled noise levels for the same 1-hr period? What time of day were measurements taken? If measurements are non-peak hour, model could be underestimating.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-40</p> | <p>40.Pg 4.6-33, While a 5 dB reduction may not provide a large benefit during peak hour, 5dB could have a significant effect at 9-10 p.m., i.e. during initial sleep period.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-41</p> | <p>41.Noise Model Inputs - What times are being modeled? Can't tell from the input files.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-42</p> | <p>Historic Preservation</p> <p>42 Pg 4.7-1 Based on work done for the Broadway NEPA study we feel the VHEIS should have addressed the trolley tracks, the Mississippi sewer and the D&RG and AT&SF railroads. While the RR segments in our study area are not supporting features, both RR's are eligible and extend through most of the VHEIS APE. The trolley tracks and sewer also are within the VHEIS APE.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-44</p> | <p>44.Pg 4.7-2 The summary total of 36 historic resources is actually 37 if you count them u on the table.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-45</p> | <p>45.Pg. 4.7-7 The six historic homes on S. Lincoln are described as being on the east but the existing homes are on the west.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-46</p> | <p>46.Pg 4.7-13 Though the Historic Baker Neighborhood is shown on the map the discussion does not explain what if any impact there is to that resource.</p> | <p>Responses to Comments 39-46 provided below</p> |
| <p>Comment #3C-46</p> | <p>Paleontology</p> | <p>Responses to Comments 39-46 provided below</p> |

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| City and County of Denver | <p>Note: This page presents the responses to Comments #3C-39 through #3C-41, above.</p> | <p>Response to Comment #3C-39: All of the data listed in Table 4.6-2 are model results; there are no measured values in this table. Measured results are in Figure 4.6-4. The models were verified with measurement data but were not based on measurements. Peak noise periods were identified from several 24-hour measurements in the study area. Technical details on the analyses are available in the noise technical report. The morning peak noise hour was modeled and reported in Table 4.6-2 for all the project scenarios, so yes the same time periods were compared. The mornings tended to have more local street traffic closer to residences than the afternoons. The peak noise hour represents a 60-minute period with the most vehicles and not necessarily a specific clock hour (e.g., 7:00-7:59). The traffic conditions in the study area that would produce the noisiest conditions were purposely selected for modeling so that the model results would not underestimate noise conditions.</p> <p>Response to Comment #3C-40: The 5-dBA reduction is a requirement from CDOT's guidance for the minimum substantial noise reduction from a mitigation action; CDOT's goal is to obtain more reduction if possible. The 5-dBA reduction from a barrier is not time-of-day dependent—a barrier would provide the same amount of noise reduction all the time the noise source is present, including at night when traffic noise should be lower and neighbors may be trying to sleep.</p> <p>Response to Comment #3C-41: The morning peak traffic hour was used to assess noise impacts because morning tended to have more local street traffic closer to residences than afternoon. Traffic on I-25 and US 6 (major traffic noise sources) was modeled at LOS C regardless because these highways are congested during peak traffic volume hours. The peak noise hour represents a 60-minute period with the most vehicles and not necessarily a specific clock hour (e.g., 7:00-7:59). A decision was made leave the technical details in the technical report and not to repeat them in the EIS.</p> |

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| City and County of Denver | <p>Note: This page presents the responses to Comments #3C-42 through #3C-46, above.</p> | <p>Response to Comment #3C-42: With respect to the buried historic trolley tracks and Mississippi Avenue sewer line, neither was disclosed by the file search conducted at the beginning of the investigation, nor was any visible evidence of either observed during the intensive-level field survey completed for the Valley Highway EIS. However, these types of buried historic features are commonly encountered in urban areas and are covered by the standard archaeological discovery caveat as presented in the Mitigation Measures portion of the Historic Preservation chapter of the EIS: "If any archaeological materials or features are encountered or unearthed during construction, work would be immediately halted in the vicinity of the find, and the CDOT archaeologist and SHPO would be promptly notified. The location of the find would be secured and work would be suspended in that area until it can be evaluated and/or removed by a qualified professional archaeologist. If warranted, additional archaeological testing or data recovery may be necessary before work can resumed in the vicinity of the find" (p. 4.7-18).</p> <p>With respect to the two historic railroads - the Denver & Rio Grande (D&RG) and the Atchison Topeka & Santa Fe (AT&SF), segments of both rail lines were documented and evaluated for impacts per Section 106 of the National Historic Preservation Act. Although both of these railroads have been officially determined eligible for the National Register of Historic Places, the segments occurring within the VHEIS APE were found to lack integrity due to extensive alteration of the historic setting, and each was evaluated with SHPO concurrence as not supporting the overall eligibility of the entire historic railroad.</p> <p>Note – No comment #3C-43 was provided by Denver.</p> <p>Response to Comment #3C-44: Typographical error acknowledged. The correct number is 37.</p> <p>Response to Comment #3C-45: Typographical error acknowledged. The houses are on the west side of Lincoln St.</p> <p>Response to Comment #3C-46: The Baker Historic District will not be impacted by the Preferred Alternative.</p> |

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| City and County of Denver Comment #3C-47 | <p>Water Resources</p> <p>47.The Final EIS Chapter 4-9, Water Resources refers to the "City and County of Denver's Phase 1 Storm Drainage Master Plan". This reference was appropriate at the DRAFT EIS stage in February 2005; however, the Storm Drainage Master Plan was completed in April 2005. The Final EIS should reflect the findings of the Final Storm Drainage Master Plan dated April 2005.</p> | <p>Response to Comment #3C-47: The current version of Denver's Storm Drainage Master Plan will be reviewed as design progresses to assure compatibility in the design. Denver staff will be consulted as well.</p> |
| Comment #3C-48 | <p>48.Phase 1 design and construction will impact the Alameda and Center Street outfalls. Manage 100-year flows to protect the Valley Highway as well as Santa Fe and Kalamath. Design should incorporate local system drainage connections.</p> | <p>Response to Comment #3C-48: CDOT will review the Alameda and Center Street outfalls as design progresses for compatibility with the design for Phase 1. Appropriate design year flows will be managed so as to protect the roadway systems.</p> |
| Comment #3C-49 | <p>49.The City and County of Denver looks forward to reviewing CDOT's proposed improvements to ensure current and future storm drainage needs are met.</p> | <p>Response to Comment #3C-49: CDOT and FHWA appreciate your active participation in the project to date and will work with you to develop a final solution that best meets the current and future storm drainage needs.</p> |
| Comment #3C-50 | <p>50.Pg 4.9-8, Need to update all CDPHE Regs throughout section: Reg 38 was updated 9/30/06 (listed as 2002a in FEIS); fecal coliform no longer listed in the regulation. The text sites a standard of 126 fecal coliforms / 100 mL. This standard is actually for E. coli.</p> | <p>Response to Comment #3C-50: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. This regulation update would not change the Preferred Alternative, but any new requirements might necessitate refinement during final design.</p> |
| Comment #3C-51 | <p>51.Pg 4.9-8, E. coli is currently the only identified water quality problem in segment 14 of the South Platte River. Monitoring conducted by DEH has provided extensive data to confirm this finding. The 2006 State of Colorado 303(d) list only lists Segment 14 of the South Platte River as impaired for E. coli and does not include segment 14 on the monitoring and evaluation list for any other parameters.</p> | <p>Response to Comment #3C-51: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. See response the Comment #3C-50.</p> |
| Comment #3C-52 | <p>52.Pg 4.9-8, In addition to Littleton/Englewood Wastewater Treatment Plant, CCOD's MS4 is also a major contributor to discharges into segment 14.</p> | <p>Response to Comment #3C-52: Agreed.</p> |
| Comment #3C-53 | <p>53.Pg 4.9-9, Table 4.9-2 is substantiated by data form 1983, there is more current data. In order for the FEIS to be accurate, the FEIS should use the most recent data available.</p> | <p>Response to Comment #3C-53: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. See response the Comment #3C-50.</p> |
| Comment #3C-54 | <p>54.Pg 4.9-11, CCD has published more recent reports on water quality in segment 14 which should be incorporated into this report. A biomonitoring report (2005) based on 2003 sampling and several water quality reports based on sampling conducted between 2002 and 2005 are available on DEH's website at: http://www.denvergov.org/eac/template116895.asp.</p> | <p>Response to Comment #3C-54: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. See response the Comment #3C-50.</p> |
| Comment #3C-55 | <p>55.Pg 4.9-11, Update Reg 93 info to April 2006 update; Seg 14 not listed for fecal coliform or nitrate, but is listed for E. coli.</p> | <p>Response to Comment #3C-55: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. See response the Comment #3C-50.</p> |
| | <p>Floodplains</p> | |
| | <p>Wetlands, Waters of the U.S. and Open Water</p> | |
| | <p>Vegetation and Wildlife</p> | |
| | <p>Hazardous Waste</p> | |
| Comment #3C-56 | <p>56.Pg 4.13-27, All of the alternatives with the exception of the preferred alternative discuss the number of businesses that would be relocated. The Preferred Alternative should include the number of businesses that would need to be relocated.</p> | <p>Response to Comment #3C-56: Thank you for this information. Regulations and standards change periodically. Current information will be reviewed at the time of final design. See response the Comment #3C-50.</p> |

