FINDING OF NO SIGNIFICANT IMPACT
Finding of No Significant Impact

Submitted Pursuant to:
42 USC 4332(2)(c)

Submitted by:
Colorado Department of Transportation

Prepared for:
U.S. Department of Transportation
Federal Highway Administration

Submitted by:

Jeffrey R. Kullman, P.E.
Region 1 Transportation Director
Colorado Department of Transportation

6/5/07
Date

Concurred by:

Pamela A. Hutton, P.E.
Chief Engineer
Colorado Department of Transportation

6-8-07
Date

Approved by:

David A. Nicol, PE
Division Administrator
Colorado Division
Federal Highway Administration

7-10-07
Date
ACRONYMS AND ABBREVIATIONS

AASHTO  American Association of State Highway and Transportation Officials
ACM    Asbestos Containing Material
BMPs   Best Management Practices
CDOT   Colorado Department of Transportation
CDOW   Colorado Division of Wildlife
CE     Categorical Exclusion
dBA    Decibels
DRCOG  Denver Regional Council of Governments
EA     Environmental Assessment
EPA    Environmental Protection Agency
FEMA   Federal Emergency Management Agency
FHWA   Federal Highway Administration
FONSI  Finding of No Significant Impact
I-70    Interstate 70
ITS    Intelligent Transportation System
Ldn    Day-Night Noise Level
MS4    Municipal Separate Storm Sewer Systems
MVRTP  Metro Vision Regional Transportation Plan
NRHP   National Register of Historic Places
**ROW**  Right-of-Way

**RTP**  Regional Transportation Plan

**SAFETEA-LU**  Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

**SHPO**  State Historic Preservation Officer

**UDFCD**  Urban Drainage and Flood Control District

**UPRR**  Union Pacific Railroad
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Chapter 1.0 Finding of No Significant Impact (FONSI)

The Federal Highway Administration (FHWA) has determined that the Preferred Alternative described in Chapter Two, Section 2.6 of the I-70/E-470 Interchange Complex Environmental Assessment, November 7, 2006 is the Preferred Alternative as described in Chapter Two of this document, and that it will have no significant impact on the human environment. This FONSI is based on the referenced Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the Environmental Assessment (EA).
Chapter 2.0  Project Description

2.1  PURPOSE AND NEED

The purpose of the project is to link the freeway and tollway systems, Interstate 70 (I-70) and E-470, in an efficient and safe manner while maintaining and enhancing local access for the existing and planned roadway system and future travel demand. This will be accomplished while maintaining the integrity of the mainline I-70 roadway, particularly with regard to traffic safety and operations.

The need for the project is three-fold:

1.  Improve regional mobility

The E-470 Public Highway Authority in January 2003 completed the last link in the toll facility from I-25 and C-470 at the southern terminus to I-25 south of 160th Avenue at the northern terminus. E-470 provides access to Denver International Airport. It serves the fast-growing Douglas, Arapahoe, and Adams Counties area, as well as major portions of the City of Aurora. I-70 is the major east-west interstate freeway in Colorado and is a strategic link in the nationwide highway network. The I-70 freeway and E-470 are major components of the transportation network serving the Denver metropolitan area. Substandard connections to these highways are affecting regional mobility. Modifications to the freeway-to-freeway interchange ramp connections are needed to improve regional mobility and safety, and to serve forecasted traffic volumes.

Currently, the I-70/E-470 ramp movements must pass through two or more of four closely spaced signalized intersections. It is highly desirable to design an interchange complex that will satisfy both the freeway-to-freeway linkages and local access needs, while accommodating future travel demands.

2.  Roadway deficiencies

Currently, E-470 in the study area has ramp movements passing through the closely spaced signalized intersections that do not meet American Association of State Highway and Transportation Officials standards for freeway-to-freeway connections. The Flyby, which has been recently opened, grade separates the through E-470 roadway from Gun Club Road. Ramp H (under construction) will also provide a direct connection from northbound E-470 to westbound I-70. However, other substandard ramp connections are not yet being updated because the remaining ramp connections
are the subject of the alternatives analyzed in the EA. I-70 in the study area has interchange deficiencies, including substandard weaving distances, a non-standard two-lane left exit ramp from I-70 westbound to Colfax, and substandard ramp acceleration and deceleration lanes at the Gun Club/E-470 interchange. Presently, I-70/Colfax (US 40) has a partial interchange, which is missing the westbound entrance ramp to I-70. These interchange deficiencies on both E-470 and I-70 will contribute to increased safety risks as traffic volumes increase.

3. **Enhance access for the adjacent land uses**

Denver Regional Council of Governments’ (DRCOG’s) 2030 Metro Vision Regional Transportation Plan (MVRTP) forecasts a substantial amount of new development in the study area and surrounding areas. It is anticipated that the demand on the existing arterial network will be considerably greater than the existing arterial network capacity.

Maintaining arterial access and access for the adjacent land uses to the freeway network is critical since the portion of the City of Aurora surrounding the existing I-70 interchange with E-470 and Gun Club Road includes substantial land areas under development. Immediately north of I-70, light industrial uses and distribution centers are developing. The zoning in the City of Aurora Comprehensive Plan, 2003 depicts major regional retail, commercial, and residential development on adjacent properties south of I-70. The plan includes major arterial roadways west and east of E-470 at Picadilly Road and Harvest Road, as well as arterials that parallel I-70 on the north and south sides, including Colfax Avenue and Smith Road.

The linkages between I-70 and E-470 with the existing and planned arterial network in the study area are vital to service the existing and proposed commercial and residential developments of northeast Aurora. To avoid confusion to drivers and complex traffic operations, separation of service access from the freeway-to-freeway interchange is desirable.

### 2.2 Preferred Alternative

The Preferred Alternative is depicted in Figure 2-1. The green elements on this figure include the limits of the federal action. The yellow elements are part of the No Action Plan and include all of the local projects.

The Preferred Alternative is composed of three separate interchanges. This interchange complex would replace the present diamond interchange at Gun Club Road that has been used as a temporary interchange to connect I-70 and E-470. The Preferred
Figure 2-1: Preferred Alternative

Legend:
- Preferred Alternative
- No Action
- Right of Way (Proposed)
- Right of Way (Existing)
- Roadway to be Removed
Alternative will also replace the partial interchange between I-70 and Colfax Avenue. A new freeway-to-freeway interchange will provide full directional movements between I-70 and E-470. Two system-to-service interchanges are included, one at I-70/Picadilly Road and one at I-70/Harvest Road.

Through the study area, I-70 will remain a four-lane freeway with two lanes in each direction. Auxiliary lanes will be added between the Picadilly Road interchange and the E-470 interchange, between Tower Road and Picadilly Road, and between E-470 and the Harvest Road interchange. E-470 will be a six-lane freeway as included in the DRCOG 2030 MVRTP, with auxiliary lanes between the 6th Parkway interchange and the I-70 interchange.

The I-70/Picadilly Road interchange will be a partial cloverleaf interchange with a loop exit ramp from westbound I-70 to southbound Picadilly Road. Picadilly Road will be relocated west of the current location and will pass under new bridges that will carry I-70 over Picadilly Road. Picadilly Road will be realigned between Smith Road and 11th Avenue. Part of the No-Action Alternative that could occur concurrently with the Preferred Alternative is that the current Colfax Avenue along I-70 east of Picadilly be relocated south of its current location as part of the planned Horizon City Center development.

From a new “T” intersection with relocated Picadilly Road, the new Colfax Avenue will continue east under the existing mainline E-470 Flyby roadway. To provide access to the existing development in the triangle between Colfax and I-70, a portion of the existing Picadilly Road right-of-way (ROW) will be used for a connecting roadway that will include a bridge over the eastbound on-ramp to I-70/E-470.

The current eastbound on-ramp from Colfax to I-70 will be retained in approximately the same location and will have a braided arrangement with the eastbound exit ramp from I-70 to E-470. The exit ramp will be on structure passing over the on-ramp to I-70. A connecting roadway to East 19th Avenue in the Prologis industrial park will have a signalized intersection with Picadilly Road opposite the westbound on-ramp to I-70.

The I-70/Harvest Road interchange will also be a partial cloverleaf interchange with a loop ramp in the northeast quadrant to serve traffic from northbound Harvest Road to westbound I-70. Harvest Road will have a new bridge over I-70. Harvest Road will be located east of the section line to provide better spacing between this interchange and I-70/E-470. The Harvest Road profile will permit a future grade separation structure for the Union Pacific Railroad (UPRR) and Smith Road. Connecting roadways will be provided between Harvest Road and Smith Road.
Congestion management elements, such as ramp metering, Intelligent Transportation System (ITS) technology, and rideshare program enhancements, will be incorporated with the design and implementation of the Preferred Alternative in concert with state, regional, and local agency programs.

2.3 IMPLEMENTATION SCHEDULE

The proposed implementation schedule for phased improvements to the I-70/E-470 interchange and for the two arterial interchanges with I-70 are heavily dependent upon future funding. For the E-470 Flyby to grade separate the roadways of E-470 and eliminate the need for toll road traffic to pass through four signalized intersections including the new bridges over I-70, E-470 has utilized available bond funds. This part of the No-Action Alternative was opened to traffic in 2006. Also bond funding is being used to finance the construction of Ramp H, from northbound E-470 to westbound I-70. Ramp H, also a part of the No-Action Alternative, is to be completed later in 2007. The cost of the Flyby and Ramp H totals $44 Million.

The FHWA Non-Programmatic Environmental Review Summary was used to determine that construction of Ramp H meets the criteria for a Categorical Exclusion (CE) permit. Colorado Department of Transportation (CDOT) form 128, signed by FHWA, lists the clearances and permits obtained as a part of the CE process. This form and all other documentation related to the CE are on file at CDOT Region One.

Once funding has been identified for the rest of the improvements along the study area, a more definitive implementation schedule will be created. At this time, it is anticipated that the second phase of the project, which will include the new I-70 interchanges at Picadilly Road/Colfax Avenue and at Harvest Road will occur in the 2010 to 2020 time frame. Phase 3, the west ramps between E-470 and I-70, and removal of the west ramps at the I-70 Gun Club Road interchange is projected to occur around 2020. This is dependent on the projected ability of the E-470 Authority to have sufficient revenues to cover added bonding. The final or fourth phase, including the east ramps between E-470 and I-70 and the removal of the east ramps at the Gun Club Road I-70 interchange would be after 2020.

The entire I-70/E-470 Interchange Complex project is in DRCOG’s fiscally constrained 2030 MVRTTP. Coordination with DRCOG and the DRCOG planning process will continue as the project moves forward.
Chapter 3.0 Summary of Mitigation and Benefits

A summary of mitigation and benefits is depicted in Tables 3-1 and 3-2.

Table 3-1: Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
<th>Resources and Impacts</th>
<th>Mitigation or Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use and Zoning</td>
<td>No mitigation is necessary for land use impacts. See Section 3.4.3 in the EA, Right-of-Way, for mitigation measures associated with the acquisition of property.</td>
</tr>
<tr>
<td>Indirect Effects</td>
<td>Typical mitigation for the indirect growth-related impacts of a project includes the adoption of Smart Growth policies, open space acquisition, and/or the implementation of transportation demand management policies and design standards.</td>
</tr>
<tr>
<td></td>
<td>Mitigation that could be considered for local jurisdictions includes:</td>
</tr>
<tr>
<td></td>
<td>- Commitments to enforcing Smart Growth policies as evidenced in the differential figures of the impacts shown in Table 3-1 of the EA (see letter from the City of Aurora in Appendix A of the EA committing to Smart Growth Principles).</td>
</tr>
<tr>
<td></td>
<td>- Commitments for open space set asides or acquisitions, particularly along the floodplains of Sand Creek and First Creek.</td>
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<tr>
<td></td>
<td>- Adequate and timely investments in supportive infrastructure, such as the local street system underway as demonstrated in the No-Action Alternative.</td>
</tr>
<tr>
<td></td>
<td>- Commitments to appropriate design standards to minimize air pollution and traffic impacts (development in the vicinity of the new interchanges would replace rural, undeveloped land potentially impacting visual quality and quality of life for residents currently living in this mostly rural area).</td>
</tr>
<tr>
<td>Farmland</td>
<td>Because there are no impacts to prime or unique farmlands or farmlands of statewide importance, no mitigation is required.</td>
</tr>
<tr>
<td>Social</td>
<td>No social mitigation is needed.</td>
</tr>
<tr>
<td>Environmental Justice</td>
<td>Because there would be no disproportionate adverse impacts to low-income or minority populations in the study area, no mitigation measures are required. Mitigation for noise, visual, and construction-related impacts are addressed in Section 3.9.4, Section 3.19.3, and Section 3.21.2 in the EA, respectively.</td>
</tr>
<tr>
<td>Resources and Impacts</td>
<td>Mitigation or Benefit</td>
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<tr>
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</tr>
<tr>
<td>Right-of-Way and Relocation</td>
<td>For any person(s) whose real property interests may be impacted by this project, the acquisition of those property interests will comply fully with the <em>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970</em>, as amended, (Uniform Act). The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from Federal or federally assisted programs or projects. It was created to provide for and insure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied “uniformly,” CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source. Additionally, the Fifth Amendment of the United States Constitution provides that private property may not be taken for a public use without payment of &quot;just compensation.&quot; All impacted owners will be provided notification of the acquiring agency's intent to acquire an interest in their property including a written offer letter of just compensation specifically describing those property interests. A Right of Way Specialist will be assigned to each property owner to assist them with this process.</td>
</tr>
</tbody>
</table>

In addition to the Uniform Act, CDOT will comply with all other federal regulations applicable to the ROW process, pertinent state statutes, and CDOT policies and procedures including, but not limited to, those set forth in the CDOT Right-of-Way Manual, as the same may be amended from time to time. These regulations, statutes, policies and procedures, when considered in the aggregate, cover the entire ROW process including: ROW plan preparation, appraisal and value determination, offers and negotiations with property owners, relocation, condemnation (if necessary), and clearance of ROW for the purpose of advertising the project(s) for construction.

In certain situations, it may also be necessary to acquire improvements that are located within a proposed acquisition parcel. In those instances where the improvements are occupied, it becomes necessary to "relocate" those individuals from the subject property (residential or business) to a replacement site. The Uniform Act provides for numerous benefits to these individuals to assist them both financially and with advisory services related to relocating their residence or business operation. Although the benefits available under the Uniform Act are far too numerous and complex to discuss in detail in this document, they are available to both owner occupants and tenants of either residential or business.
Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
<th>Resources and Impacts</th>
<th>Mitigation or Benefit</th>
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<tbody>
<tr>
<td>Right-of-Way and Relocation (cont’d.)</td>
<td>Properties. In some situations, only personal property must be moved from the real property and this is also covered under the relocation program. As soon as feasible, any person scheduled to be displaced shall be furnished with a general written description of the displacing Agency's relocation program which provides at a minimum, detailed information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. It shall also provide notification that the displaced person(s) will not be required to move without at least 90 days advance written notice. For residential relocatees, this notice cannot be provided until a written offer to acquire the subject property has been presented, and at least one comparable replacement dwelling has been made available. Relocation benefits will be provided to all eligible persons regardless of race, color, religion, sex or national origin. Benefits under the Act, to which each eligible owner or tenant may be entitled, will be determined on an individual basis and explained to them in detail by an assigned Right of Way Specialist. Other local jurisdictions, such as the City of Aurora, may acquire the property on behalf of CDOT, but in so doing would be subject to CDOT oversight to ensure compliance with the Uniform Act, other federal regulations applicable to the ROW process, pertinent state statutes, and CDOT policies and procedures, including, but not limited to those set forth in the CDOT Right-of-Way Manual as the same may be amended from time to time. If another local jurisdiction becomes responsible for the ROW process, CDOT oversight of that jurisdiction's efforts is required on all projects considered by CDOT and FHWA to be &quot;federal actions&quot;, regardless of whether or not federal funding is provided for the particular project at issue. Where CDOT is not directly responsible for the ROW process, and is acting solely in an oversight role, requests for conditional ROW clearances will not be considered.</td>
</tr>
<tr>
<td>Economic</td>
<td>During the construction phase, good communication with emergency service providers, local businesses, government agencies, and residents is recommended with regard to traffic delays and access changes. Such notifications could be accomplished through radio and public announcements, newspaper notices, and on-site signage. If access to a business is compromised, alternate access routes would be provided during construction.</td>
</tr>
<tr>
<td>Transportation (including pedestrians and bicyclists)</td>
<td>The Preferred Alternative does not require mitigation.</td>
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Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

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<tr>
<th>Resources and Impacts</th>
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<tbody>
<tr>
<td>Parks and Recreation Resources</td>
<td>There are no existing parks, recreational facilities, or designated open space in the study area. Therefore, there would be no impacts to parks or recreational facilities, and no mitigation is required. The areas that are zoned for parks/open space and plans for recreational facilities have already taken this proposed action into consideration.</td>
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<tr>
<td>Air Quality</td>
<td>No mitigation for air quality is required.</td>
</tr>
<tr>
<td>Noise</td>
<td>Noise mitigation for the Preferred Alternative was found to be not reasonable or feasible. A detailed discussion can be found in Section 3.9.4 of the EA document.</td>
</tr>
<tr>
<td>Water Resources and Water Quality</td>
<td>The use of standard erosion and sediment control Best Management Practices (BMPs) in accordance with Erosion Control and Storm Water Quality Guide, CDOT, 2002 (or the most current version), would be included in the final design plans. A drainage master plan would be prepared in cooperation with the Urban Drainage and Flood Control District, E-470, CDOT, the City of Aurora, and the Counties of Adams and Arapahoe, ensuring that new interchange drainage facilities are compatible with adjacent facilities.</td>
</tr>
</tbody>
</table>

All work on the proposed action shall be in conformity with Subsection 107.25 and Section 208 of the CDOT Standard Specifications for Road and Bridge Construction. The proposed action’s location falls under the Colorado Department of Health and the Environment Phase I and Phase II Storm Water Regulations and would follow the requirements of CDOT’s Municipal Separate Storm Sewer Systems (MS4) permit. Specifically, the two CDOT Storm Water Management Programs that would apply are the Construction Sites Storm Water Management Program and the New Development and Redevelopment Planning Procedures for Storm Water Management. The City of Aurora, Adams County, and Arapahoe County are also Phase I or Phase II permit holders. As design proceeds, coordination among all permit holders will take place to make sure all requirements are met.

After a highway project is identified, the permanent BMPs planning process under MS4 is to determine if there would be water quality impacts. If there are, permanent BMPs are required. The permanent BMPs should be included in the proposed action’s preliminary design, including cost consideration. Once this design is underway, an environmental review can be performed that includes the conceptual BMPs. As the environmental document is being prepared, final determination on the BMPs is made.

continued
Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
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<tbody>
<tr>
<td>Water Resources and Water Quality (cont’d.)</td>
<td>Once this is completed, field review and preliminary design modifications are conducted, which is then followed by final BMP design and CDOT review.</td>
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<td>Through continuous collaboration with the Flyby design team, the E-470 Authority, and CDOT, the interim and ultimate condition analyses for the full I-70/E-470 interchange were coordinated so that permanent BMPs designed for the Flyby phase would also be used in the full I-70/E-470 interchange. This is documented in the I-70/E-470 Flyby Phase 1 Plan, February 2005. The Flyby did not impact the Harvest Road interchange area or the Picadilly Road interchange area; therefore, new water quality facilities have been proposed for those areas and are described in the I-70/E-470 Interchange Complex Preliminary Storm Drainage Design Report, (Parsons Brinckerhoff, 2006). This report would be submitted to CDOT before the completion of the EA process. Proposed permanent BMP water quality facilities were preliminarily sized using the Water Quality Control Volume equation presented in the Urban Drainage and Flood Control District (UDFCD) Urban Storm Drainage Criteria Manual, Volume 3, Best Management Practices. This equation bases the size of the basin on the amount of impervious area contributing to the basin. All permanent BMPs were designed to capture 100 percent of the initial runoff from the impervious surfaces in a ½-inch storm. This is the ‘water quality capture volume’ that is required by CDOT’s MS4 permit. The following specific BMPs from the Erosion Control and Storm Water Quality Guide, CDOT, 2002 (or the most current version), would be required during construction to reduce construction-related and/or long-term impacts to water resources:</td>
</tr>
<tr>
<td></td>
<td>▪ Adjacent disturbed slopes would be revegetated with native plant species to protect exposed soils from erosion.</td>
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<td></td>
<td>▪ Disturbance to vegetated areas would be minimized, and revegetation of disturbed vegetated surfaces would occur as soon as practicable. Where temporary or permanent seeding operations are not feasible because of seasonal constraints (e.g., summer and winter months), mulch and mulch tackifier would be applied to protect soils from erosion.</td>
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<tr>
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<td>▪ Sediment catch basins would be built during construction and permanently maintained to capture the sand from the road surface during winter sanding operations.</td>
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<table>
<thead>
<tr>
<th>Resources and Impacts</th>
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</thead>
<tbody>
<tr>
<td>Water Resources and Water Quality (cont’d.)</td>
<td>• Where appropriate, slope drains would be used to convey concentrated runoff from the top to bottom of disturbed slopes. Slope and cross-drain outlets would be constructed to trap sediment.</td>
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<tr>
<td></td>
<td>• Storm drain inlet barriers would be used where appropriate to trap sediment before it enters the cross-drain.</td>
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<tr>
<td></td>
<td>• Check dams would be used where appropriate to slow the velocity of water through roadside ditches and in swales.</td>
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<td></td>
<td>• Temporary retention ponds would be used to allow sediment to settle out of runoff before it leaves the construction area. These ponds may be combined with permanent detention ponds.</td>
</tr>
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<td></td>
<td>• Structural BMPs will be implemented to help control erosion and sedimentation within the drainage basin. These will include silt fences, drainage swales, sediment traps and sediment basins. Outlet protection, check dams and erosion bales will also be utilized. These combined measures will also improve water quality for the runoff being delivered further downstream. Non-structural BMPs will include litter and debris control, and landscaping and vegetative practices. Settling ponds for effluent from dewatering operations would be used, if needed.</td>
</tr>
<tr>
<td></td>
<td>During the design, the CDOT Hydraulic Engineer and Landscape Architect would review the project plans and provide comments as necessary.</td>
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<tr>
<td>Wetlands and Other Waters of the U.S.</td>
<td>Because no wetlands would be impacted, wetland mitigation would not be required.</td>
</tr>
<tr>
<td>Floodplains</td>
<td>Mitigation measures would be required to minimize impacts to the First Creek floodplain. New construction within regulated floodplains requires compliance with the Federal Emergency Management Agency’s (FEMA) regulations and criteria. The design of all roadway, drainage, and structural features would be in accordance with these criteria, as well as local jurisdictional requirements. This would require close coordination during the design process with several parties, including FEMA, CDOT, UDFCD, the City of Aurora, and any affected property owners.</td>
</tr>
</tbody>
</table>
|                                                           | As noted previously, there is a Master Plan for drainage improvements on First Creek. This report was prepared in anticipation of future developments, such as including the I-70/E-470 interchange complex. One of the purposes of such a report is continued...
Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
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| Floodplains (cont’d.)                     | to determine potential drainage problems and impacts of future development on the drainage system, and to develop proposed improvements to reduce these impacts. Implementation of various proposed improvements may be required as a mitigation measure, this would minimize risk associated with the action. These measures would also restore and preserve the natural and beneficial floodplain values.  
In addition to permanent measures to help control future flooding, other temporary measures would be required along First Creek during construction of the interchange. This includes use of standard CDOT and UDFCD erosion control techniques to minimize impacts to the drainageway. Implementation of BMPs would be required to help control erosion and sedimentation within the drainage basin. This would also improve water quality for the runoff being delivered further downstream. |
| Wild and Scenic Rivers                    | Since no wild and scenic rivers are present in the study area, no mitigation is necessary.                                                                                                                                 |
| Wildlife and Fisheries                    | No fisheries mitigation is required since no fisheries are present in the study area. The following mitigation measures are proposed to limit impacts to wildlife resources:                                                                                      |
|                                           | ▪ As possible, retention of large trees that have the potential to serve as raptor nesting habitat as specified by the Colorado Division of Wildlife (CDOW) wildlife biologist or project biologist.                                         |
|                                           | ▪ Removal of any trees with nests would be performed outside of the nesting period to be confirmed by CDOW. New trees would be planted when the area is landscaped at the completion of the project.                     |
|                                           | ▪ Bird nest removal would be timed to avoid active/nesting seasons. If necessary, nest surveys would be conducted immediately prior to construction.                                                                          |
|                                           | ▪ Removal of any bank swallow nests in the First Creek culverts under I-70 would be performed outside of the nesting period to be confirmed by CDOW.                                                                       |
|                                           | ▪ Addition of culverts for drainage will be installed and will be able to help small wildlife cross I-70, E-470, and other roadways.                                                                                 |
|                                           | ▪ Use of temporary and permanent erosion control measures to limit impacts to the First Creek channel, consistent with the project stormwater management plan.                                                     |
### Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Threatened and Endangered Species</td>
<td>Since no threatened and endangered species would be affected by the Preferred Alternative, no mitigation is required.</td>
</tr>
<tr>
<td>Historic and Archaeological Resources</td>
<td>In the event that cultural materials are exposed during the construction process, all activity would be immediately suspended in the area of discovery. The CDOT Staff Archaeologist would be notified in order for the cultural materials to be properly evaluated for National Register of Historic Places (NRHP) significance.</td>
</tr>
<tr>
<td></td>
<td>Because of the paleontologic sensitivity of the Denver Formation, a qualified paleontologist would monitor construction activities in all areas where construction impacts to this geologic unit are likely to occur. When the design plans are finalized, the CDOT Staff Paleontologist would examine them in order to estimate the scope and locations of probable construction impact to the Denver Formation and the scope and locations of paleontological monitoring work, if any, which are required.</td>
</tr>
<tr>
<td></td>
<td>If any subsurface bones or other potential fossils are found anywhere within the study area during construction, the CDOT Staff Paleontologist would be notified immediately to assess their significance.</td>
</tr>
<tr>
<td>Hazardous Waste</td>
<td>CDOT carefully considers the potential risks associated with hazardous waste on construction projects and utilizes Section 250 of the Standard Specifications for Road and Bridge Construction, CDOT, 2005 (or current version). Section 250 “Environmental Health and Safety Management” provides for the protection of the environment, persons and property from contaminants and includes special requirements for addressing hazardous waste, if encountered.</td>
</tr>
<tr>
<td></td>
<td>Encountering hazardous waste in soils or groundwater with the Preferred Alternative is not anticipated. Therefore, no Site Investigation is recommended. Pay items and appropriate notes placed in the final design plans as a precautionary measure would adequately protect worker health and safety, as well as provide the contractor and project engineer with suitable measures in the event that contamination is encountered from any source.</td>
</tr>
<tr>
<td></td>
<td>Construction debris, if encountered, shall be inspected by appropriate professionals for the possible presence of asbestos containing materials (ACM).</td>
</tr>
<tr>
<td></td>
<td>continued</td>
</tr>
<tr>
<td>Resources and Impacts</td>
<td>Mitigation or Benefit</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Hazardous Waste (cont’d.)</td>
<td>If ACM or asbestos-contaminated soil is encountered during soil-disturbing activities, that material shall be handled in accordance with the requirements of Colorado Department of Public Health and Environment regulations, 6 CCR 1007-2, Part 1, Section 5: Asbestos Waste Management.</td>
</tr>
<tr>
<td>Visual Resources</td>
<td>The following measures would reduce impacts to the existing visual landscape:</td>
</tr>
<tr>
<td></td>
<td>• All disturbed areas would be revegetated with native grasses as soon as practicable.</td>
</tr>
<tr>
<td></td>
<td>• All new structures, signing, and lighting would be consistent with local standards and guidelines.</td>
</tr>
<tr>
<td></td>
<td>• Architectural interest (such as texture, color, or design) would be provided for retaining walls, bridges, and other structural features. Wall materials and design would be coordinated with CDOT, local landowners, the E-470 Public Highway Authority, and the City of Aurora.</td>
</tr>
<tr>
<td></td>
<td>• Visual enhancements would be consistent with the principles of Context Sensitive Solutions as described in CDOT’s Context Sensitive Solutions Policy Memo dated October 31, 2005 (or current version).</td>
</tr>
<tr>
<td>Energy</td>
<td>Mitigation that would be implemented to reduce energy consumption during construction includes:</td>
</tr>
<tr>
<td></td>
<td>• Maximum use of on-site material to reduce haulage requirements.</td>
</tr>
<tr>
<td></td>
<td>• Proper maintenance of construction vehicles.</td>
</tr>
<tr>
<td></td>
<td>• Turning off equipment when not in use.</td>
</tr>
<tr>
<td></td>
<td>• Design of construction access roads and location of construction staging areas to minimize distances traveled.</td>
</tr>
<tr>
<td>Construction</td>
<td>Construction impacts would be mitigated by the contractor through implementation of control measures during construction. These measures include:</td>
</tr>
<tr>
<td></td>
<td>• Requiring the use of appropriate dust suppression measures to minimize dust impact associated with the construction activities.</td>
</tr>
<tr>
<td></td>
<td>• Requiring construction equipment to be properly maintained and equipped with proper working mufflers.</td>
</tr>
</tbody>
</table>
Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
<th>Resources and Impacts</th>
<th>Mitigation or Benefit</th>
</tr>
</thead>
</table>
| Construction (cont’d.) | - Designing a suitable construction staging area, and requiring that the contractor store materials and equipment within that area to minimize the visual impact.  
- Disturbance of vegetation and the creek channel will be kept to a minimum to reduce water quality impacts. Stormwater discharges from construction activities shall not cause or threaten to cause pollution or degradation to State waters.  
- Construction contractors will practice good management practices to reduce the likelihood of any spills that would cause pollution. Cleanup of spills would be conducted in compliance with Colorado hazardous waste regulations in 6 CCR 1007-3.  
- Construction staging and traffic control plans would be developed that minimize the disruption to traffic and access.  
- CDOT, the City of Aurora, and the E-470 Public Highway Authority would provide adequate public notice and maintain coordination with area residents and with the area’s emergency service providers to keep the public apprised of the construction progress and to inform the public of closures and detours.  
- The City of Aurora construction noise code requirements limiting noise levels at the neighborhood property lines to be no higher than 80 decibels (dBA) between 5:00 p.m. and 7:00 a.m. and 75 dBA between 7:00 a.m. and 5:00 p.m. would be enforced during construction.  
- Construction percussion operations, and truck loading, hauling, and routing would be scheduled during daytime hours and managed to minimize noise and vibration levels to surrounding neighborhoods.  

The following BMPs would be used to mitigate impacts to vegetation associated with the Preferred Alternative:  

- Minimize the amount of disturbance and limit the amount of time that disturbed areas are allowed to be non-vegetated.  
- Avoid existing trees, shrubs, and vegetation to the maximum extent possible, especially riparian plant communities.  
- Salvage weed-free topsoil for use in revegetation.  

Specific BMPs would be required during construction to reduce the potential for introduction and spread of noxious weed species and include: |

continued
### Table 3-1 (cont’d.): Mitigation Measures for the Preferred Alternative

<table>
<thead>
<tr>
<th>Resources and Impacts</th>
<th>Mitigation or Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction (cont’d.)</td>
<td>- Weed mapping would be included in the construction documents along with appropriate control methods for noxious weeds.</td>
</tr>
<tr>
<td></td>
<td>- Highway ROW areas would periodically be inspected by CDOT and others during construction and during post-construction weed monitoring for invasion of noxious weeds.</td>
</tr>
<tr>
<td></td>
<td>- Weed management measures would include removal or burial of heavily infested topsoil, chemical treatment of lightly infested topsoil, limiting disturbance areas, phased seeding with native species throughout construction, monitoring during and after construction, and other chemical and/or mechanical treatments.</td>
</tr>
<tr>
<td></td>
<td>- Use of herbicides would include selection of appropriate herbicides and timing of herbicide spraying, and use of a backpack sprayer in and adjacent to sensitive areas such as wetlands and riparian areas. In locations where spot application is not practicable, a wildlife biologist would inspect the area prior to spraying to ensure crucial habitat would not be impacted.</td>
</tr>
<tr>
<td></td>
<td>- Certified weed-free hay and/or mulch would be used in all revegetated areas.</td>
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<tr>
<td></td>
<td>- No fertilizers would be stored on the project site.</td>
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<tr>
<td></td>
<td>- Supplemental weed control measures may be added during design and construction planning.</td>
</tr>
</tbody>
</table>

Preventative control measures for design and construction include:

- **Native Plants**: Use of native species in revegetation sites.
- **Weed Free Forage Act**: Materials used for the project would be inspected and regulated under the Weed Free Forage Act, Title 35, Article 27.5, CRS.
- **Topsoil Management**: When salvaging topsoil from on-site construction locations, the potential for spread of noxious weeds would be considered. Importing topsoil onto the project site would not be allowed.
- **Equipment Management**: Equipment would remain on designated roadways and stay out of weed-infested areas until the areas are treated. All equipment would be cleaned of all soil and vegetative plant parts prior to arriving on the project site.
### Table 3-2: Local Commitments for Cumulative Impacts

<table>
<thead>
<tr>
<th>Resources and Impacts</th>
<th>Mitigation or Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Impacts</td>
<td>The following mitigation measures could reduce the proposed action’s portion of the cumulative impacts to the resources of concern:</td>
</tr>
<tr>
<td></td>
<td>• The City of Aurora has implemented zoning and comprehensive plans that assume open space set asides and that encourage Smart Growth development. These general principles should be specifically applied to new development proposals.</td>
</tr>
<tr>
<td></td>
<td>• Commitments by the City of Aurora to enforce Smart Growth principles and enforce open space set asides are recommended.</td>
</tr>
<tr>
<td></td>
<td>• The City of Aurora, which has zoning jurisdiction over much of the E-470 corridor, does not permit new residential zoning where existing or projected airport noise may exceed day-night noise level (Ldn) 60 decibels.</td>
</tr>
<tr>
<td></td>
<td>• Implementation of a setback requirement has been discussed by the City of Aurora and is recommended to minimize noise impacts.</td>
</tr>
<tr>
<td></td>
<td>• The City of Aurora has agreed to conduct noise impacts analysis on the future design options for Picadilly Road. The City will also consider alternate alignments, berms, or noise barriers as a mitigation measure for potential noise impacts.</td>
</tr>
<tr>
<td></td>
<td>• Addition of cross culverts for small urban mammals.</td>
</tr>
<tr>
<td></td>
<td>Creek impacts would be minimized and mitigated, as directed by the United States Army Corps of Engineers in the Section 404 permitting process.</td>
</tr>
</tbody>
</table>
Chapter 4.0  Coordination Process

The Notice of Availability of the Environmental Assessment and Public Hearing announcement was published in the following newspapers:

- *Denver Post* on November 13, 2006 and November 27, 2006
- *Rocky Mountain News* on November 13, 2006 and November 27, 2006
- *Aurora Sentinel* on November 16, 2006 and November 30, 2006

In addition, a newsletter was mailed to all residents in the project area that contained the Notice of Availability in November 2006. This newsletter (translated into Spanish) was also hand delivered to the two areas of environmental justice concern.