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| City and County of Denver Comment #3C-57 | 57.Pg 4.13-31, Contaminated Materials Management--The state has a new solid waste regulation for asbestos in soils (April 2006) titled, "Regulations Pertaining to Solid Waste Disposal Sites and Facilities", 6 CCR 1007-2; this should be incorporated in the hazardous materials management plan. | Response to Comment #3C-56: Approximately 30 businesses would be displaced by the Preferred Alternative, as indicated in Section 4.2 of the Final EIS. |
| Comment #3C-58 | 58.Pg's 4.13-32, 4.13-30, & 4.2-12: Section 4.13.3.3 - Right-of-Way (ROW) Acquisition. CCoD is re-emphasizing a comment that was mentioned in the DEIS regarding incorporating CCoD in the coordination efforts of ROW acquisition. 4.13-32 references Section 4.13.3.2 for CDOT's process for ROW acquisition. However, this section does not incorporate CCD in the acquisition process. Nor is CCD incorporated in the ROW acquisition process in the ROW and Displacements section (4.2) of the FEIS. | Response to Comment #3C-57: When the materials management plan is prepared, in accordance with CDOT Specification 250, relevant solid waste regulations will be referenced as they apply to the specific Phase of the project and the identified environmental contamination issues. |
| Comment #3C-59 | 59.Pg 4.13-35, DEH would like to review and comment on the site specific hazardous material management plan (referred to as materials handling plan in FEIS) once preparation is underway. | Response to Comment #3C-58: As indicated in the response to the Draft EIS comment, CDOT Right-of-way Specialists will coordinate with the City and County of Denver during the right-of-way acquisition process; however, CDOT will make all final decisions in the right-of-way process. |
| | Soils and Geology | Response to Comment #3C-59: CDOT will continue to coordinate with the City and County of Denver as appropriate. |
| | Energy | |
| | Short-term Uses and Long-term Productivity | |
| | Irreversible and Irrecoverable Commitments of Resources | |
| Comment #3C-60 | Construction Impacts 60. Construction - Air Quality This may be a misnomer for the section. With regards to pure air quality, there are cities which are limiting construction activities during periods of high ozone pollution. Colorado may be forced to adopt plans which restrict the hours of operation of heavy equipment. I believe some cities will not permit heavy equipment to be operated before 10 AM. The theory is that not as much exhaust will accumulate prior to the peak afternoon ozone periods. | Response to Comment #3C-60: It would not be appropriate to speculate on possible future air quality regulations or to speculate on mitigation actions that anticipate such regulatory changes. The EIS analysis has been conducted in the context of current and known future regulations. If regulations that affect the Valley Highway project do change in the future before the project is built, the project will comply with these as required. Implementation of a dust control plan is a standard requirement for this type of construction project. The plan must address the requirements of all the relevant jurisdictions, including the City and County of Denver in this case. |
| | Should there be a statement and any applicable insertions in the VHEIS that acknowledges the City's fugitive dust ordinance is stricter than the State's for the contractor's knowledge of regulations. This was an early coordination issue with T-REX. | |
| Comment #3C-61 | 61. Noise Back-up alarms generate the most complaints about noise. Their sound carries for miles. There should be a statement about specifying that adjustable volume back-up alarms which comply with OSHA requirements will be specified to minimize their impacts during night-time work. | Response to Comment #3C-61: The commenter may be correct that back-up alarms generate the most citizen complaints, though it would not appear typical for that the sound "carries for miles". The EIS states that construction must comply with the CCD noise ordinance and this will cover back-up alarms. Adjustable alarms certainly are an important consideration. But, it is also necessary to consider the work safety aspect of the alarms. Given the phased nature of this project, this is best addressed at the time of construction in conjunction with any City variances that may be needed/granted for construction at night. |
| Comment #3C-62 | 62. Vibration There is a typo in the second to last sentence. The sentence should read Construction <u>activities</u> Not <u>activates</u> . | |
| Comment #3C-63 | 63. Water Quality All the proposed construction will be within City right of way; including the Valley Highway. Should there be a statement that the City's hazardous material remediation requirements are stricter than the State's? This has been an issue on State projects that confuses the contractor on which requirements control that would be the most strict in all cases. | |

| | Comment | Responses to Comments |
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| <p>City and County of Denver Comment #3C-64</p> | <p>64. 4.18-3 Specific Construction Impacts VHEIS ust commit to maintaining traffic in the Alameda and Santa Fe corridors at all times. There are no viable alternate routes for either street. Westbound Alameda was stacked from I-25 to Sherman each day during this summers' repaving project. That work extended from Santa Fe to Federal. At least one lane in each direction was maintained.</p> <p>There is no parallel alternate to Santa Fe, especially the northbound movement. Broadway cannot handle the traffic especially as the Gates properties open for business. The southbound Kalamath traffic has typically diverted to the highway and Broadway during construction on the street itself. The highway will be less attractive if it is restricted at Santa Fe. There really needs to be detailed coordination of construction activities and traffic movement to avoid a total shut down of South Denver. Additional right of way may have to be acquired to shift roadways and maintain circulation.</p> | <p>Response to Comment #3C-62: Typographical error acknowledged.</p> <p>Response to Comment #3C-63: Appropriate hazardous material requirements will be included in the Materials Management Plan.</p> <p>Response to Comment #3C-64: CDOT realizes the challenges of managing traffic during construction within the corridor. A comprehensive construction phasing scheme with associated construction traffic control and management of traffic planning will be developed as the design progresses. Sensitivity to traffic congestion and diversion onto local streets will be a component of this analysis.</p> |
| <p>Comment #3C-65</p> | <p>65. 4.18-5 Sanitary Sewer Sanitary lines may not be impacted by the highway work, but may be impacted as a result of other utility adjustments or relocations or other associated with the VHEIS.</p> | <p>Response to Comment #3C-65: Impacts to sanitary sewer lines associated with construction activities or associated utility relocations will be considered during more refined design.</p> |
| <p>Comment #3C-66</p> | <p>66. Denver requests that the Bayaud Avenue bike/ped. bridge be provided in advance of the Alameda Avenue construction impacts. This needs to be defined as part of the Record of Decision (R.O.D).</p> <p>While this advanced timing is referenced as a Recommended Mitigation Strategy in Table 4.18-1 <i>Summary of Citizen Working Group Recommendations for Construction –Related Mitigation Strategies</i> it is not sufficiently committal to be acceptable. Under current conditions the intersections of SB I-25 off-ramp & Alameda and Kalamath & Alameda are the #1 and #5 bike crash locations in the city. It remains reasonably foreseeable that the aggregate construction impacts that will take place along Alameda could worsen conditions for bicycling.</p> <p>Beyond the benefits to bicyclists and pedestrians during construction it could also be used for emergency response when Alameda is congested as a result of construction.</p> | <p>Response to Comment #3C-66: CDOT is committed to construction of the Bayaud Avenue bike/ped structure as evidenced by its incorporation in the Preferred Alternative. The timing of its construction is dependent on a number of factors including right-of-way purchase, compatibility with construction of the Santa Fe/Kalamath grade separation, relocation of the consolidated mainline railroad, and funding. It has been included as a part of the Phase 4 construction package to coincide with construction of these elements. It would therefore be included in a future Record of Decision. As design progresses, detailed construction phasing schemes are developed, and funding becomes clearer advancing the construction of this structure could be revisited.</p> |
| <p>Comment #3C-67</p> | <p>Permits Required 67. PERMITS There are a number of permits required for building demolition; the demolition permit itself, a permit to abandon sanitary service, etc. The contractor must be licensed in Denver to perform work on the City's infrastructure.</p> | <p>Response to Comment #3C-67: Thank you for the information. Current permit requirements will be confirmed at the time of design and construction.</p> |
| <p>Comment #3C-68</p> | <p>68.Pg 4.19-2, Table 4.19-1 - Third column, row 2: The permit needed is a '<i>Construction Permit for Land Disturbance</i>', instead of Fugitive Dust Permit.</p> | <p>Response to Comment #3C-68: Thank you for the clarification. Current permit requirements will be confirmed at the time of design and construction.</p> |
| <p>Comment #3C-69 Comment #3C-70</p> | <p>Cumulative Impacts</p> <p>Summary of Impacts, Mitigation Measures, and Monitoring Commitments</p> <p>Final Section 4(f) Evaluation (Chapter 5): 69.Pg 5-13, Preferred Alternative – Refer to comment #20 pertaining to the 1.54 acres.</p> <p>70.Pg 5-14, second paragraph - It states that the hiking/biking trail in Barnum North "was originally constructed to provide assess to the archery range that has been removed. The portion of the trail to be relocated ...currently serves primarily as a maintenance trail for park staff" The trail is an</p> | <p>Response to Comment #3C-69: Please see response to Comment #3B.</p> <p>Response to Comment #3C-70: Agreed.</p> |

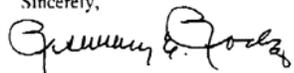
| | Comment | Responses to Comments |
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| City and County of Denver | internal park trail used by park visitors and is not just for maintenance. We will work with CDOT in relocating the trail, but the redesign will need to address pedestrian traffic as well as maintenance. | |
| Comment #3C-71 | 71.Pg 5-18, first paragraph - This is the only place where it mentions "appropriate mitigation would include fair financial compensation for right-of-way acquisition, as well as redesign and reconstruction of ball fields..." For the first and only time, this statement implies compensation for acreage, and not just Barnum East reconstruction. P&R will pursue this compensation during final design. | Response to Comment #3C-71: Please see response to Comment #3B. |
| Comment #3C-72 | 72.Pg 5-20, In Table 5-3, Functional Park Space, it states that the Preferred Alternative "provides two parking lots" The concept sketch shows just one large one; statement is misleading. | Response to Comment #3C-72: Parking lot configuration will be established through final park design. |
| Comment #3C-73 | 73.Pg 5-20, In Table 5-3, Current Deficiencies Corrected, it erroneously states that a new pressbox for youth field will be included. Presently we have a pressbox, so this is not a correction of an existing deficiency. | Response to Comment #3C-73: Thank you for the clarification. |
| Comment #3C-74 | 74.Pg 5-21, The "Detailed investigation of park boundaries by the Farnsworth Group, including consultation with CCD Parks and Rec. Dept." did not result in any resolution of boundary disputes or provision of title documentation. | Response to Comment #3C-74: Please see response to Comment #3B. |
| Comment #3C-75 | 75. A-17, CDOT's response to comment 74. on recognizing Milstein Grove as a park. P&R concedes on this boundary/use issue since impacts to the Platte River trail and improvements in Milstein Grove will be temporary construction impacts. P&R is okay with this as long as any damages are repaired to pre-construction conditions. | Response to Comment #3C-75: No impacts are expected. Any incidental damages will be repaired. |
| Comment #3C-76 | 76. A-17, CDOT's response to comment 75 regarding the south and east boundaries for Barnum East Park. CDOT still asserts that the ROW boundaries for the 5 th Ave. on-ramp are shown on the CDOT ROW plans for US6. Construction ROW plans are not legal title documentation. The City's original comment still has not been addressed. | Response to Comment #3C-76: Please see response to Comment #3B. |
| Comment #3C-77 | <p>Public Involvement (Chapter 6):</p> <p>77.Pg 6-2, 6.2.3 and Figure 6-1 indicate that mailing list development was east of Federal Blvd. It would have been more prudent to capture the interest of the public along the Federal Blvd. corridor by setting the western boundary at Grove Street.</p> | Response to Comment #3C-77: The mailing distribution area extended to Knox Court in the vicinity of the US 6/ Federal interchange, as shown on Figure 6-1. |
| Comment #3C-78 | <p>Phased Project Implementation (Chapter 7):</p> <p>78. Overall comment: All phasing plans need to be logically coordinated. Since Phase 1 is the only phase which is currently funded, the length of time between completion of Phases 1 and 2 is uncertain. Therefore, completion of only Phase 1 improvements should not degrade performance on surface streets.</p> | Response to Comment #3C-78: Phase 1 and Phase 2 have been included in this ROD. Implementation of Phases 1 and 2 will not degrade surface street operations. |
| Comment #3C-79 | <p>79. Sanitary: The City and County of Denver will coordinate all sanitary sewer upgrades and replacements in the vicinity of the project when design concepts for the highway improvements advance. The Metropolitan Reclamation District should be contacted for potential project impacts on the major sanitary collection systems affected by the project.</p> | Response to Comment #3C-79: CDOT will coordinate with the City and County of Denver and the Metropolitan Reclamation District about sanitary sewer impacts, upgrades, and/or replacements as design is advanced. |