See Appendix A of this document for copies of the Notice of Availability, and the November 2006 Newsletter.

The public review period was advertised to begin on November 17th, 2006, and conclude on December 18th, 2006. All comments were directed to Mr. Jack Tone, Parsons Brinkerhoff, 1660 Lincoln St., Suite 2100, Denver, CO 80264.

The Environmental Assessment was available for public review at the following locations and at the public hearing:

**CDOT Region 1**  
Planning and Environmental Division  
18500 East Colfax Avenue  
Aurora, CO 80011

**Aurora Public Library**  
**Central Library**  
14949 E. Alameda Parkway  
Aurora, CO 80012

**Aurora Public Library**  
Chambers Plaza  
15057 E. Colfax Ave. #C  
Aurora, CO 80011
4.1 Public Comments Received at the Public Hearing

There were no written comments received at the Public Hearing. There were, however, a number of comments verbalized during the question and answer session. These comments and the responses to them were recorded by the transcriber at the Hearing. To view these comments and responses, please see the transcript located in Appendix B of this document. There were several verbal requests for additional information received at the Public Hearing as well. To view the written letters of responses to these requests, please see Appendix C of this document.
4.2 **COMMENTS RECEIVED AFTER COMPLETION OF THE EA, BUT NOT AT THE PUBLIC HEARING**

Two written public comments were received during the 30-day comment period; one via Email on December 8, 2006, and one letter on December 18, 2006. These comments and the associated responses can be viewed in Appendix C of this document. In addition, there were three phone calls requesting information or clarification. These phone calls are also documented in Appendix C.

A letter was received from the Environmental Protection Agency (EPA) commenting on the EA document. A response to this letter was drafted on February 23, 2007 and sent to the EPA addressing their concerns. Both the EPA letter and response letter can be found in Appendix D.
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Chapter 5.0 Clarifications to the Environmental Assessment

5.1 Finding of Section 4(f) De Minimis Impact

5.1.1 Project Description

The purpose of the project is to link the freeway and tollway systems, I-70 and E-470, in an efficient and safe manner while maintaining and enhancing local access for the existing and planned roadway system and future travel demand. This will be accomplished while maintaining the integrity of the mainline I-70 roadway, particularly with regard to traffic safety and operations.

5.1.2 Section 4(f) Resources

There are no publicly-owned lands used for recreation or park purposes that would be affected by the proposed action. There are three historic properties eligible for the NRHP in the study area. These include Site 5AM261.2, a segment of the Highline Canal, Site 5AM472.3, a segment of Kansas Pacific/UPRR Line, and Site 5AH2914.1, a segment of Colfax Avenue. The Highline Canal finding is no historic properties affected; therefore, it will not be analyzed for Section 4(f) impacts. The Kansas Pacific/UPRR Line finding is no adverse effect and is included in this analysis. Colfax Avenue as it traverses Arapahoe County is an NRHP eligible resource, however, the portion of Colfax within the study area has been realigned and rebuilt, and therefore does not convey the setting, feel, or association necessary to support the eligibility of the entire resource. Because of this, Colfax Avenue finding is also no adverse effect. It is included in this analysis as well.

5.1.3 The Preferred Alternative

The Preferred Alternative is composed of three separate interchanges. This interchange complex would replace the present diamond interchange at Gun Club Road that has been used as a temporary interchange to connect I-70 and E-470. The Preferred Alternative would also replace the partial interchange between I-70 and Colfax Avenue. A new freeway-to-freeway interchange is proposed to provide full directional movements between I-70 and E-470. Two system-to-service interchanges are proposed, one at I-70/Picadilly Road and one at I-70/Harvest Road.

Through the study area, I-70 would remain a four-lane freeway with two lanes in each direction. Auxiliary lanes would be added between the Picadilly Road interchange and the E-470 interchange, between Tower Road and Picadilly Road, and between E-470 and
the Harvest Road interchange. E-470 would be a six-lane freeway as included in the DRCOG 2030 MVRTP, with auxiliary lanes between the 6th Parkway interchange and the I-70 interchange.

The I-70/Picadilly Road interchange would be a partial cloverleaf interchange with a loop exit ramp from westbound I-70 to southbound Picadilly Road. Picadilly Road would be relocated west of the current location and would pass under new bridges that would carry I-70 over Picadilly Road. Picadilly Road would be realigned between Smith Road and 11th Avenue. Part of the No-Action Alternative that could occur concurrently with the Preferred Alternative is that the current Colfax Avenue along I-70 east of Picadilly be relocated south of its current location as part of the planned Horizon City Center development.

From a new “T” intersection with relocated Picadilly Road, the new Colfax Avenue would continue east under the E-470 Flyby roadway, which is now complete. To provide access to the existing development in the triangle between Colfax and I-70, a portion of the existing Picadilly Road ROW would be used for a connecting roadway that would include a bridge over the eastbound on-ramp to I-70/E-470.

The current eastbound on-ramp from Colfax to I-70 would be retained in approximately the same location and would have a braided arrangement with the eastbound exit ramp from I-70 to E-470. The exit ramp would be on structure passing over the on-ramp to I-70. A connecting roadway to East 19th Ave. in the Prologis industrial park would have a signalized intersection with Picadilly Road opposite the westbound on-ramp to I-70.

The I-70/Harvest Road interchange would also be a partial cloverleaf interchange with a loop ramp in the northeast quadrant to serve traffic from northbound Harvest Road to westbound I-70. Harvest Road would have a new bridge over I-70. Harvest Road would be located east of the section line to provide better spacing between this interchange and I-70/E-470. The Harvest Road profile would be designed to permit a future grade separation structure for the UPRR and Smith Road. Connecting roadways would be provided between Harvest Road and Smith Road.

Congestion management elements, such as ramp metering, ITS technology, and rideshare programs, would be incorporated with the design and implementation of the Preferred Alternative in concert with state, regional, and local agency programs.

5.1.4 Finding of De Minimis

Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (the most recent Transportation Act), Congress simplified parts of
Section 4(f) by creating a provision for *de minimis* findings. If impacts to a resource are minor or temporary, and there is no adverse effect to that resource, it can be cleared as *de minimis* and study of avoidance alternatives is not necessary. Below is more detail about the legislation.

The SAFETEA-LU was enacted August 10, 2005. Section 6009(a) (1) of SAFETEA-LU added a new subsection to Section 4(f) which authorizes the FHWA to approve a project that uses Section 4(f) lands that are part of a historic property, without preparation of an Avoidance Analysis, if it makes a finding that such uses would have *de minimis* impacts upon the Section 4(f) resource.

More specifically, with regard to Section 4(f) resources that are historic resources, Section 6009 of SAFETEA-LU adds the following language to Section 4(f)

(b) *De Minimis* Impacts. --

(1) REQUIREMENTS. --

(A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a *de minimis* impact on the area.

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of *de minimis* impact only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C.470f), that--

(i) the transportation program or project will have no adverse effect on the historic site; or

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

FHWA's December 13, 2005 *de minimis* guidance that clarifies the State Historic Preservation Officer (SHPO) role in *de minimis*, states that the SHPO must concur in

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1 This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).
writing on the Section 106 determination of "no adverse effect" or "no historic properties affected" and that the CDOT must notify the SHPO of the FHWA intention to make a de minimis finding based on concurrence with the Section 106 finding.

FHWA has made a determination, and the Colorado SHPO has concurred, that the proposed action would result in “no adverse effect” on the Kansas Pacific/Union Pacific Railroad (5AM472.3) and the Colfax Avenue Segment (5AH2914.1) for purposes of Section 106 of the NHPA (see description below). This determination is documented in Section 5.1.5 of this document.

This finding of “no adverse effect” reflects a conclusion that these impacts will not “alter, directly or indirectly, any of the characteristics of the historic properties that qualify the properties for inclusion in the National Register in a manner that would diminish the integrity of the properties’ location, design, setting, materials, workmanship, feeling, or association” as described in 36 CFR § 800.5(a)(1). Based on this finding, and taking into consideration the harm minimization measures that have been incorporated into the proposed action as documented in this Section 4(f) Evaluation, it is the conclusion of the FHWA that the proposed action would have de minimis impacts and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required. FHWA notified the SHPO of the de minimis determination on October 19, 2006 (see Appendix D).

5.1.5 Project Effects

Kansas Pacific/Union Pacific Railroad (5AM472.3): A new bridge structure will be built over the Kansas Pacific (now Union Pacific) Railroad. The new overpass will carry a northbound on-ramp to E-470. It will extend for a length of 300 feet and will feature a 24-foot vertical clearance over the railroad. Although final design is pending, the new overpass is anticipated to be 27 feet wide. Design will likely require placement of a new pier in the railroad ROW that will be in line with the piers of two existing structures. The new overpass will be immediately adjacent to the two existing railroad overpasses. Like the proposed bridge, the existing overpasses are both 300 feet long and feature vertical clearances of 24 feet over the railroad. The existing bridges need to be widened by 10 feet. CDOT, on behalf of FHWA, has determined that these improvements will result in no adverse effect to the historic Kansas Pacific/Union Pacific Railroad.

Colfax Avenue Segment (5AH2914.1): The original alignment of Colfax Avenue east of Picadilly Road was destroyed during the construction of I-70 in the mid-1960s. At that time the Colfax Avenue moniker was applied to the south frontage road, which was built as part of the I-70 project. The existing south frontage road along I-70 between
Picadilly Road east to Powhaton Road is signed as Colfax Avenue. To provide space for the ramps and connecting roadways between Picadilly Road and E-470, and space for the ramps at the I-70/Harvest Road interchange, the existing south frontage road would be relocated to the south between E-470 and Powhaton Road. CDOT, on behalf of FHWA, has determined that these proposed improvements would result in no adverse effect to Site 5AH2914.1, as this part of the roadway already lacks historic integrity.

5.1.6 Measures to Minimize Harm

For the new ramp bridge over the railroad, one new pier will be placed in the railroad ROW, but will be in line with the piers of the existing E-470 bridges. No tracks will be realigned. The new bridge structure and the two widened bridges will not physically change the alignment of the railroad or diminish its significant qualities. The railroad will continue to be eligible under Criterion A for its role in the settlement and development of Colorado and the American West. CDOT, on behalf of FHWA, has determined that these improvements will result in no adverse effect to the historic Kansas Pacific/UPRR line.

For this segment of Colfax Avenue, CDOT, on behalf of FHWA, has determined that these proposed improvements would result in no adverse effect, as this part of the roadway already lacks historic integrity.

5.1.7 Coordination/Consultation

The SHPO concurred with the no adverse effect finding for Colfax Avenue (5AH2914.1) in correspondence dated May 15, 2006. In a letter dated July 12, 2006, the SHPO similarly concurred that there would be no adverse effect to the Kansas & Pacific Railroad (5AM472.3). In letters dated April 26, 2006, Adams County, Arapahoe County, and the Aurora History Museum were afforded the opportunity to comment on the Section 106 findings. No comments were received. Concurrence by FHWA with the de minimis finding by CDOT was achieved on November 1, 2006. See Appendix D for this documentation.

In addition, the finding of de minimis impact to the railroad and Colfax Ave. was presented at the public hearing on December 7, 2006. No comments were received regarding this finding.

5.2 Clarification on Cumulative Impacts

The incremental impact of the Preferred Alternative does not result in effects that cause an unacceptable deterioration in the human quality of life. It would not cause
significant impacts to any one or more of the resources of concern. It would not result in effects that would exceed the capacity of a resource or ecosystem to sustain itself or remain productive.

5.3 CLARIFICATION TO FLOODPLAIN IMPACTS

The EA document states that 11.4 acres of the First Creek floodplain are impacted by this interchange project. However, in actuality approximately eight of those acres are impacted by the Eastgate and Prologis industrial park developments. Approximately 3.4 acres of the floodplain will be impacted by the interchange project. In addition, construction within the floodplain will not increase the upstream or downstream water surface elevation outside the project limits. The footprint of the floodplain impact will be minimized by the use of a retaining wall along Ramp O south of 19th Avenue, as well as an elevated structure spanning 19th Avenue and the floodplain north of 19th Avenue.

An alternative alignment for Ramp O that would have avoided the floodplain impacts was evaluated but it required acquisition of additional ROW, including portions of the adjacent Prologis industrial park and relocation of Smith Way. This also would have resulted in a substandard spacing of decision points between the exit from westbound I-70 and the split between Ramp O and Ramp T.

Regulations dealing with construction in a floodplain are intended to avoid loss of life and property. The proposed construction will not be inhabited and will be adequately protected from flood forces.

Finally, both the Eastgate and Prologis industrial parks, the only adjacent developable areas in the First Creek floodplain, are in the process of obtaining the necessary Conditional Letter of Map Revision and Letter of Map Revision to document their proposed impacts. The preliminary mitigation measures cited were based on initial, 10 to 15% design. Floodplain mitigation requirements, if any, will be included in final design services, and will comply with Executive Order 11988, Floodplain Management; U.S. DOT Order 5650.2, Flood Management and Protection; and 23 CFR 650, Subpart A.
Chapter 6.0  Conclusion—Selection of the Preferred Alternative

Based upon the EA, the Public Hearing transcript, and comments received and the responses to them, the FHWA has determined that the alternative as described in Section 2.6 of the I-70/E-470 Interchange Complex Environmental Assessment is the Preferred Alternative.
APPENDIX A:
NOTICE OF AVAILABILITY
Invitation to Public Hearing

L-70/E-470 INTERCHANGE COMPLEX

December 7, 2006
4:30 – 7:00 PM – Public Hearing / Open House
5:30 PM - Brief Presentation
E-470 Administrative Offices
22470 East 6th Parkway, Aurora, CO 80018

You are invited to attend a Public Hearing for the completion of the Environmental Assessment (EA) for the L-70/E-470 Interchange Complex located in Aurora, Colorado.

The City of Aurora, the E-470 Public Highway Authority (E-470 PHA), and the Colorado Department of Transportation (CDOT) Region 1 collaborated to complete an EA and a preliminary engineering study of the L-70/E-470 Interchange Complex. The Federal Highway Administration (FHWA) is the lead agency.

The study included the L-70 and E-470 interchange and two potential new L-70 interchanges at Picadilly Road and Harvest Road, as well as the elimination of access to L-70 at Gun Club Road.

A brief presentation will include information on the environmental and traffic studies, and the evaluation of the interchange improvements. Display boards will include details of the screening process, the Preferred Alternative, and the environmental impacts.

The EA document will be available for review and comment from November 17th through December 18th at the following locations:

- **Aurora Public Library**
  Central Library
  14949 E. Alameda Pkwy

- **E-470 PHA**
  Administrative Offices
  22470 East 6th Pkwy

- **Aurora Public Library**
  Chambers Plaza
  15057 E. Colfax Ave. #C

- **CDOT**
  Region 1 Offices
  16500 East Colfax Ave.

- **City of Aurora**
  Planning Dept., 2nd Floor
  15151 E. Alameda Pkwy

- **FHWA**
  12300 W. Dakota Avenue
  Lakewood, CO 80228

After the public and agency comment period has ended, all comments received, including those received at the Public Hearing, will be compiled and responded to in a decision document. Once this decision document has been reviewed and approved by FHWA, the environmental process as required by the National Environmental Protection Act (NEPA) will be complete.

There are several ways to comment on the environmental document, and the project in general, including providing comments to an official transcriber at the hearing. If you are unable to attend, please provide your comments by sending an e-mail to tone@otworld.com. You may also call or mail your comments to:

Parsons Brinckerhoff *
Attn: Jack Tone
1660 Lincoln Street, Suite 2100
Denver, CO 80264
Phone (303) 390-5883

* Persons with disabilities may send a fax to Jack Tone at (303) 832-9096 or email to tone@otworld.com to arrange for special services 48 hours in advance of the meeting.
THE Denver Newspaper Agency
DENVER, CO

PUBLISHER'S AFFIDAVIT

City and County of Denver,
STATE OF COLORADO, SS.