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| City and County of Denver | <p>The City and County of Denver looks forward to reviewing CDOT's proposed improvements to ensure current and future sanitary sewer needs are met.</p> | |
| Comment #3C-80 | <p>80. Pg 7-16, In reference to the previous City and County of Denver DEIS comment numbers 64 and 68 regarding right-of-way acquisitions, Denver supports the mitigation measure for CDOT to continue to communicate and coordinate with the City and County of Denver and all affected property owners in order to minimize the uncertainty with regard to timing of property acquisition for future phases. This mitigation measure should be carried through in the Record of Decision for all implementation phases.</p> | <p>Response to Comment #3C-80: As indicated in the responses to the Draft EIS comments, CDOT Right-of-way Specialists will coordinate with the City and County of Denver during the right-of-way acquisition process. All right-of-way acquisition will follow the procedures outlined under the Uniform Relocation Assistance and Real Property Acquisition Properties Act of 1970, as ammended (URA). The URA has measures that treat landowners whose property is aquired and persons and businesses displaced fairly during the right-of-way acquisition process. CDOT Right-of-way Specialists will work with the landowners and displaces during the acquisition and relocation process to address individual needs and desires as best as possible as allowable under the law.</p> <p>Response to Comment #3C-81: No response needed.</p> <p>Response to Comment #3C-82: Phase 1 and Phase 2 have been included in this ROD. Phase 1 improvements at Alameda/Santa Fe and Kalamath/Maple as described in the Technical Report are reflected in the Concept Plan for the Valley Highway EIS Preferred Alternative (FHU, 2006) - see lane striping and notes on page 27. In response to comments received during review of the Final EIS, CDOT/FHWA has combined Phases 1 and 2 in the ROD. Traffic impacts at the two intersections will be mitigated through the construction of the new Alameda ramp.</p> <p>Response to Comment #3C-83: Thank you for the correct cross reference of Table 2. Estimated accident reduction at the Santa Fe and I-25 interchange would be as reported in the February 2005 Traffic Assessment attached to the back of this report addendum.</p> |
| Comment #3C-81 | <p>81.Pg 7-16, In reference to the previous City and County of Denver DEIS comment number 79 regarding aesthetics and urban design, Denver supports the use of the conceptual "kit of parts" as a mitigation measure in design of aesthetic elements and treatments and strongly recommends that these mitigation measures and the commitment to good design and improved aesthetics be included in the Record of Decision for all implementation phases. Denver looks forward to the continued coordination with CDOT on aesthetics and urban design issues throughout the final design and implementation.</p> | |
| Comment #3C-82 | <p>Technical Reports (Chapter 9):</p> <p>Traffic Report Addendum October 2006</p> <p>82. Traffic Report Addendum, Section 4, Pages 4-4 to 4-5: Completion of Phase 1 will significantly degrade the LOS delay at the intersection of Santa Fe/Alameda during both the AM and PM peak periods, and at Kalamath/Maple Street during the PM peak. Per the text, two improvements are listed which would mitigate LOS. However, the impact of these mitigations are not shown in the Preferred Alternative Concept Plan for Phase 1. For instance, the fourth SB lane on Kalamath approaching Maple Avenue is described in the text but clearly not shown in the Concept Plan. At Santa Fe/Alameda, the text states that Phase 1 is proposed to include a third westbound through lane along Alameda approaching the intersection. However, on the Concept Plan, a third westbound through lane is shown leaving, but NOT approaching the intersection of Santa Fe/Alameda. It seems doubtful that LOS at Santa Fe/Alameda would improve significantly with the addition of the third westbound through lane as shown with this lane beginning west of the critical intersection at Santa Fe Drive. Also, removal of the second westbound left turn lane at Alameda/Kalamath seems imprudent with little net gain (if any) in overall LOS on Alameda if the third westbound through lane is only added west of Sante Fe Drive. A much more effective method of mitigating delay at Santa Fe/Alameda would entail the addition of a third westbound through lane approaching the intersection of Santa Fe/Alameda (as described in the text), i.e., beginning east of the intersection and continuing westward.</p> | |
| Comment #3C-83 | <p>Safety Analysis Addendum June 2006</p> <p>83. Traffic Safety Report Addendum, Page 3: The first sentence refers to Table 2, not Table 1 as stated. The section on Phase 1 does not list the impact of phase 1 improvements to accident reduction at the I-25/Alameda/Santa Fe/Kalamath interchange. This section only lists the impact of Phase 1 to the US 6 area.</p> | |

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| <p>City and County of Denver Comment #3C-84</p> | <p>Preferred Alternative Concept Plan, October 2006 84.Regarding the preferred roadway/lane geometry on Lipan, TES has the following recommendation based on field observations (Comparing the existing conditions geometry - 44' curb face to curb face with the Concept Plan on pg. 33):</p> <p>South leg of Lipan Street: - Maintain an 18' receiving lane for SBT - A minimum of 10' NBLT lane, 11' preferred - A 11' NBT lane - A 13' NBRT lane (assuming we have a minimum curb return radius of 35')</p> <p>These improvements including storage lengths for turning movements may impact additional property which are not reflected in the Concept Plan e.g. encroach into the existing vacant parking lot to the east and more.</p> <p>North leg of Lipan Street: Existing roadway width is 24' and existing roadway design is similar to an alley design. Since the proposed VHEIS suggested removing the signal from Platte River Drive and median divided plus right-in-right-out only movement, all NB future traffic will be diverted to Lipan. Therefore, TES will require the following: - Widen the north leg to remove the existing thru movement offset - Provide a minimum of 18' receiving NBT lane and 35' curb return radius - 13' SBT lane - Minimum of 10' SBLT lane, 11' preferred</p> <p>These improvements will impact and encroach into the existing building currently on the NEC of the intersection.</p> <p>TES would also like some improvement on Alameda Avenue to upgrade roadway lane widths. Current roadway lane widths are 9 & 10' wide, and the current minimum CCD standard is 11' lane width.</p> | <p>Response to Comment #3C-84: CDOT will carry your recommendations into the final design and consider them further at that time. Our current concept reflects the laneage you request north of the intersection. It reflects 48' width curb face to curb face south of the intersection</p> |
| <p>Comment #3C-85</p> | <p>85.Pg 9, Concept Plan - Regarding comments on Federal Blvd and Federal EA coordination with VHEIS including needs on Federal Boulevard up to 10th Avenue, TES offers the following (Refer also to DEIS Comment #2):</p> <p>Based on the "Final Report - Baseline Traffic Analysis Report (Existing and 2030 No Action Condition)" and the "Final Report - Safety Assessment Report" for State Highway 88 (Federal Blvd) from 10th Avenue to Alameda Avenue, TES strongly recommend the following:</p> <ul style="list-style-type: none"> • Due to high traffic volume and no additional capacity on NB Federal Blvd, the operational LOS on Federal Blvd is expected to degrade to a level F between Alameda and 8th Avenue. Projected traffic volume on NB Federal is expected to exceed 2000 vehicles per hour. Therefore, TES strongly suggest that a third NB thru lane is included in the plan from Alameda to 11th Avenue. • It has also been identified that the Federal Boulevard corridor has an exceptionally high accidents rates. According the safety report, the Federal Blvd Weighted Hazard Indices (WHI) for the past three years are 3 to 5 times the average statewide rates for other Federal Aid Primary (FAP) highway. Majority of the accidents on this corridor are rear end accidents which are attributed to the high traffic volume and low capacity on NB Federal Blvd. Therefore, from a safety point of view, TES would require a third NB thru lane on NB Federal Blvd between Alameda and 11th Avenue. • In addition, TES would strongly recommend the following on Federal Blvd - 1. new directional handicap ramps; 2. redesigned curb return of 35' or larger for ease of egress/ingress; 3. improve <p style="text-align: center;">14</p> | <p>Response to Comment #3C-85: Please see response to comment #3A as it relates to continuation of the third northbound Federal lane. The Valley Highway will attempt to upgrade Federal Boulevard as impacted by this project to appropriate ADA compatible handicap ramps, lane widths, medians, curb returns, and pedestrian facilities as you request. Details of this will be developed during final engineering with CCD input.</p> |