Mary Coulter

being of lawful age and being first duly sworn upon oath, deposes and says:

Legal Advertising Reviewer

That I have sworn to the
Of the Denver Newspaper Agency, publisher of the Denver Post and
Rocky Mountain News, daily newspaper of general circulation published
and printed in whole or in part in Denver, in the County of Denver and
State of Colorado, and that said newspaper was prior to and during
all the time hereinafter mentioned duly qualified for the publication of
legal notices and advertisements within the meaning of an Act of the
General Assembly of the State of Colorado,
Approved April 7, 1921, as amended and approved March 30, 1923;
And as amended and approved March 5, 1935, entitled "An Act
Concerning Legal Notices, Advertisements and Publications and the
Fees of printers and publishers thereof, and to repeal all acts and parts
Of acts in conflict with the provisions of this Act and amendments
Thereto:

That the notice, of which the answered is a true copy, was published in
The said newspaper as at (date of publication)

November 13, 2006

Mary Coulter

Signature

Subscribed and sworn to before me this . . . . 27th day

Of November . . . A.D. 2006

My commission expires . . . . 6/5/10

SUSAN BROWN
PUBLIC NOTARY
STATE OF COLORADO

Invitation to Public Hearing

December 7, 2006

4:00 - 7:00 PM - Public Hearing-One House
6470 E. 47th Ave., Denver, CO 80222

You are invited to attend a Public Hearing for the consideration of the Environmental Assessment (EA) for the 400-499th Street project located on the northeast side of the intersection of E. 48th Ave. and E. 49th Ave. at E. 49th Ave. and the Environmental Impact Statement (EIS) for the 400-499th Street project located on the northeast side of the intersection of E. 48th Ave. and E. 49th Ave. at E. 49th Ave.

The notice of public hearing will take place at the Public Hearing and will include an explanation of the alternative plans and the environmental impacts of each plan. The notice of public hearing will also include the potential alternatives and the environmental impacts of each plan.

The notice of public hearing will be available for review and comment from November 7th through December 7th, at the following locations:

- Aurora Public Library, 1951 S. Centennial Ave., Aurora, CO 80014
- Aurora Public Library, 900 S. Broadway, Denver, CO 80206
- Aurora Public Library, 160 S. Galapagos Ave., Denver, CO 80206
- City of Aurora, 730 S. Galapagos Ave., Denver, CO 80206
- 400-499th Street project, 400-499th Street project, Denver, CO 80206

After the public hearing, the City of Denver will consider the comments and make a decision. If the decision is to proceed with the project, the City of Denver will be required to obtain permits from the Federal, State and local agencies.

There are several ways to comment on the environmental assessment and the potential alternatives. You can write to the City of Denver at 400-499th Street project, 400-499th Street project, Denver, CO 80206, or you can call (303) 842-3420.

Persons with disabilities may need to call (303) 842-3420 or email MATT@DENVER.GOV to arrange for special services or help in reading or understanding the hearing.

Persons desiring to attend the Public Hearing are requested to contact the Project Manager at (303) 842-3420 or email MATT@DENVER.GOV for assistance in making special arrangements for access to the hearing.

Persons desiring to comment on the Environmental Assessment or the potential alternatives are requested to submit their comments in writing to the City of Denver at 400-499th Street project, 400-499th Street project, Denver, CO 80206, or by calling (303) 842-3420.
Thank You to The Voters House District 36

putting your interests above SPECIAL interests

invitation to public hearing

December 7, 2006

4:30—7:30 PM — Public Hearing / Open House
5:30 PM - Brief Presentation
6:00 PM - Administrative Office
2240 East 6th Parkway, Aurora, CO 80018

You are invited to attend a Public Hearing for the completion of the Environmental Assessment (EA) for the I-70/I-470 Interchange Project located in Aurora, Colorado.

The City of Aurora, the I-70/I-470 Public Authority (I-70/I-470 PA), and the Colorado Department of Transportation project (CDOT) Region 1, in cooperation with the Colorado Department of Transportation, the Federal Highway Administration and the U.S. Department of Transportation, the U.S. Department of Housing and Urban Development, and the U.S. Department of the Interior, have been coordinating the study of the I-70/I-470 Interchange Project. The study includes the I-70/I-470 interchange and the potential new north-south interchange at Platte Road and Harvest Road, as well as the elimination of access to I-70 at U.S. 25.

A brief presentation will include information on the environmental and traffic studies, and the evaluation of the interchange improvements. This meeting will include the public hearing comments, the Environmental Assessment, and the environmental and traffic studies.

The EA statement will be available for review and comment from November 17 through December 19 at the following locations:
- Aurora Public Library
- I-70/I-470 Authority
- Aurora Public Library
- Central Library
- Cheyenne Plaza
- 1300 East Colfax Ave. NE
- 1300 East Colfax Ave. W
- 1500 East Colfax Ave. NE
- 1500 East Colfax Ave. W
- 13200 W. Dakota Avenue
- 1501 E. Arapahoe Ave.

After the notice of public hearing has been conducted, as required, the CDOT will review and respond in a decision document. Since this decision document has been reviewed and approved, the environmental assessment process required by the National Environmental Policy Act (NEPA) will be completed.

There are several ways to comment on the environmental statement, and the public hearing, including submitting comments to the public hearing. If you are unable to attend, please leave your comments by voice mail on the Environmental Assessment process. You may also call 703-877-7950 to provide your comments.

Parsons Brinckerhoff Inc.
1400 Lincoln Street, Suite 800
Denver, CO 80203
Phone: (720) 878-1600
Fax: (303) 893-3939

Parsons will also conduct a public hearing on the project at 4:30 PM on December 7, 2006, at the I-70/I-470 Authority Building, 1500 East Colfax Avenue, Denver, CO 80203.

Nine Mile parking could be tighter fit

Light rail service begins this week; parking a concern

By Todd Fischer
The Aurora Sentinel

Parking problems at Aurora's Nine Mile Station could cause more of a headache than it would ease commuting problems for riders hoping to take advantage of the new expanded light rail service that opens Nov. 11.

Currently, finding a spot at the 1.32-acre parking garage at the Nine Mile Station while at the northbound entrance of Interstate 25 and Parker Road can be an issue on heavy traffic days — and with the anticipated rush of commuters using the rail, that choice may soon be 20th (up Interstate 25 to Denver).

According to Fisher, a spokesperson for Nine Mile, the new parking garage has a total of 1,000 spaces, but the expansion will not make it easier for commuters to find a space.

"The new garage will definitely accommodate this, but we are hoping that people take advantage of the free parking on the North Side," Fisher said.

Fisher also said that the new garage will be able to accommodate the new passengers, but that there will be an increase in the number of passengers to be accommodated in the future.

"We have had an increase in the number of passengers, but we are hoping that people take advantage of the free parking on the North Side," Fisher said.

On the Net
For info on more changes, visit www.southaustin.com.

Adams coroner considers Fitzsimons satellite office

By Brandon Johnson
The Aurora Sentinel

With at least two hospitals scheduled to open in the coming months, the Adams County Office of the Medical Examiner is considering opening a satellite office in the new city of Fitzsimons in Aurora. The office would be located at Fitzsimons Medical Center, a 1.3-acre medical office building that opened in 2004.

"We are looking at the opportunity to open a second facility in the city of Fitzsimons," said Jon M. Hinde, the county's coroner.

At least two hospitals — the University of Colorado Medical Center and Aurora Medical Center — are set to open in 2007 and 2008 on the Fitzsimons campus near Interstate 25 and Colo-ado Avenue.

"We are looking at the opportunity to open a second facility in the city of Fitzsimons," said Hinde.

"With the new hospitals opening, we are looking at the opportunity to open a second facility in the city of Fitzsimons," said Hinde.

For information on the search for the coroner, call 303-756-2000 or visit the office's website at www.aurora-sentinel.com.
Digging up sand to pay for a new city recreation pond

Selling mining rights could generate $1 million

By J.C. O’Connell * Aurora Sentinel Staff Writer

S and could pay for a fishing, boating and recreation pond that would serve as a centerpiece for a new park in north Aurora.

The city’s Open Space and Environmental Affairs Committee discussed Nov. 30 the results of an analysis by city consultant Jack Cooper of the possibilities of selling sand mining rights.

This is a unique opportunity that we have the potential to passively generate revenue in 15 to 16 years for the city’s open space needs,” said Jack Cooper, director of Aurora’s Parks and Open Space department.

The city acquired the land with open space funding and expects the Rio Grand Co. that owns the adjacent plot to donate the already merged 55 acres of land to the park.

“I think it’s a pretty good concept, we ought to pursue further,” said Aurora City Councilman Ryan Fenter.

City administrator Bob Stemen said he would pursue a fishing hole as a kid and teen bond for children.

The city would also improve the quality of life for residents of the area.

From BLAZES, page A5

...more than the damage it does. Colorado wants a closer look at the river. That consists of a panel of four days for people and the20 residents of the city manager picks. The study should be completed by the end of the year.

Here’s how it works:

* New York City’s mayor, who is a Democrat, has announced that police officers on patrol must wear cameras. This means that any police officer who is not wearing a camera will be suspended for at least seven years.

* Police officers are required to wear cameras on their heads, and they must turn the cameras on when they are on duty. If a police officer is caught without a camera, they will be disciplined.

* Police departments have been required to wear cameras since 2015, but the new requirements are stricter and will be enforced more rigorously. This means that if a police officer is caught without a camera, they will be suspended for at least seven years.

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December 7, 2006 Public Hearing

The City of Aurora, the E-470 Public Highway Authority (E-470 PHA), and the Colorado Department of Transportation (CDOT) Region 1 collaborated to complete an Environmental Assessment (EA) and a preliminary engineering study of the I-70/E-470 Interchange Complex located in Aurora, Colorado. The Federal Highway Administration (FHWA) is the lead agency.

The study included the I-70 and E-470 interchange and two potential new I-70 interchanges at Picadilly Road and Harvest Road, as well as the elimination of access to I-70 at Gun Club Road.

The public is invited to attend a public hearing to be held on December 7, 2006 at the E-470 Administrative Offices from 4:30 to 7:00PM.

- City of Aurora Planning Dept., 2nd Floor 15151 E. Alameda Pkwy
- E-470 PHA Administrative Offices 22470 East 6th Pkwy
- CDOT Region 1 Offices 18500 East Colfax Ave.

After the public and agency comment period has ended on December 18th, all comments received, including those received at the Public Hearing, will be compiled and responded to in a decision document. Once this decision document has been reviewed and approved by FHWA, the environmental process as required by National Environmental Policy Act (NEPA) will be complete.

Audiencia Pública el 7 de diciembre de 2006

La Ciudad de Aurora, las Autoridades de Carretera Pública E-470 (E-470 PHA), y el Departamento de Transportación de Colorado (CDOT) Región 1 trabajaron para completar una Evaluación Ambiental (EA) y un estudio de ingeniería preliminar del I-70/E-470 Complejo de Intercambio localizado en Aurora, Colorado. La Administración de Carretera Federal (FHWA) es la agencia principal.

El estudio incluyó el intercambio de E-470 en I-70 y dos intercambios nuevos de I-70 potenciales en el Camino de Picadilly y el Camino Harvest Road, así como la eliminación del acceso a I-70 desde el Gun Club Road.

El público está invitado a asistir a una audiencia pública que tendrá lugar el 7 de diciembre de 2006 en las Oficinas Administrativas E-470 de 4:30 a 7:00PM.

El público está animado a proporcionar comentarios sobre la finalización del EA. Un transcriptor oficial estará presente en la audiencia pública para registrar comentarios.

Una breve presentación incluirá la información en los estudios ambientales y estudios de tráfico, y la evaluación de las mejoras de intercambio. Los tableros de demostración incluirán detalles del proceso de proyección, la Alternativa Preferida, y los impactos ambientales.

El EA estará disponible para la revisión después del 17 de noviembre de 2006 en los lugares siguientes:

- Aurora Public Library Central Library 14949 E. Alameda Pkwy

Después de la audiencia pública y periodo de comentario de agencia se ha terminado el 18 de diciembre, todos los comentarios recibidos, incluso aquellos recibidos en la Audiencia Pública, serán compilados y respondidos en un documento de decisión.

Cuando este documento de decisión ha sido examinado y aprobado por FHWA, el proceso ambiental como requerido por el Acto de Política Ambiental Nacional (NEPA) será completo.
Background Information

In June 2003, CDOT, the E-470 PHA, and the City of Aurora initiated a study of options to reconstruct the I-70/ E-470/ Gun Club Road Interchange.

During the process, the three study partners agreed that maintaining local access to I-70 at Gun Club Road within the freeway-to-tollway interchange was problematic, requiring options for access to be developed.

First, problems and deficiencies, called the "Purpose and Need", to be addressed by reconstruction options were identified.

Those problems and deficiencies included:
- Improve regional mobility
- Correct roadway deficiencies
- Enhance access for the adjacent land uses

Nine alternatives were developed for further analysis to determine their ability to meet the project's Purpose and Need.

In-depth screening was performed to determine the alternatives that met the Purpose and Need and those that had less merit were eliminated.

The screening ultimately resulted in the selection of a Preferred Alternative, which was presented to the public on October 19, 2005 for review and comment.

Description of Preferred Alternative

The preferred plan for the interchange between the I-70 freeway and the E-470 tollway would include three levels of roadways and ramps.

The diamond ramps at I-70 and Gun Club will ultimately be removed with the construction of the new I-70 interchanges at Picadilly and Harvest. Detailed exhibits of the concept plans will be available at the public hearing.

At Picadilly and Colfax, a new partial cloverleaf interchange is planned with two new bridges to carry I-70 over Picadilly Road. The existing eastbound on ramp from Colfax would be retained. Picadilly Road would now be placed below grade to go under I-70.

The Preferred Alternative also includes provision for relocation of Colfax between Picadilly Road and E-470 to a more southerly location as approved by Aurora in the Framework Development Plan for Horizon City Center.

At Harvest Road, a new partial cloverleaf interchange is proposed with a loop ramp to serve traffic from northbound Harvest to westbound I-70.

Similar to the southward relocation of Colfax west of E-470, a more southerly location for Colfax is planned between E-470 and Harvest Road to be further defined in coordination with future development plans.
Summary of Environmental Consequences & Mitigation

The major environmental impacts of the Preferred Alternative are:

- The Preferred Alternative would influence the location of the ongoing development in this rapidly changing area. However, such development is already occurring consistent with local and regional land use plans and is supported by the City of Aurora, which is the local jurisdiction responsible for planning and zoning, as well as by DRCOG, the regional planning agency.
- From a social and economic perspective, construction of the Preferred Alternative would result in improved local and regional accessibility. Reduced travel times and improved mobility for local residents to regional destinations are expected to occur.
- The Preferred Alternative would not require the displacement or relocation of any residence or business in the study area. New right-of-way to be required consists of approximately 235 acres from 13 parcels mostly located at the proposed Picadilly Road and Harvest Road Interchanges.
- The Preferred Alternative would impact First Creek. Permanent modification to the stream would be necessary. A Nationwide Section 404 Permit would be required for this impact. Also, the floodplain of First Creek would be impacted.
- The Preferred Alternative would result in the loss of a few trees in the northeast quadrant of the I-70/E-470 interchange that provide nesting and roosting sites for birds. Undeveloped lands that provide wildlife habitat would be impacted.
- A required bridge widening for I-70 and a new bridge for a connecting ramp to E-470 would span the Kansas Pacific/Union Pacific Railroad grade, a historic railroad. However, because the pier placement would essentially replicate the piers that are currently in place, there would be no adverse impact to the historic character of the railroad.
- Cumulative impacts to noise and wildlife have been identified. Although there would be no direct impacts to wetlands under the Preferred Alternative, extensive growth and development in the area has generated concern for wetland resources. Therefore, cumulative impacts to wetlands were analyzed and identified under the Preferred Alternative. The proposed action would contribute to the ongoing development of the area. The incremental impact of the Preferred Alternative would not cause significant impacts to any of the environmental areas of concern or result in impacts that cause an unacceptable deterioration in the human quality of life.

Along with required mitigation, through environmental stewardship by CDOT, E-470 PHA and the City of Aurora, Best Management Practices (BMPs) will be employed.

These include:

- Good communication during design and construction will be implemented with emergency services, local businesses, government agencies, and residents regarding traffic delays and access changes.
- Measures will be taken to protect against erosion of soil, extensive water runoff, the quality of water runoff, and disturbance to vegetation.
- In compliance with the Federal Emergency Management Agency (FEMA) regulations and criteria, the design of all roadway, drainage, and structural features will protect against disturbance of the drainage system.
- Retention of large trees where possible, obtaining a nest predation permit, and use of temporary and permanent erosion controls are measures that will be employed to safeguard wildlife and offset impacts due to increased surface runoff.

Figure 2: Environmental Process and Schedule

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<td>Public Meeting</td>
<td>Jul 14, 2004</td>
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<tr>
<td>Public Meeting</td>
<td>Feb 22, 2005</td>
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<tr>
<td>Public Meeting</td>
<td>Oct 19, 2005</td>
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<td>Public Meeting</td>
<td>Dec 7, 2006</td>
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<td>Public Hearing</td>
<td>Fall 2006</td>
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<td>Winter '06-'07</td>
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Progress
A public hearing is being held for the completion of the Environmental Assessment for the I-70/E-470 Interchange Complex project from 4:30 to 7:00 PM. A brief presentation will be provided at 5:30 PM. There will be several ways to comment on the document including providing comments to an official transcriber at the hearing.

**Thursday, December 7, 2006**
**4:30 – 7:00 PM**
**E-470 Administrative Offices**
**22470 East 6th Parkway**
**Aurora, CO 80018**

**Document Review Locations**
The EA will be available for review and comment from November 17th through December 18th at the following locations:

- **Aurora Public Library**
  Central Library
  14949 E. Alameda Parkway

- **E-470 PHA**
  Administrative Office
  22470 East 6th Parkway

- **Aurora Public Library**
  Chambers Plaza
  15057 E. Colfax Avenue, #C

- **CDOT Region 1**
  18500 East Colfax Avenue

- **City of Aurora**
  Planning Dept., 2nd Floor
  15151 E. Alameda Parkway

**Ways to Comment**
To provide your comments by December 18, 2006:
- Provide comments to the Project Team or official transcriber on-hand at the hearing;
- Drop your comments in the comment boxes provided at the hearing;
- Call the project team member listed below; or
- Write a letter with suggestions, comments, or concerns and send it to the address listed below.