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| <p>City and County of Denver</p> | <p>sidewalks for safe pedestrian movement/access; 4. widen Federal Blvd to upgrade lane widths to 11' minimum, 12' preferred; 5. add median to replace the two-way left turn center lane; 6. implement a standard typical section on Federal Blvd; and 7. widen highway 6 bridge to accommodate a 8 lanes facility on Federal Blvd (3 SBTL, 3 NBTL, 2 NBLT lanes, and pedestrian sidewalk on the bridge).</p> <ul style="list-style-type: none"> Inconsistency of incorporation of the 3rd NBL on Federal Blvd. at 5th Avenue between the VHEIS and Federal EA? The Federal EA shows the 3rd NBL being dropped as an exclusive right turn lane with a channelized island. The VHEIS Concept Plan does not show the continuation of the 3rd NBL from 5th to 6th, instead it shows an exclusive right turn lane with channelized island from 5th Avenue to US 6. The 3rd NBL is not continuous – traffic in the 3rd NBL wanting to continue northbound at 5th would be forced to turn on 5th. Provide 3rd NBL consistent with the 2030 Metro Vision Regional Transportation Plan as a regional funded roadway in the fiscally constrained roadway system improvements. <p>Aesthetics and Urban Design Addendum October 2006</p> <p>Air Quality Addendum October 2006</p> <p>Noise Addendum October 2006</p> | |
| <p>Comment #3C-86</p> | <p>Water Resources/Water Quality and Floodplains Addendum October 2006</p> <p>86.The October 2006 Water Resources Technical Document Report Addendum references the "City and County of Denver's Phase 1 Storm Drainage Master Plan" (ex: page 1-7, et.al.). This reference was appropriate at the DRAFT EIS stage in February 2005; however, the Storm Drainage Master Plan was completed in April 2005. The Technical Addendum should reflect the findings of the Final Storm Drainage Master Plan dated April 2005.</p> | <p>Response to Comment #3C-86: See response to comment #3C-47</p> |
| <p>Comment #3C-87</p> | <p>87.The West 3rd Avenue outfall does not appear in the Water Resources Technical Document or Final EIS.</p> | <p>Response to Comment #3C-87: The West 3rd Avenue outfall will be considered/incorporated during final design .</p> |
| <p>Comment #3C-88</p> | <p>88.Figures 2-8, 7-10 and 7-11 of the Water Resources Technical Document do not show how the flow will be managed or collected to enter the 7'h x 4'w box culvert under I-25 (Q100 = 2,485 cfs)</p> | <p>Response to Comment #3C-88: Further engineering detail will be developed during final design.</p> |
| <p>Comment #3C-89</p> | <p>89.Phase 1 design and construction will impact the Alameda and Center Street outfalls. Manage 100-year flows to protect the Valley Highway as well as Santa Fe and Kalamath. Design should incorporate local system drainage connections.</p> | <p>Response to Comment #3C-89: See response to comment #3C-48</p> |
| <p>Comment #3C-90</p> | <p>90.The City and County of Denver looks forward to reviewing CDOT's proposed improvements to ensure current and future storm drainage needs are met.</p> | <p>Response to Comment #3C-90: Thank you for your review of the Final EIS document and technical reports. We appreciate your future assistance in developing the appropriate infrastructure improvements in the corridor.</p> |

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| <p>Councilwoman Montero</p> <p>Comment #4</p> | <p>Carol Boigon At Large Doug Linkhart At Large Rick Garcia District 1 Jeanne Fartz District 2 Rosemary E. Rodriguez District 3 Peggy Lehmann District 4 Marcia Johnson District 5 Charlie Brown District 6</p> <p style="text-align: center;">CITY COUNCIL <i>City and County of Denver</i></p>  <p>December 18, 2006</p> <p>Mr. Tony Gross, P.E. Senior Project Manager Colorado Department of Transportation 2000 S. Holly Street Denver, CO 80222</p> <p>RE: I-25 Valley Highway Final EIS</p> <p>Dear Mr. Gross,</p> <p>Thank you for the opportunity to comment on the I-25 Valley Highway Final Environmental Impact Statement (VHEIS) dated November 2006. I have been following with keen interest the Federal Boulevard Environmental Assessment (Federal EA), the VHEIS, and impacts to the three Barnum Parks by both projects. I would like to continue to express my support for the VHEIS; however there are two major concerns that Denver has. The two major items of concern are the coordination of the Federal EA with the VHEIS and the Section 4(f) Evaluation of the three Barnum Parks with the preferred alternative at the interchange of US 6 and Federal Boulevard.</p> <p>I request that the elements of the recommended alternative of the Federal EA be incorporated into the VHEIS limits on Federal Boulevard from 5th Avenue to 7th Avenue. These elements include provision for a third northbound lane, 8 foot pedestrian zone with provisions to widen pedestrian zone to 13.5 feet if and only if, this does not result in additional building impacts, and a 16 foot median width.</p> <p>I understand a lot of effort has been committed to minimize and mitigate impacts to the three Barnum Parks especially Barnum East Park, but I support Denver's concerns regarding the Section 4(f) Evaluation. These parks are vital to the neighborhoods they serve and to Denver.</p> <p>I highly recommend and support efforts by CDOT and FHWA to incorporate these major concerns of Denver's into the VHEIS, so that the VHEIS may proceed with Denver's support toward a Record of Decision in early 2007 as scheduled.</p> <p>Sincerely,  Judy H. Montero Councilwoman District 9</p> <p>xc: Bill Vidal, Kim Berry, Peter Park</p> <p style="text-align: right;"><small>www.denvergov.org</small></p> | <p>Kathleen MacKenzie District 7 Elbra Wedgeworth District 8 Judy H. Montero District 9 Jeanne Robb District 10 Michael B. Hancock District 11 Lauri Dannemiller Director Kelly Velez Council Secretary</p> <p>ROOM 451 • CITY & COUNTY BUILDING DENVER COLORADO • 80202 PH: 720-865-0534 FAX: 720-865-9540 EMAIL: dence@ci.denver.co.us</p> <p>Response to Comment #4: CDOT and FHWA thank you for your interest in this project. CDOT and FHWA have worked with the City and County of Denver to address these issues. Please see responses to Comment #3A and Comment #3B.</p> |

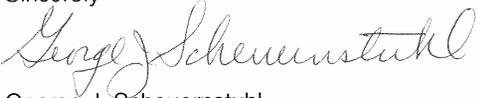
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| <p>Councilwoman Rodriguez</p> | <p>DEC-18-2006 16:35 From: CITY COUOCIL DIST 3 3039374651 To: 7208652676 P. 3/3</p> <p>I highly recommend and support efforts by CDOT and FHWA to incorporate these major concerns of Denver's into the VHEIS, so that the VHEIS may proceed with Denver's support toward a Record of Decision in early 2007 as scheduled.</p> <p>Sincerely,</p>  <p>Rosemary E. Rodriguez</p> <p>Council Districts #3 and #9 cc: Bill Vidal, Kim Berry, Peter Park</p> | <p>See response above.</p> |

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| <p>Regional Transportation District</p> <p>Comment #6-1</p> <p>Comment #6-2</p> <p>Comment #6-3</p> <p>Comment #6-4</p> <p>Comment #6-5</p> <p>Comment #6-6</p> <p>Comment #6-7</p> <p>Comment #6-8</p> <p>Comment #6-9</p> <p>Comment #6-10</p> <p>Comment #6-11</p> <p>Comment #6-12</p> <p>Comment #6-13</p> <p>Comment #6-14</p> <p>Comment #6-15</p> <p>Comment #6-16</p> | <p><u>Valley Highway – Final EIS</u> <u>RTD Review Comments and Observations</u> From: Stan Szabelak, P.E. Civil Engineering Project Manager By: Jeff Kay, P.E., Engineer IV December 15, 2006</p> <p><u>Recommended Revision:</u></p> <ol style="list-style-type: none"> Table 2-12 suggests that the preferred alternative includes a right-in, right out RTD access at Kentucky. RTD does not support this. The preferred alternative concept plan suggests that full movement access is proposed at Kentucky, which is supported by RTD. Please confirm RTD's supported access type and remove the inconsistency. <p><u>Observations and Questions:</u></p> <ol style="list-style-type: none"> It does not appear that the improvements at I-25 and Broadway are currently funded. These interchange improvements are in phase 6 of 6. Overall it appears this EIS and preferred alternative has little impact on RTD facilities, except at I-25 & Broadway and at Santa Fe and Alameda. The preferred alternative retains signal and full movement operation at Broadway and Kentucky; improves access to RTD facility and avoids introduction of buses onto Exposition between Broadway and Lincoln. ES-9 and FA-5 suggests contaminated groundwater within RTD's site. During construction excavation for intersection improvements, will RTD have any liability for this contamination? During construction of improvements at I-25 & Broadway, the RTD facility will be subject to short-term construction related impacts (noise, traffic, dust, etc.). Does the relocation of the CML affect RTD LRT operations? ES-14 – Construction mitigation includes "working with RTD to offer enhanced operations during peak construction". Page 1-8 – "Within the project limits, FasTracks includes modification of existing LRT stations to accommodate four-car trains and the construction of two additional tracks between Broadway and Alameda Avenue. The Valley Highway Project will need to consider these planned LRT improvements, such that they are complemented and not precluded". Page 1-10 – suggests plans may be modified in coordination with TOD planning and final design at Cherokee. Page 2-64 – CDOT will work with the CCD to make the EIS and any future work in the area flexible and not preclude any major options in the Broadway Area. (i.e. CCD Broadway NEPA). Proposed alignment for Exposition west of Broadway is different from what is shown in Broadway NEPA. The Valley Highway EIS does not include the "wedge ramp" to SB I-25. Valley Highway EIS includes traffic signals at Kentucky and the ramp to I-25. The Broadway NEPA combines these signals. Proposed road from Exposition to Cherokee TOD does not work with the existing layout of RTD's facility. Impacts to RTD's site on the southeast corner of Alameda Ave. and Santa Fe Drive include: | <p>Thank you for your review of the Final EIS document and technical reports. We appreciate your future assistance in developing the appropriate infrastructure improvements in the corridor.</p> <p>Response to Comment #6-1: Full movement access at Broadway and Kentucky is an element of the Preferred Alternative at Broadway.</p> <p>Response to Comment #6-2: No response needed. Response to Comment #6-3: No response needed. Response to Comment #6-4: No response needed.</p> <p>Response to Comment #6-5: Within the project area, there area a number of locations where existing soil and/or groundwater may be encountered. While the ultimate responsibility for such contamination cannot be established at this stage, CDOT will work to ensure that worker and public safety is protected during construction and will coordinate with landowners and responsible agencies before and during project implementation.</p> <p>Response to Comment #6-6: Short term impacts are possible. These will be minimized and appropriate mitigation applied. Construction impacts are further discussed in Section 4.18 in the Final EIS.</p> <p>Response to Comment #6-7: The realignment of the CML is not expected to interfere with RTD LRT operations.</p> <p>Response to Comment #6-8: Good point! We would expect a working relationship with your staff similar to the Broadway bridge.</p> <p>Response to Comment #6-9: We recognize the planned FasTracks work within the corridor and will coordinate Valley Highway work activities with your construction.</p> <p>Response to Comment #6-10: We recognize the ongoing TOD work in the Broadway/Santa Fe area and that the Broadway park-n-Ride is linked to this TOD development. Final improvements will coordinate with you to complement the development planning/design.</p> <p>Response to Comment #6-11: No response needed.</p> |

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| <p>Regional Transportation District</p> | <ul style="list-style-type: none"> a. Partial ROW take for right turn lane to Alameda Ave. and access road to Kalamath St. b. The site is bisected by an access road to Kalamath St. c. Contaminated groundwater is shown to exist within RTD's site. See item 4 above. d. It is unclear how access to our site will be maintained. e. The proposed work at this location is included in Phase 1 of the project and appears to be funded. | <p>Response to Comment #6-12: The Preferred Alternative at Broadway has been selected to meet a purpose and need for the Valley Highway EIS. The City and County of Denver is conducting an Environmental Assessment (EA) for Broadway that may define a different Preferred Alternative to meet their purpose and need. The Valley Highway EIS Preferred Alternative is being used as the baseline in Denver's EA and additional modifications are being evaluated in that EA to also meet Denver's needs. Denver is following this process, engaging CDOT and FHWA, to identify the appropriate ultimate solution at this location.</p> <p>Response to Comment #6-13: See response to comment #6-12</p> <p>Response to Comment #6-14: See response to comment #6-12</p> <p>Response to Comment #6-15: See response to comment #6-12</p> <p>Response to Comment #6-16: Comments #6-16a, b, and e are all true although final detail of this access road will be developed as final design is advanced. Comment #6-16c - see response to #6-5 above. Comment #6-16d - access to the site will be via the new access road to Kalamath Street that will the site (as noted in Comment #6-16b).</p> |