**Parsons Brinckerhoff**
Attn: Jack Tone
1660 Lincoln Street, Suite 2100
Denver, CO 80264
Phone: (303) 390-5883
Fax: (303) 832-9096
E-Mail: tone@pbworld.com

* In compliance with the Americans with Disabilities Act, persons with disabilities or with hearing impairments may send a fax to Jack Tone at (303) 832-9096 or email to tone@pbworld.com arrange for special services 48 hours in advance of the meeting.

** Persons con la necesidad de traducción a español pueden ponerse en contacto con Christina Kirwin en (303) 537-5727 o enviar un correo electrónico a ckirwin@e-470.com para hacer los arreglos para servicios especiales unas 48 horas antes de la reunión.
APPENDIX B:
TRANSCRIPT OF PUBLIC HEARING
DECEMBER 7, 2006
1-70/E-470 INTERCHANGE COMPLEX
ENVIRONMENTAL ASSESSMENT

PUBLIC HEARING
MR. TONE: We appreciate all of you coming tonight. This is a -- a public hearing for the I-70/E-470 Interchange Complex. We're -- I think, we've got a board up here somewhere -- oh, I guess it's over there -- that says, What is an environmental assessment? That is -- Let me -- let me first go through this. I won't get out of order here. This has been a cooperative project between the CDOT, the E-470 Public Highway Authority, and the -- and the City of Aurora; and the Federal Highway Administration is the lead federal agency. I'm with the firm of Parsons, Brinckerhoff. My name is Jack Tone. I'm the project manager, and we've been working with the Carter Burgess and Felsburg Holt & Ullevig on this project. We really encourage you to look at the exhibits that we have around the room, to ask questions. We've got two or three locations where you can provide your comments. And, also, at the end of my presentation, we do have a court reporter -- recorder with us. Ellie will -- if you come over here, she'd be glad to -- to take your oral statements and make those part of the -- the record as well.
The project study area extends along I-70 from the Tower Road interchange all the way over to Monaghan Road and along E-470 from 6th Parkway to 26th Avenue. We're here tonight to discuss the preferred alternative, the proposed action, which would include -- This -- this drawing probably has the most detail, if you want to look at this. This shows the direct future interchange between E-470 and I-70 as well as new interchanges at Picadilly and I-70 and Harvest Road and I-70.

Ultimately, the plan calls for the elimination of the existing diamond ramps at Gun Club Road and also replacement of the existing partial interchange between I-70 and Colfax with the new interchange at Picadilly Road.

I was ahead of myself, but here's -- the requirements for an environmental assessment are laid out in the National Environmental Policy Act of 1969. It involves open public involvement. This is really the fourth public meeting that we've had on this project. We've had -- and many of you have attended all the meetings prior to this as well, and we appreciate your -- your input. We have to evaluate reasonable
alternatives, and we have to make a complete
disclosure of impacts. And particularly the
impacts are discussed on some of the boards up in
this area, and then also we do have copies of the
environmental assessment document. We've also had
those on display available for public inspection
for over -- over 30 days now at the -- two
libraries here in Aurora, at the Aurora Municipal
Building, at CDOT's office at Tower and Colfax,
and also here at the E-470 offices.

A basic part of the process was to first
examine the purpose and need of the -- of the
action; and these are really the three primary
purposes, to improve mobility, to correct some of
the existing roadway deficiencies, and to enhance
access to the adjacent land uses. As you know,
traffic is continuing to increase on both I-70 and
E-470, major -- major regional and interregional
facilities; so this is going to be a very critical
location for mobility both now and in the future.

This is the listing of the resources
that we have evaluated during the environmental
assessment process. I won't -- I won't read all
of these, but -- but it is on the board back there
next to Mac -- Mac Callison ranging from social
and economic impacts, land use impacts, noise and
air quality, impacts on historic property, and
indirect and cumulative impacts; and I think we've
got a number of those boards with more detail.

In order to implement the project, there
will be additional right-of-way required. E-470
has previously acquired major acreage in the -- in
the interchange location, and all of the ramps in
this area can be accommodated on either the CDOT
right-of-way or the E-470 right-of-way. Where new
right-of-way will be required would be for the
Harvest Road interchange to the -- to the east and
for the -- the Picadilly Road interchange to the
west. Interchanges with loop ramps are proposed
at both of those locations, and right-of-way would
be required for the relocation of Picadilly and
for the construction of Harvest Road in this area.
Also, right-of-way would be required for the
relocation of Gun Club Road in this area as well.

Currently, the City of Aurora -- We've
got a copy of their comprehensive plan on the --
on the chart over here. This shows some of the
immediate study area in more detail. The green
lines are planned new -- new road facilities,
arterial streets, extending 6th Parkway to the
east, completing 19th Avenue, extending --
relocating Colfax in this area, and extending
Harvest Road. It currently exists south of
6th Parkway. The City's plans call for extending
Harvest Road across I-70, across the railroad, and
continuing north to 48th Avenue.

In addition, E-470 in the future does
plan on adding additional lanes to the E-470
main -- main roadways, not really determined
exactly the number of lanes; but it definitely,
the way traffic is growing on E-470, will require
widening in the future. And, of course, E-470
also has provision in the median for a -- a future
transit facility too; so we do anticipate that as
the -- as the area continues to develop, it will
be feasible to provide additional separated
transit facilities. The City also includes a
widening of Picadilly in their -- in their
future -- future planning.

We have conducted a noise analysis of
the proposed alternative, and you can see there's
a number of places where we've actually taken
noise readings in the area. We've even taken some
noise -- noise readings beyond the -- beyond the
study area in the Gun Club Estates area over here,
at the Crosscreek area, and up here near the mobile -- mobile home park at Powhatan Road just so we had a good coverage of noise -- current noise information. Then we've also with the -- with the future traffic, we've -- we've modeled the noise that would -- would be experienced once this preferred alternative is -- is constructed. And I think the details of the -- the results of that modeling are described in much detail in the -- in the EA. We've also looked at direct and indirect areas effects. The indirect areas, we looked all the way up to 32nd and 26th all the way out to Monaghan and, again, across 6th Parkway and up Tower Road. And the cumulative impacts area, we did a very extensive evaluation of cumulative impacts looking at a whole four-mile radius area around the -- the interchange.

I'd like particularly to have you look at the three historic effects that we've -- we've identified. One is the effect on Colfax Avenue. Colfax is -- and parts of Colfax are considered eligible for the National Register of Historic Properties, but this portion where, in effect, it's already been replaced by the I-70 roadway is really considered nonsupporting. The Highline
Canal which goes under I-70 close to the Tower Road interchange is also eligible for the National Register, and we -- none of our construction actually goes as far as the -- as the Highline Canal structure that -- where I-70 goes over the canal. The third potential historic property is the -- the railroad through this area. Obviously, the old Kansas and Pacific Railroad was built back in the 1860s, and that is potentially eligible for the -- for the Register. Not much left of that original 1860 construction, but it's -- it's still considered eligible; and we've looked at that very, very carefully with the State Historic Office.

We'd like particularly tonight to call your attention to Section 4(f) of the Federal Transportation Act that gives special protection to historic resources. I've outlined the three resources in this area. Again, we have no effect on the Highline Canal. And CDOT has determined and the state historic preservation officer has concurred that even though the railroad and Colfax would be impacted by the project, there would be no adverse effect on the two historic properties. Because of this no adverse effect determination,
the rules of Section 4(f) de minimis apply; and that means that we have to document the impacts but that no avoidance alternatives are required. So, again, we would like tonight particularly to get your input on this -- on this determination. Again, when I -- when I complete this, we'll have some questions and answers. And, again, if you wish any comments on the historic determination, do fill out a comment card or we do have Ellie, our court reporter, to record your statements. And, again, in those copies of the environmental document on the table over there, if you refer to Section 317, there is additional details described in that -- in that document.

This has been what we've discussed with you at the last two public meetings. We had gone through an initial process to -- to determine nine potential alternatives, including a no action plan, just keeping everything exactly the way it is, plus including in the no action plan those planned facilities that the City of Aurora has indicated will be -- will be constructed whether or not anything happens to the interchanges. Then -- then we -- from that initial screening, we determined that there were three alternatives that
met the purpose and need of the project. We then
got to a more detailed screening in Level 2, and
that -- that resulted in our determination of
Alternate 9 as the -- as the preferred
alternative.

Now, that was just generally -- you
know, Alternate 9 was a circle here for the -- the
directional interchange, you know, a concept
interchange at Picadilly and a concept interchange
at Harvest. Since that time, we've done
additional refinement, particularly looking at the
traffic volumes in the future and how they would
best be accommodated by the -- by the
interchanges; and that's what you see now is the
preferred alternative with more detail on those
particular ramps.

Again, I think this is an area that many
of you have already expressed concern about, the
future access for people along Gun Club Road; and
what we were showing here was that in the future,
you will have a major east/west arterial, Colfax,
and also the major north/south arterials,
Picadilly and Harvest, to get to -- to get to
I-70. The ramps from Gun Club north on E-470 and
south on E-470 will be -- will be retained in
the -- in the future.

MR. ANDERSON: So you're saying this is set in stone?

MR. TONE: This is our preferred alternative. Here's our preferred alternative with the -- with the interchange at I-70 and E-470. Here we've shown the fly-by that's been completed this summer. And, really, I just received some information from E-470. The accident rates in this -- in this area that had been averaging about four accidents a month in the year 2005, in the -- in the three months that this has been open, there have only been three accidents, one a month. So, basically, there's been a 75 percent reduction in accidents with the -- with the completion of the fly-by; and we'd expect even a further decrease in accidents when Ramp H, which I'm sure you've seen, when that's -- when that's opened up next year, you'll no longer have to exit E-470, come through the traffic signals, and make the left turn to get onto I-70. You'll have that direct -- direct ramp. So that -- that is a -- I just think a great demonstration of the safety benefits of eliminating the through-traffic going through
those four traffic signals. We're talking about a -- Excuse me. The fly-by and Ramp H were funded entirely by E-470 with the bond -- bond funds being paid for by future toll revenues. No -- Well, I think there was a small amount of State funds in that; but I think maybe a couple million, Scott, but not -- not much. But that still leaves 150 million in additional capital costs and -- both capital and right-of-way costs as well as soft costs, engineering, construction, inspection costs. And none of that 150 million has been identified.

So, in effect, we're -- we're really looking at long range plan here that -- but we -- between I-70 and -- I'm sorry. Between CDOT, the Federal Highway Administration, E-470, and the City of Aurora, all of the partners in this project wanted to be sure that the fly-by and Ramp H would -- would be compatible with future improvements in the area so that, you know, something that we're building in 2006 won't have to be scrapped and replaced in the -- in the future.

And when is the future? It's potentially a long way off. We're currently
anticipating completion of Ramp H next year. The Picadilly and the Harvest Road interchanges are very much dependent on how development occurs in this -- in this area. If -- if we have a major new residential development go in that generates a lot of traffic, if the industrial park on the north side of I-70, the whole piece west of E-470, if major truck terminals go into that -- that area, it could really accelerate the need for -- for that Picadilly interchange. Likewise, there's a -- while the Crosscreek and Adonia and the other developments in this area have -- have access on 6th Parkway, there's potential development for much of the vacant land in that area east of Gun Club and E-470 that could -- could accelerate the need for these two interchanges. But right now, although they're in the DRCOG regional plan for future -- future funding and development, CDOT has no funding for either of these -- these interchanges.

Similarly, the -- the ramps -- the remaining ramps on E-470 -- between E-470 and I-70 that would really be required in order to eliminate any of the Gun Club Road ramps, E-470 has indicated that they have no -- no funding
available for that construction until sometime
around 2020. So that removal of those west ramps
at Gun Club is still many, many years away. And,
finally, Phase 4, even after 2020, because of the
relatively light volume of traffic that's --
that's going between I-70 and -- and E-470, those
movements from the east would continue to use the
diamond ramps at Gun Club and to access E-470 from
the existing ramps there. So the removal of the
full Gun Club Road interchange is at least 13
years, you know, or more down the road. But,
again, we're trying to develop a plan here that
will be adaptable in the future, that will
preserve the right-of-way for that -- those future
interchanges so that we won't have to condemn
developed -- developed property.

So now I would like to -- I know a lot
of you have made comments and we've -- we've
talked to you at some of the boards, but I would
like to open -- open it up for your questions and
to -- to really see if we can't answer that. Yes,
sir. Could you please give your name, Mr. Penk?

MR. PENK: Chester Penk, P E N K. Can
you speculate a little more on the financing
that -- you know, for Picadilly interchange and
Harvest interchange? Where do you speculate this money is going to come from?

MR. TONE: Well, you know, I think the State has recognized a massive shortfall in revenues for highway improvements throughout the state.

MR. PENK: Okay. So that's out.

MR. TONE: So it's -- Well, I believe the -- Governor Ritter -- or Governor Elect Ritter has indicated that he's going to appoint a panel to examine other potential sources of funding; but you're right. That's -- there's a lot of competing demands for that. The other possibility of funding -- and, certainly, the City of Aurora has utilized this in other developments -- is that they -- they potentially could require that the developers of these various parcels provide segments of these -- these various improvements. In fact, I believe Harvest -- Harvest City Center in their -- in their previous plan -- we understand there's a new developer in the -- who's acquired that property now. But I believe the earlier plan, that developer was talking about expanding or building at least half of future Picadilly Road as part of their -- as part of
their development.

MR. PENK: How about special assessments? Is that -- is that a possibility?

MR. TONE: Mac, do you -- do you want to speak to that for the City of Aurora? And I know that New World is in unincorporated Arapahoe, so you're -- you're not even in the City. But this is Mac Callison from the City of Aurora Planning Group.

MR. WISCHMEYER: We're unincorporated Arapahoe County.

MR. CALLISON: In terms of funding, as Jack has indicated, the reality of it is that it's likely to be a combination of sources. One is certainly the development being undertaken out there. In the City of Aurora, the developers are responsible for improving the transportation facilities abutting their particular development and all facilities passing through internal to their development. So from that aspect, Picadilly is largely directed by the Horizon City Center development. The staging of that will dictate when that ultimate interchange to I-70 and Picadilly will become a reality. To your question in terms of would be -- would special assessments
be a -- be a potential funding source on that? A number of -- of the commercial developments throughout Aurora have used a business improvement district or a metro district that placed an assessment within the particular development area as a funding mechanism for infrastructure, not limited solely to transportation, but it -- it's a source to -- a mechanism to fund a variety of infrastructures, storm water as well as transportation improvements. So that would -- would not rule that out. That's a possibility as well.

MR. PENK: Which would impact homeowners in that area or --

MR. CALLISON: The metro district would be confined to the development; but, for instance, hypothetically, if Horizon City Center chose to craft a metro district, that metro district would be really an overlay on Horizon City Center development. It would not extend to the -- to the west and involve the New World West subdivision.

MR. TONE: Mac, I guess just following up on that, since -- since the relocation of Colfax would be almost entirely within Horizon City Center, that would really be funded by
Horizon City Center.

MR. CALLISON: Correct.

MR. TONE: And, similarly, on -- on the east side of Gun Club, the continuation of Colfax would largely be dependent on how this -- developments shake out in that area too; and I don't -- I don't believe there are any current filings in that -- in that area.

MR. CALLISON: In the southeast quadrant.

MR. TONE: Yeah.

MR. CALLISON: That is identified as our regional activities center. So we would be looking to receiving development proposals in the future. And, again, the timing for an I-70 Harvest Road interchange would be largely determined by the development in the abutting quadrants of that interchange.

MR. PENK: So you're talking they put up $34 million for that New Horizon?

MR. CALLISON: Well, that's the cost of the ultimate interchange. Now, on the north side, of course, you have abutting development. You have the Catellis Industrial Development. There is -- they've identified a -- a dollar amount that
they would be participating in ultimately to
construct the I-70 Picadilly interchange. I can
get that number for you, but it will be a
combination of abutting developers to that site.

MR. TONE: Okay. Yes. This gentleman
over in the back had his hand up.

MR. McENIRY: Thank you. My question --
MR. TONE: Could we have your name,
please?

MR. McENIRY: It's Sean McEniry. I'm a
land owner on the east side of E-470 and on the
south side of I-70 in the area that Mac was just
talking about.

MR. CALLISON: Did you e-mail me?

MR. TONE: You're with Tim Hoban right
next to you there?

MR. McENIRY: Huh?

MR. TONE: You're with Tim Hoban?

MR. McENIRY: Yes.

MR. TONE: Yeah, we talked with Tim
earlier. Yes.

MR. McENIRY: Yes, sir. We're a -- We
have a nursery and greenhouses. And my question
concerns the phase at which moving Colfax --
removing Colfax as sort of a frontage road right
now to I-70, what -- where that might pop in on the phase. And it sounds like it might pop in at the Harvest Road interchange phase?

MR. CALLISON: Well, we ultimately want to -- as depicted on the graph there. Jack, you might want to laser outline.

MR. TONE: Yeah. I was just trying to -- I was just trying to go back here.

MR. CALLISON: Ultimately we're looking at shifting Colfax south of where it resides today so that development can abut both sides of the -- both sides of the roadway. That is really contingent upon when plans -- when proposals come in from the property and developers.

MR. TONE: I had mentioned that these ramps to and from the east between E-470 and I-70 are probably the very last phase of the -- of the project. We could really retain the Colfax frontage road for access to your -- your property until this relocation of Colfax took place.

MR. McENIRY: Okay.

MR. TONE: Yes, sir. You had a question in the back here.

MR. WISCHMEYER: Yeah.

MR. TONE: Your name, please, sir?
MR. WISCHMEYER: Picadilly road south of Colfax --

MR. TONE: Yeah. I'm sorry. Could you have your name for the court reporter?

MRS. PENK: Give your name.

MR. WISCHMEYER: Oh, Virgil Wischmeyer. I live in New World West.

MR. TONE: Right.

MR. WISCHMEYER: At Picadilly --

MR. TONE: I'm sorry. I should have remembered, Mr. Wischmeyer.

MR. WISCHMEYER: Picadilly south of Colfax about 11th Avenue, there's quite a hill there. And if you're going to put more traffic on there, that's going to be a traffic problem. The other thing is, every time we get a good rain, it washes the road out. Are they going to redo anything with the creek down there as far as -- you know, so it won't wash the road out every time it rains?

MR. TONE: Well, again, our -- our study really only went as far as East 11th Avenue where we tied back into -- into Picadilly. But my understanding, again, from the preliminary plans that Horizon City Center had -- had developed,
they were -- they were planning some major
north/south drainage facilities in their facility
that would intercept the water, you know, from --
from that -- What was the name of the trucking
firm there that --

MR. WISCHMEYER: New World West.

MR. TONE: No. The trucking company
that used to own the property there.

MR. WISCHMEYER: Oh, Ringsby.

MR. TONE: Ringsby, yes. I think in the
Ringsby property, they were -- some of the
drainage that now comes across all the way to --
to Picadilly would be -- would be intercepted; and
they were also planning to have a drainage
easement that would go all the way south of
6th Avenue to tie in with -- I guess that's Cold
Creek that goes across there. So that -- And, of
course, they -- they were talking about really
changing the profile and providing additional
drainage to meet the City's design standards for
whatever they do on -- on Picadilly. Okay. Thank
you. Yes, sir.

MR. SWANEY: Roger Swaney. I'm a land
owner in Thunderbird Estates. And one of the --
one of the issues -- And, of course, I've objected
to this alternative ever since it was suggested
for a couple of reasons. Number 1, when 470 was
first proposed, it was to be far east of Gun Club
Road; and it ended up -- for a while, they wanted
the alignment with Gun Club Road; and then it
ended up at its current alignment. But part of
that whole process was that Gun Club would retain
its, what, 50-year access to I-70. And I do -- I
strongly disagree that this Colfax realignment is
going to dramatically reduce the property values
for those people that have -- that right now have
access onto I-70 from Gun Club. It's going to
increase the travel times and it's going to
increase accidents. Right now, Gun Club Road,
because of all the developments that's happened,
is one of the most dangerous roads in the East
Side of Denver. It is extremely dangerous. Try
making a left turn in rush hour traffic anywhere
on Gun Club Road and you'll definitely see the
problem. And if you use this interchange to try
and give access to those customers -- and people
from Murphy Creek all the way north are coming
straight up Gun Club to get on, and they'll
continue to do so. They'll go through the
subdivisions and so forth. There will be many,
many intersections no matter if you go east or west. And it could add a good 10 to 15 minutes to a commute that -- right now that's out there.

I don't -- I think the idea of the fly-over is great. It reduces the accidents. But you're giving a lot for developing in the City of Aurora, but you're not really giving much to the current land owners that are on Gun Club that have -- that use that interchange. And the alternative that we've recommended, nobody seems willing to want to listen to; and that's just eliminate those 75 cent tolls on northbound 6th Parkway to allow us to get on at least that portion. If you're going to eliminate our access onto I-70, give us access off of 6th Parkway so that we can get on I-70 westbound especially.

MR. TONE: Let me just mention a couple of things. And Elliot Sulsky, the gentleman in the blue shirt back there, Elliot has done a lot of our traffic analysis. And I don't remember the exact numbers, Elliot, I think they're in the actual document; but what -- what our studies have shown was with the -- with the development of Harvest Road as a -- well, I guess -- I guess it's four lanes south of 6th Parkway and six lanes up
through this area, and with the -- with the
extension of Picadilly to continue across I-70,
the traffic on Gun Club Road is going to be
dramatically reduced in the future. It will be --
It's about 12,000 currently; and in 2030, our
projections show it will be less than 5,000.

MR. SWANEY: I disagree with that. And
the reason I disagree is if you look at where the
traffic is coming from, that traffic -- that
traffic is coming out of Murphy Creek. It's
coming out of Gun Club Estates. It's coming out
of Crosscreek. They're still going to travel
there, anybody that's traveling on the east side.
And the other thing that I believe that they're
going to travel is all the trash haulers going to
the dump that, for some reason, E-470 in their
great wisdom, did not put an access road onto 470
to allow them to get off right there. Why, I
don't know. But that's a -- you're taking them
through the subdivisions and the residential areas
such as Gun Club rather than letting them go down
470 because there's no exit off of Hampden for
them to get right off, so they'll go right down
Gun Club. And some of them might take Picadilly
if it's there; but, typically, my guess is they'll
still come over on Picadilly, come down, and come
right back over onto Gun Club and straight south
on Gun Club. You know, your study doesn't make
sense because of the people that are traveling on
it.

MR. TONE: Well, maybe you can discuss
that with Elliot after --

MR. SWANEY: I don't know. That's my
opinion. I don't know.

MR. TONE: -- the meeting.

MR. SWANEY: Does anybody else have
that?

MR. TONE: Thank you. Any other
questions? Yes, sir.

MR. NEWELL: Rick Newell. At the last
meeting, I had asked Mac over here about whether
in the future Picadilly was going to be designated
a truck route; and he said he didn't know. How
can proper noise analysis be done for Picadilly
comparing noise analysis now and noise analysis in
the future if that has not been determined already
if that's going to be a truck route. Because in
the -- in the noise analysis, I think it projects
that that noise analysis is going to be 66 dBA in
the model future when a diesel truck in the table
says it's 90 dBA at 15 meters. I mean, doesn't
the designation of a truck route significantly
impact the noise analysis for Picadilly Road?

MR. TONE: Well, Troy, I don't know if
you want to address that or not, whether there is
a -- any way that we could have determined that.
I just know that, again, Picadilly in that area is
controlled by Arapahoe County. It's outside of --

MR. NEWELL: No, it's City of Aurora.

MRS. NEWELL: It's City of Aurora.

MR. NEWELL: From Colfax to 6th Avenue
Parkway is City of Aurora, and to 6th Avenue
Parkway to 6th Avenue is Arapahoe County. It's
designated right now as a 7,000-pound restrictive
road. In my previous letters, I've complained
it's not enforced by the City or the County. The
speed is not enforced on that road. And responses
back to me from -- from PB, they said that, you
know, they'd forward the letters to Arapahoe
County, City of Aurora; and nobody does anything
about it. I'd be surprised to see if a single
ticket has been issued for an overweight vehicle
on Picadilly in the last three or four years. And
I can probably guarantee you it's never been done.
You know, and if you don't make six or seven phone
calls in a week and get ahold of the Captain at
the City of Aurora, you can't get anybody on that
road to police that roadway. You know, I've
complained that -- E-470 in itself and its total
structure, okay, creates -- creates a lot of that
traffic on Picadilly. You know, if I want to get
on E-470 and go to Southlands from my house, I've
got to pay 4 bucks round-trip. But people at my
work can shoot down my street, go down Gun Club,
access E-470 at Quincy, and go to Parker for
75 cents. It really doesn't make sense. I mean,
you're not charged for the -- for the time that
you're on the tollway. You're really penalizing
the people that live in that area by your -- by
your tollbooth placement there just south of
Jewell. You know, it's forcing truck traffic on
there that can save, you know, anywhere from $20
round-trip to Parker. They can go down to the
Quincy exit and take that for a buck fifty. It's
insane. And you guys say that's the
responsibility of E-470 and Arapahoe County to
police that, yet you're deriving all this revenue
from forcing this -- these other people onto our
roadways; and you don't want to take any
responsibility for it. I mean, to me, it's just
not good government. The City of Aurora -- Mac at
the last meeting said that there's not enough
residential people out there to justify the
patrolling of that area. And, to me, it's they
want all this annexed land and roads for future
development; but they're not being responsible in
governing that area now. And this build it and
they will come philosophy is just insane.

MRS. PENK: Excuse me. The comment that
Aurora comes back with is that nobody lives out
there.

MRS. NEWELL: Nobody lives there.

MR. NEWELL: Exactly.

MRS. NEWELL: If one of my kids get hurt
because of the traffic that's on that road, the
City of Aurora is going to feel it.

MR. CALLISON: Did you want to -- The
first question I heard was related to truck
traffic and noise.

MR. TONE: And the -- the noise
analysis. Troy, I don't know if you're --

MR. HALOVSKA: I can't speak to the
actual specifics of the actual noise model itself.
The person who did the modeling couldn't be here
tonight. But I can get you in touch with that
person and she can give you detailed specifics
about the noise analysis itself. There is a
percentage of truck traffic that's built into the
model. I don't know what that number is, but I
can certainly get you talking to someone that can
answer detailed questions about it.

    MR. TONE: Would that be -- that level
  of detail be in the actual document, Troy? I'm
  not sure --

    MR. HALOVSKA: Well, it is in the --
  MR. TONE: Appendix?
  MR. HALOVSKA: -- appendices; and it's
  all numbers.
  MR. TONE: Okay. It would be very
difficult, okay. Okay. Now, were there any other
questions? I'll get back to Mr. Newell if no one
else had a question. Okay.

    MR. NEWELL: Well, to further the noise
analysis, in the summary, it says that -- that it
would -- that noise abatement is too costly, you
know, that the level of decibels is high enough to
warrant noise abatement; but by the criteria that
they use, the noise abatement would be too costly.
It would cause a safety hazard because of -- of a
brick wall being built would -- there would be
breaks in it for access to the driveways, and it would be unsafe for us to get out onto Picadilly Road. It also recommends -- or suggests an alternative to reorientate a six-lane Picadilly east of present Picadilly leaving Picadilly as a frontage road, but that that would be up to mitigation between the City of Aurora and the developer. And just a few minutes ago, you said that we've got a new developer for Horizon City Center. So all these previous meetings we've been to with the old developer have, what, gone by the wayside and --

MR. CALLISON: Well, I wouldn't say they've gone by the wayside. What I would say is that it's an opportunity to continue to express your desires and feedback into the process; and it's certainly, you know, in the -- in the development review and ultimate approval process from the City's perspective to ensure that, you know, adequate notification, input is received by the abutting property owners, the abutting community, in fact, and that those are all brought before, ultimately, to the review process and to the planning commission as well as the City Council. So to say that things won't change from
where they were with the prior developer, I would think that there's some opportunity to refine that. Certainly, the idea of a frontage road and developing some separation from the -- from the drive access, there's some precedent for that, actually, in the area off of Smoky Hill Road south, the Stage Run subdivision in the southeastern portion of the city. So, you know, we are in support of looking at ways to minimize direct impacts to the -- to the abutting property owners on the west side of Picadilly.

MR. NEWELL: What kind of -- what kind of weight does this environmental assessment recommendations that they've made carry with the City of Aurora in the future when this is developed? I mean --

MR. CALLISON: Well, we're partners in this environmental assessment in terms of the identification of the preferred alternatives; so we -- the City does endorse the recommended preferred alternative right now. In terms of how it relates to the access -- your drive access, the refinement -- alternate development and refinement of the Horizon City Center and the new developers -- developers of that section, you
know, we're going through that process now -- or we will be going through that process. And I'm not -- I haven't been involved in the details at this point, but I can certainly put you in touch with people who have been and are in that so we can all learn and be current with the information available and receive your input. And we can get with you afterwards.

MR. TONE: And, Mac, wouldn't any -- any modification or change in the current approved plan actually go through a public process?

MR. CALLISON: Absolutely, yes.

MR. TONE: Yes, sir.

MR. SWANEY: I have a question for the City of Aurora here. What about 6th Parkway east/west, is there a time line or anything available?

MR. CALLISON: 6th Parkway, we have a concept that actually brings it from the existing western terminus here at essentially just north of the building we're in this evening across Coal Creek with a tie-in just shy of where State Highway 30 takes a bend from an east/west access to a southeast-northwest access here on the diagonal. And in terms of timing for that, again,
that is recognizing -- it's a little bit different
in that there's not a lot of developable land that
would be participating in the actual construction
cost of -- designing construction costs of that
facility. So that's one of the cases where it --
it is really falling back to the City and other
funds, federal and state funds, which there are an
extreme shortage of those, to get that project
initiated and ultimately completed.

I will tell you this. It's an expensive
project. It's about a $20 million project along
crossing of that Coal Creek drainage, as you well
know. And, you know, so we've got length and the
ultimate width of that connection is identified as
a four- to six-lane facility. So it's a long,
wide structure, i.e., expensive. To that end, we
are looking at that. We -- The City completed a
facilities master plan last year which really
captured a lot of the -- of these types of
projects that don't have a readily identifiable
funding source from the development community; and
we're in the process, actually, now of looking at
prioritizing those. So that's where we are
relative to that connection between State Highway
30 and 6th Parkway.
MR. SWANEY: One of the biggest challenges that I see is developing -- development out to going forward and forward; and it's throwing all this traffic on Gun Club with no way to get to the west.

MR. CALLISON: We are -- we appreciate the need for east/west continuity. We were successful a number of years back when we made a Jewell Avenue connection south of Buckley, extended that across and with a tie-in with E-470, of course, Gun Club and further -- further east serving the Murphy Creek community on that. So we are -- we're absolutely cognizant and the desirability and the benefits of east/west continuity throughout the -- throughout the E-470.

MR. SWANEY: It's very possible that some of that truck traffic could be taken off these roads if they could get off at Hampden because there's a lot of them that go to that landfill. And that's a huge problem. It not only makes a mess all the way down there, but a lot of those -- and they -- and they're always over the speed limit. They are the fastest drivers. So, I mean, has anybody -- Is there any active plans in that area?
MR. CALLISON: We are looking -- looking at that. We're actually looking at improving Gun Club Road in those sections that are not improved, and Murphy Creek is placing a lot of pressure on that further south toll gate crossing and, ultimately, connections to Aurora Parkways where Southlands comes in.

MR. SWANEY: But I think you missed my question, getting the traffic -- getting the truck traffic going to the dump off of Gun Club by putting some sort of access on Hampden so that they can go right to the dump off of 470. We haven't been -- E-470.

MR. CALLISON: We haven't been in discussions in terms of new interchanges, perhaps -- there has never been a plan to do that. And, actually, we do have a tremendous amount of the trash truck traffic already from the north. They use Jewell. From the south, they use Quincy.

MR. SWANEY: Well, that's why I'm saying just get them off of that onto where they can go right in there because what's happening is those trucks are making it very unsafe for the cars, especially trying to turn left out of the subdivisions.
MR. CALLISON: Well, what I'm saying is they don't go by many subdivisions. They're in that confined area between Quincy and Jewell primarily because they use E-470 to get that far. And they're getting off at Quincy so they're on the southern border of the -- of the Lowry Landfill. And if they're getting off at Jewell, they're really on -- just on the northern boundary of it.

MR. SWANEY: A tremendous amount of them come straight down Highway 30 there right down 6th. I mean, there's just a large amount of them coming straight down that way. As they come straight down Jewell -- hauling down Jewell -- So, you know, like I said, I live out there. I see where they're coming from. They're coming down Gun Club. And trying to make a left turn on Mississippi right there coming out on Gun Club Road is almost an impossibility in rush hour. And so that's my question as far as east-west, how you handle that.

MR. CALLISON: It is a priority. And I'd be glad to get with you afterwards to, you know, keep you in contact with what our proposals are or --
MR. SWANEY: Basically so 6th Parkway is something you'd like to do, but no telling where and when you'll find the money.

MR. CALLISON: You know, as -- as Crosscreek develops, as Adonia develops, as Traditions develops to the east there, it makes the case for the Denver Regional Council of Governments that has made available some funding for these types of arterial improvements and the transportation improvement program. It makes the case and the project scores -- scores better than it has in the past. In the past, it's been a -- been a critical missing link; but it hasn't carried a lot of -- it hasn't been demonstrating to carry a lot of traffic. As we continue to develop to the east, you know, the traffic loads that -- the traffic models pick that up and represent that so -- so it betters our case.

MR. SWANEY: The biggest point I make and this gentleman makes is we have roads that have ten-fold more traffic today than they did five years ago. Those roads are not safe. Look at the accident ratio on Gun Club these days. And Picadilly is going to be just as bad when it comes there. So why don't -- why aren't these
improvements -- why aren't the improvements in
place or at least planned at the same time that
you're allowing subdivisions to clog these roads?

MR. McDOLE: Well, it goes back in terms
of this is a -- a missing segment, if you will, in
the roadway system. There's no abutting
development; so, hence, that's why it remains
unimproved. We have a six-lane facility on the
immediate east side of Gun Club serving
Crosscreek. That development was not approved --
would not have been approved if there wasn't a
commitment to provide that facility. But at this
point, we're struggling with providing those --
those areas where we have development on the
eastern -- throughout the E-470 corridor and where
we need to -- need to fill in some gaps between
the E-470 corridor and back west to the existing
city.