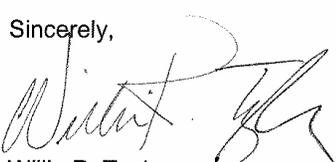
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| <p>Denver Regional Council of Governments</p> <p>Comment #7A</p> <p>Comment #7B</p> | <p style="text-align: center;">  DENVER REGIONAL COUNCIL OF GOVERNMENTS </p> <p>December 18, 2006</p> <p>Tony Gross, P.E. Senior Project Manager Colorado Department of Transportation, Region 6 2000 South Holly Street Denver, Colorado 80222</p> <p>Dear Mr. Gross:</p> <p>The Denver Regional Council of Governments (DRCOG) has reviewed the November 2006 Final Environmental Impact Statement (FEIS) for the Valley Highway project and offers the following comments. Some of the comments reiterate issues we identified in the Draft EIS. We believe these comments can be reasonably addressed in the information conveyed leading to the decision document.</p> <p>Sections 2.3.1.1, 2.4.2.8, 2.6.3, and 7.3. Transportation management. Section 2.3.1.1 (Table 2.2) identifies transportation management elements to be incorporated in the system alternatives. Section 2.4.2.8 identifies the specific transportation management items to be incorporated in the system alternatives (2.4.2.9 describes the pedestrian and bicycle aspects that were included in Table 2.2). Notable in Section 2.4.2.8 is that travel demand management measures during construction (identified as a "yes" in Section 2.3.1.1) were not mentioned. Subsequently within the description of the preferred alternative in Section 2.6.3, there is NO mention of ANY transportation management elements that accompany this alternative. Finally, the descriptions of the phases in Section 7.3 likewise make no mention of transportation management. Federal congestion management requirements in air quality non-attainment/maintenance areas such as Denver dictate that appropriate transportation management actions MUST be included in projects that result in a significant increase in capacity for single occupant vehicle travel. Because there are components of the Valley Highway project that do add such capacity, it is our expectation that the decision document identify the transportation management strategies and actions that are part of the preferred alternative and committed to as part of the phase to be cleared. Noting the FEIS response to DRCOG's DEIS comment on this issue, we welcome the opportunity to discuss with CDOT travel demand management actions during construction that would be appropriate for this project/phase.</p> <p>Section 4.1.2.4. Metro Vision. We appreciate the inclusion of the section on Regional Planning Considerations (i.e., consistency with the goals and policies of the <i>Metro Vision 2030 Plan</i>) and encourage inclusion of such in all environmental documents prepared in the DRCOG region. That said, a brief direct statement of <u>how</u> or <u>why</u> the alternatives were deemed consistent with individual Metro Vision goals and policies would have been a preferable treatment to the simple listing in the FEIS of <u>which</u> goals</p> <p style="text-align: center;"><i>Enhancing and protecting the quality of life in our region</i></p> <p style="text-align: center;">500 CHERRY CREEK DRIVE SOUTH SUITE 800 DENVER COLORADO 80246 - 1531 TEL 303-455-1000 FAX 303- E-MAIL: DRCOG@DRCOG.ORG WEBSITE: WWW.DRCOG.ORG</p> | <p>Response to Comment #7A: Transportation management techniques have been included in the ROD.</p> <p>Response to Comment #7B: FHWA and CDOT agree with your clarifications with regard to the Metro Vision goals. However, FHWA and CDOT believe that the level of detail provided in the Final EIS is sufficient for EIS purposes. To address your specific question about how the alternatives are consistent with senior-friendly development, improved safety on freeways and interchanges, as well as coordination with other agencies to maintain and improve transit access are examples of this.</p> |

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| <p>Denver Regional Council of Governments</p> <p>Comment #7C</p> <p>Comment #7D</p> | <p>Tony Gross, P.E. December 18, 2006 Page 2</p> <p>and policies the alternatives were consistent with. As for specifics, it is not apparent to us how the alternatives are consistent with the senior-friendly development goal, and it is apparent to us that all alternatives (except no action) would support the "system preservation" policy of the <i>Metro Vision</i> Transportation Element.</p> <p>Section 4.5.2.1 and Section 7.1.1. "Conformity" of the Preferred Alternative. DRCOG has provided comments several times on this topic, and the descriptions in the FEIS remain imprecise with regard to actual requirements and expectations. Conformity is a term that applies (in this discussion) to a fiscally constrained RTP. A project is deemed to have met the "regional conformity test" for air quality consideration if it is included in a fiscally constrained air quality conforming RTP. It is acknowledged that the FEIS can identify a preferred alternative whose project elements exceed those included in the adopted fiscally constrained conforming RTP. However, for air quality purposes, only those elements which are part of such an RTP can be considered to have met the regional conformity test. The imprecision comes in the statements: "DRCOG will also perform air quality runs with the entire Preferred Alternative to provide an indication of likely conformity for the entire project" (page 4.5-4) and "For the Preferred Alternative, air quality conformity will be established by inclusion in the unconstrained "vision" model prepared by DRCOG as part of the RTP process" (page 7-2). What can be stated is that DRCOG staff will run the transportation model for a hypothetical transportation system that includes completion of the entire Valley Highway project Preferred Alternative by 2030 (i.e., under the hypothesis that additional funds would become available to complete the Preferred Alternative by then) as well as all other projects currently in the fiscally constrained 2030 RTP. Staff of the Air Pollution Control Division will run the Mobile model to identify resultant regional emissions. The sponsoring and/or lead agencies would then compare the regional emissions of that hypothetical transportation system with regional budgets and issue a conclusion as to whether that system would hypothetically achieve conformity, and, thus, whether the Preferred Alternative would or would not create problems for achieving regional plan conformity (under the above noted conditions). It is correct to state that the regionally significant elements of Phase 1 are already in the fiscally constrained 2030 RTP or are currently being amended into it, that conformity of the amended 2030 RTP will be acted on in January 2007, and that the "regional conformity test" for phase 1 will be met at that time enabling issuance of a decision document for phase 1. It is also correct to state that decision documents for subsequent phases cannot be issued until such phases are adopted into a fiscally constrained RTP for which air quality conformity is demonstrated.</p> <p>Section 4.5.2.3. PM₁₀. Implementation of the street sanding requirements of Regulation 16 is NOT sufficient for the Denver region to meet the PM₁₀ emissions budget. Accordingly, numerous local governments and operating agencies have committed PM₁₀ emission reductions BEYOND those required in Regulation 16, and it is these commitments that allow the Denver region to meet that budget. Pertinent to this project are commitments by Denver, CDOT Region 6, and RTD. Continuation of such commitments will be necessary to assure continued conformity of the Regional Transportation Plan and the projects contained within it.</p> | <p>Response to Comment #7C: A clarification and further DRCOG and CDPHE APCD coordination addressing this comment have been added to this ROD.</p> <p>Response to Comment #7D: In agreement with the comment, Section 4.5.2.3 of the FEIS stated that many actions contribute to regional PM₁₀ reductions. Credit was not given solely to Regulation 16 to meet the PM₁₀ budget; rather street sanding was used as an important example. The relevant FEIS text follows: <i>The Maintenance Plan included a number of strategies to reduce future PM₁₀ emissions to demonstrate maintenance of the NAAQS for 2002 and beyond. These reductions will come mostly from lower tailpipe emissions, better street sanding procedures and ongoing vehicle inspection/maintenance requirements of the AIR Program. Street sanding is controlled by Colorado Air Quality Commission Regulation No. 16 and is expected to be the biggest contributor to PM₁₀ control for the Denver area.</i></p> <p>Your point about PM₁₀ emissions being a collective effort is well stated and is shown here for the record.</p> |

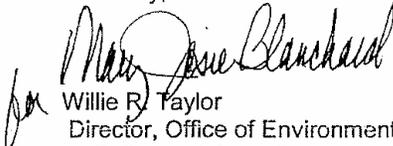
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| <p>Denver Regional Council of Governments</p> <p>Comment #7E</p> <p>Comment #7F</p> | <p>Tony Gross, P.E. December 18, 2006 Page 3</p> <p>Section 4.20.3. Regional emissions. It should be noted that regional emissions (FEIS Table 4.20-6) for the current amended version of the 2030 RTP are less than or equal to the preliminary emissions reported in the FEIS document.</p> <p>Section 7.1.1. Fiscal constraint. The fiscally constrained element of the 2030 RTP identifies \$84 million as available for the I-25 portions of the Valley Highway project from 2005 through 2030. DRCOG staff has expressed the position that some of that has already been expended and is unavailable for future design/construction for Phase 1. However, under an understanding reached with CDOT and FHWA regarding the "tolerance" surrounding fiscal constraint within an adopted RTP (i.e., until a "new" RTP is adopted), the \$84 million is within that tolerance and is therefore appropriately considered as consistent with the fiscally constrained 2030 RTP. In development of the "new" 2035 fiscally constrained RTP, CDOT will have to identify full funding for phase 1.</p> <p>In conclusion, DRCOG staff believes that the Valley Highway FEIS has reasonably disclosed the impacts of all the alternatives and has presented a logical and rational process for determining the preferred alternative and the first implementation phase. We believe it provides sufficient disclosure information to enable the lead agency to issue a decision. We trust the issues we have raised (above) will be addressed within that decision document. If you have questions, please contact Steve Rudy of my staff at 303-480-6747.</p> <p>Sincerely  George J. Scheuernstuhl Director, Transportation Planning and Operations</p> | <p>Response to Comment #7E: A clarification addressing this comment has been added to this ROD.</p> <p>Response to Comment #7F: A clarification addressing this comment has been added to this ROD.</p> |