MR. TONE: Again, we'll -- we'll all be
available to continue one-on-one discussions. I
just want to be sure that -- does anyone else wish
to -- wish to speak before I conclude this?
Again, we have our court reporter here if you want
to make an oral statement that will then go into
the public record. Submit your comments on the
comments forms. All your statements that you've made here tonight we've recorded, and we will respond to each of those comments as we -- as we develop the final document for recording this meeting. So I would like to conclude -- Yes, sir. Go ahead. One more.

MR. NEWELL: I just wanted to ask -- we asked when we came in -- is there a representative for Arapahoe County here?

MR. TONE: No. We had --

MRS. NEWELL: Not one meeting.

MR. NEWELL: Also, in the environmental assessment, it says there were quarterly meetings with Arapahoe County and Adams County. Were there minutes taken at those meetings?

MR. TONE: Yes.

MR. NEWELL: Are those available for us to look at? I mean, I would just like to know what kind of representation us at New World West have had from Arapahoe County in this whole process because we've never seen them at a meeting.

MR. TONE: Jim Pakinone (phonetic) from Arapahoe County, I believe, Public Works Department has attended many of our technical
advisory committee meetings. He's been very --
very much involved. I've also met with Arapahoe
County staff at -- at their offices to really
brief them on the -- on the status, so they've --
they've been informed. We've had them invited to
this meeting tonight, but they were unable to
attend.

MR. NEWELL: I was just wondering if
they ever offered any kind of input. I guess the
reason I bring that up is if you read the
comprehensive plan for the City of Aurora, you
know, in their best management practices and
stuff, there's nothing in any verbiage in any of
that that says they're going to try to preserve,
you know, long-term residences and the rural
setting that we live in on -- at New World West.
I mean, some of that verbiage is in the Arapahoe
County Comprehensive Plan, you know. And it just
seems like, you know, we're kind of getting run
over by the City and E-470 and stuff; and they're
going to do what they want to generate the income
that they need to build these roads and stuff.
And it's just -- it's frustrating for us that
aren't within the City of Aurora city limits.
We're -- you know, we're here with no
representation from Arapahoe County; and it's a
little frustrating, you know, because you don't
see that in -- in their vision, the City of
Aurora's vision in place.

MR. CALLISON: Well, and I'll be
certainly glad to take that back to the
Comprehensive Planning Session within the Planning
Department as a comment.

MR. NEWELL: You know, because some of
these homes have been here for a long time. I
mean, I know the Penks have been in their home for
a long time, and we've been in our home for, you
know, not that many years but it was her parents'
home for over 20 years. I mean, we've been here a
long time; and to inherit this major arterial road
in front of our house is a little depressing.

MR. WISCHMEYER: Is there anything going
on on 6th Avenue, improving 6th Avenue for an
alternate east/west road? 6th Avenue is a
dedicated road all the way to Strasburg. Is --
has anything been, you know, discussed on that
or --

MR. TONE: Mac, you --

MR. WISCHMEYER: -- alternate on that
east/west road rather than just Colfax?
MR. TONE: You talked about the westerly improvement. I think that's actually further east, again, as back into Arapahoe County.

MR. CALLISON: And I have not -- I can't be certain about this, but I have not seen 6th Avenue as represented with -- with continuing east paralleling I-70 any appreciable distance.

MR. TONE: It's almost open to Powhatan now.

MR. WISCHMEYER: That would relieve some of the local traffic.

MR. CALLISON: But we can certainly put you in touch with the county, Arapahoe County people to -- so you can get well acquainted with that.

MR. TONE: Okay.

MR. WISCHMEYER: Colfax is known as the longest road -- or highway -- or boulevard in the country.

MR. TONE: Right.

MR. WISCHMEYER: It runs from Golden all the way to Strasburg; and you want to cut this thing off in the middle, you're going to cut the whole thing up.

MR. TONE: Well, it's really -- you
know, it's really already been cut up by I-70 in the past. I guess it's -- underneath there, there may be some of the old -- old pavement left; but, you know, it's -- again, I think it's the -- the historic portions, Aurora has improved -- you know, they have some historic markers. Some of the old mile post markers have been preserved further -- further to the west, so they -- they have tried to respect the historic value of Colfax; but there's -- since the -- since the '50s when I-70 was -- was built, Colfax -- the frontage roads that are signed as Colfax aren't really the original Colfax. Yes, Mrs. Penk.

MRS. PENK: I'm not sure this is, you know, the actual meeting to address this; but if Picadilly Road is widened like they intend to, I guess I'm concerned about the drainage because it comes into the subdivision already. And unless it's specifically addressed in the new developer's plans, what -- I guess what's going to happen is the -- the flooding is going to get worse. Now, you said that Ringsby had a plan.

MR. TONE: Well, I -- Actually, it wasn't Ringsby. It was the prior developer of Horizon City Center.
MRS. PENK: Okay. Before -- after Ringsby before whoever now has it.

MR. TONE: Right.

MRS. PENK: But that's all changed.

MR. TONE: But I think the city would really still hold the developer to providing drainage for -- for their development that wouldn't continue to, you know, just allow that run-off to go across Picadilly. Mac, you wanted to add to that?

MR. CALLISON: Absolutely. The city would be -- through the development, review, and approval process would be holding the new applicant, new developer, to the same standards as Jack has indicated in terms of storm water flows, storm water -- water quality management, retention and detention ponds and the like on that.

MRS. PENK: Are there standards now?

MR. CALLISON: Absolutely.

MRS. PENK: In place?

MR. CALLISON: Yes, there are.

MRS. PENK: Then why -- why do we get flooding in the neighborhood?

MR. CALLISON: Well, in terms of development review process, let me put you in
touch with our drainage people and we can set up a
meeting to go over that.

MRS. PENK: See, I'm not personally
affected by it; but it's my neighborhood, and I
know people who are affected.

MR. TONE: And we've seen the -- the
lake that develops in that area in a heavy
rainstorm, and we understand that it's a serious
problem.

MR. CALLISON: Why don't we get together
afterwards, and we can get you connected with the
people that can respond better than I can in terms
of that -- of that issue.

MRS. PENK: Okay. Thank you.

MR. TONE: Okay. Again, we'll -- we'll
be -- we'll be here for as long as you want to
stay. We'll continue to discuss some of the
detailed items. Again, do leave your comments.
If you haven't made comments that Ellie has
recorded already, feel free to, you know, sit down
with her and she will -- she will take those
verbatim. We've got the comments forms here.
Also, Troy, I think we have a -- is that a 30-day
comment period after -- after the public hearing?
Is that --
MR. HALOVSKA: No, we're in the middle of the 30-day comment period right now.

MR. TONE: We're in the middle, okay.

MR. HALOVSKA: So I don't remember the actual end date, but it's like two more weeks. Okay.

MR. TONE: Again, if you want to go home and think about the -- and you think about more, take one of these mail-back forms and send that into us as well. So, again, we appreciate your all coming tonight. And there's still a lot of cookies left over there too.

MR. HALOVSKA: The comment period ends December 18th.

MR. TONE: December 18th. Thank you.

Great.

************

MR. ANDERSON: My name is Damon Anderson; and, basically, I just wanted to state my disagreement with the removal of the Gun Club I-70 access. I think it's essential. And the value of my home, because I do live in the Crosscreek area, that's part of the reason I purchased the home there was for quick and easy access to the I-70 West to get to work. It saves
me a lot of time going back and forth, so --
without the extra cost of driving on 470.

MR. STINES: We would like to know if
there is a way to obtain a map similar to this
Figure 1 preferred alternative with property
boundary lines so we could determine where
these -- where with respect to different pieces of
property.

(Which were all the proceedings had.)
CERTIFICATE

STATE OF COLORADO
) ss
CITY & COUNTY OF DENVER

I, Ellie K. Zickus, Notary Public of the
State of Colorado, do hereby certify that said
public hearing was stenographically reported by me
at the time and place heretofore set forth, and
was reduced to typewritten form under my
supervision as per the foregoing;

That the foregoing is a true and correct
transcript of my shorthand notes then and there
taken;

That I am not related to or in any way
associated with any of the parties to said cause
of action or their counsel and that I am not
interested in the result thereof;

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this 12th day of December, 2006.


Ellie K. Zickus
Notary Public
12510 East Iliff
Suite 120
Aurora, Colorado 80014

Carpenter Reporting, Inc.
(303) 752-1200
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE</th>
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</tr>
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<tbody>
<tr>
<td>Virginia Wischmeyer</td>
<td>886 Malaga, Aurora, CO</td>
<td>303-371-1450</td>
<td></td>
</tr>
<tr>
<td>Damon Anderson</td>
<td>24123 E 2nd Drive, Aurora, CO</td>
<td>303-824-1004</td>
<td><a href="mailto:damon.anderson@fmwa.gov">damon.anderson@fmwa.gov</a></td>
</tr>
<tr>
<td>MAC Callison</td>
<td>City of Aurora, CO</td>
<td>303-739-7250</td>
<td></td>
</tr>
<tr>
<td>Melinda Castille</td>
<td>FHWA, State, ZIP</td>
<td>943-3015</td>
<td></td>
</tr>
<tr>
<td>Darin Stavish</td>
<td>CDOT-Region 1 Planning, State, ZIP</td>
<td>503/365-7012</td>
<td><a href="mailto:darin.stavish@dot.state.co">darin.stavish@dot.state.co</a></td>
</tr>
<tr>
<td>Michael Davidez</td>
<td>FHWA, State, ZIP</td>
<td>720-963-1331</td>
<td><a href="mailto:michael.davidez@fhwa.dot.gov">michael.davidez@fhwa.dot.gov</a></td>
</tr>
<tr>
<td>Jack &amp; Charles Ball</td>
<td>80 SW 24th Ave, Ri, CO</td>
<td>(719) 483-354X</td>
<td></td>
</tr>
<tr>
<td>Doug Stine</td>
<td>4046 S Abilene Rd, State, ZIP</td>
<td>720-312-3882</td>
<td><a href="mailto:dsc@verizon.net">dsc@verizon.net</a></td>
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<tr>
<td>Roger Swinney</td>
<td>97 S. College St</td>
<td>303-365-2007</td>
<td><a href="mailto:Roger.Swinn@msn.com">Roger.Swinn@msn.com</a></td>
</tr>
<tr>
<td>Harold López-Cruz</td>
<td>12300 W. Dakota Ave.</td>
<td>720-963-3022</td>
<td><a href="mailto:Harold.Lopez-Cruz@Auror.dot.gov">Harold.Lopez-Cruz@Auror.dot.gov</a></td>
</tr>
<tr>
<td>Curtiss Ekdahl</td>
<td>720 S. Colfax</td>
<td>303 987-2272</td>
<td></td>
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<tr>
<td>Jim Bemelen</td>
<td>Aurora</td>
<td>303-365-7234</td>
<td></td>
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<tr>
<td>Steve Zgorzinski</td>
<td>7052 Lima Rd</td>
<td>303.721.1440</td>
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<tr>
<td>Tim Hoban</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Rick Newell</td>
<td>4250 W. College</td>
<td>303.469.7758</td>
<td><a href="mailto:brother.newell@ac.com">brother.newell@ac.com</a></td>
</tr>
<tr>
<td>Michelle L. Court</td>
<td>18900 W. Colfax</td>
<td>(3) 757-9112</td>
<td><a href="mailto:michelle.l@dot.state.co.us">michelle.l@dot.state.co.us</a></td>
</tr>
<tr>
<td>Richard Rader</td>
<td>Aurora</td>
<td>720366-8686</td>
<td></td>
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<tr>
<td>Henry Griffin Jr</td>
<td>Aurora</td>
<td>303-366-6531</td>
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<tr>
<td>Will McGuire</td>
<td>1017 Peake St.</td>
<td></td>
<td><a href="mailto:willmcgu@qzoom.com">willmcgu@qzoom.com</a></td>
</tr>
<tr>
<td>Barbara Hintz</td>
<td>805 Washington St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chet Fran Penk</td>
<td>1002 Malaya</td>
<td>303-366-7874</td>
<td><a href="mailto:Chetfah@aol.com">Chetfah@aol.com</a></td>
</tr>
<tr>
<td>Kris Barnes</td>
<td>5031 S. Ulster St. #420</td>
<td>303-290-9001</td>
<td><a href="mailto:volklo66@aol.com">volklo66@aol.com</a></td>
</tr>
<tr>
<td>Charles Has</td>
<td>Cordillera Corp.</td>
<td>303-777-8611</td>
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<td>House &amp; Geepie VanHallen</td>
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<tr>
<td>B. Roden</td>
<td>71 Allegedoro</td>
<td>303-366-8686</td>
<td></td>
</tr>
<tr>
<td>Jennifer Carrillo</td>
<td>277 N. Coolidge Way</td>
<td>(303) 344-3555</td>
<td></td>
</tr>
<tr>
<td>Bruce Feland</td>
<td>4703 Airport Blvd.</td>
<td>303-840-1440</td>
<td><a href="mailto:bricep@pioneersand.com">bricep@pioneersand.com</a></td>
</tr>
<tr>
<td>W. Mary Robinson</td>
<td>2885 S. Coolidge St</td>
<td>(303) 872-8726</td>
<td>mtfr@<a href="mailto:msn.com2724@yahoo.com">msn.com2724@yahoo.com</a></td>
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APPENDIX C:

COPIES OF PUBLIC COMMENTS AND RESPONSES
November 17, 2006

Ms. Sherry Coakes
26465 North Paso Trail
Scottsdale, AZ 85255

Dear Sherry,

Thank you calling yesterday to discuss the I-70/E-470 Interchange Complex Environmental Assessment (EA). You had just received our latest newsletter announcing the December 7, 2006 public hearing. It was a pleasure discussing our concept plans with you. You have attended previous meetings and were interested in getting a better understanding of the latest proposal and how it would affect your property.

Per your request, I’m enclosing a copy of an exhibit we will show at the meeting. This includes the area south of Colfax Avenue and west of Picadilly Road. A new interchange with Interstate 70 is proposed north of Colfax. The EA process will not be finalized until next year, but the enclosed drawing shows the latest concept plan for the interchange. Under this plan, Picadilly Road would be relocated west of its current location and would pass under two new bridges which would carry I-70 over relocated Picadilly. I’ve also enclosed pages 3-14, 3-15 and 3-16 from the EA which discuss right-of-way impacts. Table 3-7 shows that approximately 12 acres of your 75 acres parcel would be needed for the relocation of Picadilly Road and for the relocation of Colfax Avenue.

This is still a concept plan and detailed design will be required to develop actual construction plans and right-of-way limits. As discussed, no funding is currently programmed for design or construction of relocation of Picadilly Road or the interchange.

Thank you again for your interest. Please call me at 303-390-5883 or email me at tone@pbworld.com if you have any further questions about the EA or the concept plan.

Very truly yours,

[Signature]

Jack Tone, P.E.,
Project Manager

Enclosures

CC: Mac Callison City of Aurora
Jim Bemelen, P.E. CDOT Region 1
Ken Frantz, P.E. E-470 PHA
Contact Report

Date: 12/14/06
Jill Schlaefer, CB

Contact: Rick Newell, 875 Picadilly, Aurora 303.344.1520(h) 303.884.7217(cell)

Subject: Noise on Picadilly near I-70 and E-470 related to I-70/E-470 EA

Multiple attempts and messages exchanged over 12/12/06 to 12/14/06

12/14/06 3:19pm Mr. Newell called. Asked what level of truck traffic was used in the noise modeling and measurements at Picadilly Rd existing residential neighborhood. I shared that for the existing noise levels we measured whatever truck traffic was on the road for that time period. The modeled existing and 2030 noise used 2% truck traffic on Picadilly south of I-70. I-70 truck volumes were higher, I thought they were on the order 5-6%. I told him that for the 6-lane Picadilly Boulevard there would be about 62 heavy trucks projected per hour. The two way traffic is roughly 6000-60-60. I did emphasize that no truck route was established for the noise study but it was assumed that the really high volume truck traffic would be utilizing the interchanges from the north side of I-70 industrial complex.

He spent 10 minutes relating the currently inordinate, in his opinion, speeding truck volumes on Picadilly and the dangers they pose to the neighborhood. His second observation is that much of the traffic is using Picadilly to bypass the tolls between I-70 and Murphy Creek-6th Avenue. He said that neither Aurora nor Arapahoe County respond to citizen complaints about the speeding anymore.

He is very frustrated in the current negotiation/information exchange process between local neighborhoods on Picadilly and the newest adjacent developers and City of Aurora. Too many changing faces and a lack of serious noise abatement commitments.
January 15, 2007

Ms. Anne Rosen, Principal
ZING Development Strategies
1459 South Pearl Street
Denver, CO 80210

Dear Anne,

Thank you for calling today to discuss the I-70/E-470 Interchange Complex Environmental Assessment (EA). This was a follow-up to our previous meeting with E-470, CDOT and City of Aurora staff.

Per your request, I'm enclosing a copy of the EA document as well as a CD of the report. As noted, this was the subject of the public hearing on December 7, 2006. A final decision document is anticipated to be finalized in Spring 2007.