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| <p>U.S. Environmental Protection Agency</p> | <p>EPA is satisfied our comments on the draft EIS were adequately addressed. If you have any questions about these above comments, please contact Robert Edgar at (303) 312-6669 or me at (303)312-6004.</p> <p>Sincerely,</p>  <p>Larry Svoboda, Director NEPA Program Ecosystem Protection and Remediation</p> <div data-bbox="886 1242 1144 1404" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>RECEIVED</p> <p>DEC 27 2006</p> <p>REGULATORY DIVISION</p> </div> <p style="text-align: center;">2</p> | <p>See response above</p> |

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| <p>U.S. Department of Interior</p> | <div style="text-align: center;">  <p>United States Department of the Interior OFFICE OF THE SECRETARY Washington, DC 20240</p>  </div> <p style="text-align: center;">DEC 14 2006 9043.1 PEP/NRM</p> <p>ER 05/412</p> <p>David A. Nicol, P.E. Division Administrator Federal Highway Administration 12300 West Dakota Avenue Suite 180 Lakewood, Colorado 80228</p> <p>Dear Mr. Nicol:</p> <p>The Department of the Interior has reviewed the Final Environmental Impact Statement for I-25 Valley Highway, Logan to 6th Avenue, Denver, Colorado, and submits the following comments pursuant to the Migratory Bird Treaty Act (MBTA), and the National Environmental Policy Act of 1969.</p> <p>Specific Comments</p> <p>In the Department's letter sent on July 22, 2005 (copy attached), we noted that there was no mention "in the document whether swallows use existing bridges in the project area for nesting, and if they do how nesting will be prevented or how impacts to nesting birds will be avoided." Possible presence of swallows is addressed in the FEIS, section 4.12.2.3, <i>Migratory Birds</i>, under <i>Consequences of the Alternatives</i>. However, section 4.12.3.2, <i>Wildlife</i>, under <i>Mitigation</i>, in general, addresses ground and tree-nesting birds but still does not adequately address birds that could be nesting on bridges such as swallows. We recommend the following language replace the current language to correct this omission:</p> <p style="padding-left: 40px;">"To avoid a disturbance or "take" of a migratory bird nest, any trees or man-made structures, such as bridges or highway overpasses, that would be removed during the nesting season will be surveyed for the presence of active bird nests. If no active nests are observed, the trees or bridges can be removed. However, should removal occur during nesting season, every effort will be made to prevent the nesting of birds, such as swallows, leading up to the demolition of existing structures. No permit from the USFWS is required for removal of inactive nests. The</p> | <p>Response to Comment #9: CDOT and FHWA appreciate your time and effort reviewing the Final EIS. The language recommended in your comment has been added as a clarification in Section 3.6 of this ROD.</p> |

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| <p>U.S. Department of Interior</p> | <p>USFWS generally will not permit the removal of an active nests unless justifiable to protect human health and safety; however, if active nests are present, habitat-disturbing activities, such as tree or bridge removal, grading, scraping, grubbing, etc, will be conducted in the riparian area along the South Platte River during the non-breeding season (August 15 – March 31). Where practicable, construction of bridges over the South Platte River will be conducted during the non-breeding season (August-March) to avoid impacts to birds, spawning fish and spawn beds. “</p> <p>In addition, we recommend surveys for active nests be conducted prior to construction or other habitat-disturbing activities to ensure compliance with MBTA.</p> <p>Conclusion</p> <p>We appreciate the opportunity to comment on the subject document. If we can be of further assistance, please contact Alison Michael, at the U.S. Fish and Wildlife Service Colorado Field Office at (303)-236-4758.</p> <p>Sincerely,</p>  <p>Willie R. Taylor Director, Office of Environmental Policy and Compliance</p> <p>Attachment: DOI Letter dated July 22, 2005</p> | <p>See response above.</p> |

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| <p>U.S. Department of Interior Attachment to Comments</p> | <div style="text-align: center;">  <p>United States Department of the Interior OFFICE OF THE SECRETARY Washington, DC 20240</p> </div> <div style="text-align: right; margin-top: 20px;">  <p>TAKE PRIDE IN AMERICA</p> <p><i>John Wood</i> <i>Richard J. ...</i></p> <p>SEP -8 05</p> </div> <p>ER 05/412 JUL 22 2005</p> <p>David A. Nicol, P.E. Division Administrator Federal Highway Administration 12300 West Dakota Avenue Suite 180 Lakewood, Colorado 80228</p> <p>Dear Mr. Nicol:</p> <p>Thank you for the opportunity to comment on the Draft Environmental Impact Statement and Section 4(f) Evaluation for I-25 Valley Highway Improvements, Logan to US-6, Denver, Colorado. The Department of the Interior (Department) has reviewed the document and provides the following comments.</p> <p>SPECIFIC COMMENTS</p> <p>Overall, the document adequately addresses the Fish and Wildlife Service's (FWS's) trust resources including threatened and endangered species, migratory birds, and wetlands, with few minor exceptions. The Eskimo curlew (<i>Numenius borealis</i>) and black-tailed prairie dog (<i>Cynomys ludovicianus</i>) are described in Chapter 20, section 4.12.1.6 as federally listed species; however, the Eskimo curlew is no longer considered to be affected by depletions to the South Platte River, and the black-tailed prairie dog has been removed from consideration for listing. The same section mentions that the project area is located with a block clearance zone for the Ute ladies'-tresses orchid (<i>Spiranthes diluvialis</i>). No such block clearance exists for the plant, and the project area needs to be assessed for habitat suitable to the orchid. Finally, there is no apparent mention in the document whether or not swallows use existing bridges in the project area for nesting, and if they do how nesting will be prevented or how impacts to nesting birds will be avoided.</p> <p>SECTION 4(f) EVALUATION</p> <p>The Department recognizes and appreciates your consultation with various local and state agencies including the Colorado State Historic Preservation Office, to determine the extent of and effects to Section 4(f) properties. We also appreciate that you have adequately analyzed avoidance alternatives in the Section 4(f) Evaluation and are proposing mitigation measures to minimize harm to these properties.</p> <p>Without a Preferred Alternative identified in the Section 4(f) Evaluation, we cannot concur that there is no feasible or prudent alternative to the Preferred Alternative</p> | <p>See response above.</p> |

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| U.S. Department of Interior Attachment to Comments | <p> selected in the document, and that all measures have been taken to minimize harm to these resources. We look forward to reviewing the final document at which time we will reassess this determination. </p> <p> We appreciate the opportunity to provide these comments. </p> <p style="text-align: center;"> Sincerely,  Willie R. Taylor Director, Office of Environmental Policy and Compliance </p> | <p>See response above.</p> |

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