You had asked about timing for improvements. This is still a concept plan and detailed design will be required to develop actual construction plans and right-of-way limits. As discussed, no funding is currently programmed for design or construction of relocation of Picadilly Road or the interchange. We have shown the interchange and the relocation of Picadilly Road as taking place in the 2010-2020 time frame.

Thank you again for your interest. Please call me at 303-390-5883 or email me at tone@pbworld.com if you have any further questions about the EA or the concept plan.

Very truly yours,

Jack Tone, P.E.,
Project Manager

Enclosures

CC: Mac Callison City of Aurora
    Jim Bemelen, P.E. CDOT Region 1
    Ken Frantz, P.E. E-470 PHA
From: Tone, John C. [Tone@pbworld.com]
Sent: Tuesday, January 02, 2007 5:13 PM
To: Snyder, Douglas
Cc: Mac Callison; Ken Frantz; James.Bemelen@dot.state.co.us; Halouska, Troy K.
Subject: RE: I-70 E-470 Interchange Complex

Doug - Sorry for the late response. We are showing the I-70 interchange at Picadilly as being constructed in the 2010 to 2020 time frame. Obviously, it could move earlier if more developments occur. The City of Aurora is anticipating that area developers will provide much of the funding or actually construct parts of Picadilly with their build out. CDOT has no funds for the interchange in their current program.

You may want to talk with Mac Callison at the City of Aurora to discuss the City's plans. Mac's direct number is 303-739-7256.

Regards,

Jack Tone

Project Manager

---

From: Snyder, Douglas [mailto:D.Snyder@lauth.net]
Sent: Friday, December 08, 2006 11:05 AM
To: Tone, John C.
Subject: I-70 E-470 Interchange Complex

Hello Jack,

Per my voice mail, I am with Lauth Property Group, a developer who owns a 162 acre parcel of land NW of the subject intersection.

I am interested in some general information about the future Piccadilly Road intersection improvements. What is the likelihood of getting financing for this project? What year do you project that this interchange may be built?

Douglas C. Snyder
Director, Development Operations
Lauth Property Group, LLC
7887 E. Bellevue Ave, Suite 900
Englewood, CO 80111
Phone: (720) 279-5441
Direct Fax: (720) 279-5341
Corporate (720) 279-5400
email: d.snyder@lauth.net
web: http://www.lauth.net

1/17/2007
December 18, 2006

Ed DeLosier
E-470 Public Highway Authority
Administrative Office
22470 East 6th Parkway
Aurora, Colorado 80018

Jack Tone
Parsons Brinckerhoff
1660 Lincoln Street, Suite 2100
Denver, Colorado 80264

RE: Completion of the Environmental Assessment I-70/E-470 Interchange Complex

Dear Sirs:

During your “public hearings” it became evident to us that the proposed construction of the fly-by was a “Done Deal” when the EA study area excluded the residents who have lived in the area before, during and after the construction of the Toll road.

We could read the writing on the wall when we saw construction on the new fly-by and new off-ramp to I-70 from E-470 proceeding before the EA had been implemented.

From it’s inception, the E-470 Toll Road has employed devious and underhanded methods to push through the package. Residents watched helplessly as politicians, municipalities, counties and the E-470 Authority tip-toed their way through the regulations, picking and choosing which laws to use to by-pass the will of the citizens. With awe, the citizens watched the authority manipulate and use accounting gimmicks. In their irrational exuberance, they thought Colorado would always be in a strong growth pattern, especially with the new Toll Road to bring more development.

Perhaps the situation would not have been so serious if they had not deferred the problems at E-470/I70 interchange in the name of avoiding a proper Environmental Impact Study (EIS) or Environmental Assessment (EA) before the road was constructed. However, the responsibility for the unnecessary injuries and deaths caused by the vehicle accidents on the I-70/E-470 Interchange can be placed directly at the feet of all of these players.

But then, did the previous Directors and Board of Directors care? They have all made their money from the project.
From the beginning, the citizens living in the path of the E-470 Toll Road did not have a chance to win so much as simple mitigation from the negative impacts to their living environment that did not exist before construction. These impacts increase on a daily basis. Who was, or is there to turn to?

Bill Owens was in the Legislature at that time. He championed the effort to implement legislation that would force the construction of this unnecessary Toll Road. He assisted in the effort to relocate the road two miles west of the original design after he realized that the original alignment would not make a profit. Later, Bill Owens became Governor of the State of Colorado. Impacted citizens certainly could not appeal to him for mitigation.

In the beginning stages, while Wes Goff was Project Manager, the Colorado Department of Transportation (CDOT) was very sympathetic to the pleas of the citizens and honest efforts were made by CDOT to represent their interests in a positive way. However, after Mr. Goff retired and a new person took his place, it was no longer evident that CDOT was interested in protecting the rights of the citizens. In fact, at the Public Hearings, citizens were told by CDOT representatives that calming the traffic on the local roadways was not feasible because drivers were prone (the 85 percentile) to drive at the speeds they felt most comfortable, and this would take precedent over mitigating the negative impacts the increased high speed traffic had on the resident’s living environment. Citizens were also skeptical of CDOT’s efforts because CDOT employees answered directly to Governor Owens.

The Federal Highway Administration (FHWA), whose mandate it is to promote traffic calming, bicycling and enhanced community activities virtually deaf and dumb to the citizen’s concerns. Phone messages from citizens to Project Manager Scott Sands went unanswered for months. Finally, in desperation, residents contacted the Nation FHWA headquarters and a plea was made for some assistance on our behalf. Only after this call did Mr. Sands return our call, and this was tinged with a tone of anger and reluctance. After a while, it became apparent that the FHWA was not in the business to assure that impacted developments were protected from negative impacts. We found no solace there.

The City of Aurora Traffic Engineering is a draconian department staffed with employees who have never seen a road that they could not widen or a community that they would not negatively impact by constructing more, wider roads for more, faster traffic. They install speed limit signs but do not enforce them. The City of Aurora is so politically connected that the City Fathers can bully, buy and cajole their way through any obstacle that stands in the way of them getting what they want. The City of Aurora is not an entity to care about the negative impacts of their projects upon the citizens. We certainly couldn’t appeal to the City for mitigation efforts.

This comment is long, however, we want the facts, as we see them, on the record. It is our opinion, and our experiences during the public process will bear this out, that the public’s due process has been trampled on and denied throughout the entire E-470 debacle.

Recent legislation has been enacted in the Colorado Legislature that states that if the citizens were there before the road, the citizens deserve mitigation of the negative impacts from the road. Upon review of the rules the citizens must follow to obtain mitigation of noise impacts, it
appears that the offending roadway must be a State road. This rule may appear to eliminate the possibility that any privately owned toll road could be regulated under this legislation. However, the State of Colorado has significantly funded the E-470 Toll Road. We believe that this investment brings the road into the State’s inventory, and we will explore the possibility of mitigation efforts through this avenue.

We want to know, Does the Authority intend to mitigate the negative impacts from the traffic on the E-470 Toll Road to Thunderbird Estates? We have been patient and as cooperative as we could in the anticipation that we would be rewarded with the same courtesy and cooperation. We know that everyone thought that we would be like the Frog in warm water and we would not realize we were boiling until we were dead. However, we have not become accustomed, nor are we accepting it. We want our peace and quiet back. We were here first, and we deserve to be compensated.

Richard & Bonnie Rader

CC: National FHWA
DRCOG
January 4, 2007

Richard and Bonnie Rader
71 Algonquian Street
Aurora, CO 80018

Dear Mr. and Mrs. Rader:

Thank you for your letter of December 18, 2006 and for attending the public hearing on December 7, 2006. Your letter covers a wide range of topics and statements and I will try to address each one.

The Flyby has been part of the E-470 Public Highway Authority’s plans for many years. The Authority had previously purchased vacant property in the vicinity of I-70 to provide for future improvements. The Thunderbird Estates Homeowners Association in a June 2003 document titled “Comment Regarding E-470 Authority Environmental Assessment and Study Evaluating Possible Alternatives for the I-70/E-470 Interchange” wrote “The existing E-470/I-70 intersection is very dangerous. Thunderbird Estates is fully supportive of the By-Pass with a few mitigation efforts, which will eliminate this danger to the public.”

The study area for the Environmental Assessment was determined in scoping meetings with FHWA, CDOT, the City of Aurora and other interested agencies to include the area that could potentially include new construction. While the Flyby was approved by CDOT, FHWA found that the Flyby did not constitute a Federal action since it did not include any new connections to I-70, just a bridge over the Interstate. Therefore, no FHWA action would be required to build the Flyby. The Flyby was designed to not preclude any feasible options for a future interchange.

As to the concern that the E-470 Public Highway Authority has “employed devious and underhanded methods”, be assured that the Environmental Assessment has been conducted in full accordance with the guidelines of the National Environmental Policy Act (NEPA). The earlier decision to use the existing Gun Club Road interchange was driven by budget constraints with the full recognition that growth of traffic would require further improvements. The original study alignment for E-470 was about one half mile west of Powhatton Road and would have been very close to the east side of Thunderbird Estates.

CDOT staff throughout the project has all been most concerned about developing a plan that meets the purpose and need of the project and that will provide a safe facility for future generations. Likewise FHWA staff has been very involved in oversight of the EA process to assure that all federal requirements are met. In fact, because of the proposed revisions of access to Interstate 70, the FHWA Washington Headquarters office reviewed and approved the proposed access changes.

As to your comments about the City of Aurora, City staff involved in the EA development has been most concerned that the plans be fully in compliance with the City’s Comprehensive Plan. Likewise DRCOG has reviewed the plan and the entire preferred alternative is included in the DRCOG 2030 Regional Transportation Plan.
As documented in the EA, the analysis of noise conducted for the study was expanded beyond the study area to include analysis in the Thunderbird Estates development and in other nearby developments. While traffic on Gun Club Road is forecast to increase greatly under the No Action Alternative (from 3600 vehicles per day to 12,000 vehicles per day, with the preferred alternative, forecasted traffic on Gun Club Road south of Colfax Avenue would be virtually unchanged in 2030 from today's traffic. What this means is that noise at Thunderbird Estates would be louder if no improvements are made because traffic on the closest road (Gun Club) would increase noticeably. In addition, the future removal of the Gun Club diamond ramps at I-70 will make Gun Club Road much less attractive to truck traffic. E-470 is some 1700 feet from your home. As noted in my letter of April 14, 2005, the engineer performing the noise readings in the Thunderbird Estates area noted that the higher noise readings were from vehicles on Gun Club Road. Even so, none of the observations were in excess of CDOT and FHWA standards which would require that noise mitigation be considered. The Authority is planning to repave this section of E-470 this coming summer with a stone mastic asphalt material which has been effective in reducing noise levels.

Thank you for your continued interest in the I-70/E-470 Interchange Complex study and Environmental Assessment.

Very truly yours,

Jack Tone, P.E.
Project Manager

Co: Ed DeLozier – E-470
    Matt McDole – E-470
    Ken Frantz – E-470
    Jim Bemelen – CDOT
    Michelle Li – CDOT
    Melinda Castillo – FHWA
    Mac Callison – City of Aurora
    Jim Pankonin – Arapahoe County
December 21, 2006

Ms. Barbara Hintz
805 Washington Street
Scott City, KS 67871

Dear Ms. Hintz,

Thank you for attending the December 7, 2006 public hearing on the I-70/E-470 Interchange Complex Environmental Assessment. You had requested a copy of the EA document which I have previously sent to you.

You also asked for a more detailed map showing property boundaries so that you could better understand the location of your property in relation to the proposed improvements. I am enclosing a copy of a plot showing the property owners in the southeast quadrant of the interchange. Your property is about mid-way between the proposed new location of Gun Club Road and the new Harvest Road interchange with I-70. As you noted at the hearing, the south frontage road along I-70, called Colfax Avenue, is proposed to be relocated further south of your property. Actual locations of the relocated roads will not be determined until the final design process. While the current concept would result in loss of your access from existing Colfax Avenue, it may be possible to provide a relocated frontage road to provide access from relocated Gun Club Road, or to have a shared driveway with the adjacent nursery property.

Please call if you have any further questions on the I-70/E-470 interchange project.

Very truly yours,

Jack Tone, P.E.,
Project Manager

Enclosure

CC: Ken Frantz, E-470 PHA
    Jim Bemelen, CDOT
December 26, 2006

Mr. Doug Stines, P.E.
4046 S. Abilene Circle, Unit B
Aurora, CO 80014

Dear Mr. Stines,

Thank you for attending the December 7, 2006 public hearing on the I-70/E-470 Interchange Complex Environmental Assessment.

You had requested a more detailed map showing the property boundaries in the area southeast of the I-70/ E-470 interchangeso that you could better understand the location of your property in relation to the proposed improvements. I am enclosing a copy of a plot showing the property owners in the southeast quadrant of the interchange. Your property is just east of the proposed new location of Gun Club Road. Actual locations of the relocated roads will not be determined until the final design process.

Please call if you have any further questions on the I-70/E-470 interchange project.

Very truly yours,

Jack Tone, P.E.,
Project Manager

Enclosure

CC: Ken Frantz, E-470 PHA
Jim Bemelen, CDOT
January 15, 2007

Mr. Sean McEniry  
American Quality Landscape Maintenance, Inc.  
9888W. Bellevue Avenue  
PMB 205  
Littleton, CO 80123

Dear Mr. McEniry,

Thank you for attending the December 7, 2006 public hearing in Aurora on the I-70/E-470 Interchange Complex Environmental Assessment.

You had requested a copy of the Environmental Assessment document. Enclosed is a copy per your request.

Please call if you have any further questions on the I-70/E-470 interchange project. My direct phone number is 303-390-5883.

Very truly yours,

Jack Tone, P.E.,  
Project Manager

Enclosure

CC: Ken Frantz, E-470 PHA
Jim Bemelen, CDOT
APPENDIX D:
AGENCY COORDINATION
May 8, 2007

Larry Svoboda  
Director, NEPA Program  
Office of Ecosystems Protection and Remediation  
EPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202

RE: EPA Comments on the Environmental Assessment for I-70/E-470 Interchange, Denver Metropolitan Area, CO

Dear Mr. Svoboda:

Thank you for your review of the I-70/E-470 Interchange Complex Environmental Assessment. Your comments on the document were received in January 2007 in a letter referenced as 8EPR-N. The purpose of this letter is to respond to your comments and concerns and to include it in the Finding of No Significant Impact (FONSI) that is currently being prepared for this project. We have also addressed your concerns in the FONSI.

Cumulative Impacts: Readily available data sources were collected and analyzed for the resources of concern. These sources are listed in Section 3.22.1 of the EA and include the 1987 E-470 Environmental Overview, DRCOG mapping, CDOW - NDIS mapping, USFWS Wetland Inventory Mapping, USACE 404 permit applications, field research, and aerial photography. Data on reasonably foreseeable land use and transportation projects was gathered from Adams County, Arapahoe County, the USACE, the City of Aurora, and CDOT. The context for resource impacts is provided through the analysis of past, present (Section 3.22.2), and reasonably foreseeable development and transportation actions (Section 3.22.3). Therefore, when we say 5.18 acres of wetlands have been impacted, it is in the context of the discussion on page 3-72, "Historically, wetlands in the E-470 corridor were associated with First and Coal Creeks. The E-470 Corridor Environmental Overview described 28 wetlands of varying function and quality covering 58.01 acres within the proposed 50-mile right-of-way. Today, there are approximately 154 acres of wetlands in the cumulative impacts study area (National Wetland Inventory, 2004). These wetlands vary by type and function, and are generally located along Coal Creek and First Creek north of the interchange." More detailed information is not readily available.

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In addition, we corresponded with the Colorado Division of Wildlife to discuss their opinion about wildlife and wildlife habitat in the area and if this project would “tip the balance” for these particular resources. It was felt that due to the large amount of development that has already occurred in the area over the last decade, the balance has already been tipped for wildlife. The I-70/E-470 project would not significantly contribute to the decline of these resources. In fact, the Division feels that this project would keep development clustered around I-70 which is better than having the development spread further south into higher quality riparian areas.

The incremental impacts of the Preferred Alternative are applied to the baseline condition of each resource (beginning on page 3-75 of the EA) to determine the Preferred Alternative's contribution to cumulative effects. The analysis finds that the Preferred Alternative would have less of an impact to the resources of concern than the No-Action Alternative. The analysis does not find that the resources of concern are in critical condition and no significant impacts are identified for the Preferred Alternative. Therefore, the Preferred Alternative would not "tip the balance" for any resource. To clarify, the following statement will be added to the FONSI, "The incremental impact of the Preferred Alternative does not result in effects that cause an unacceptable deterioration in the human quality of life. It would not cause significant impacts to any one or more of the resources of concern. It would not result in effects that would exceed the capacity of a resource or ecosystem to sustain itself or remain productive."

Mitigation of cumulative effects for land use goes beyond the authority of FHWA and CDOT to include those with authority for local land use planning decisions. It is not the policy of FHWA and CDOT to engage in land use planning. One way local jurisdictions (cities and counties) can reduce environmental impacts is through the implementation of smart growth initiatives. CDOT/FHWA has discussed this with the City of Aurora and the City, at this time, is unable to commit to your suggestion of a smart growth resolution.

The City of Aurora has committed to smart growth development for the E-470 corridor by its adoption of a regional smart growth development and zoning plan. This plan is based on the objective of developing town and activity centers situated at E-470 interchanges. These centers are characterized by higher density than the surrounding areas, mixed land uses, compact development, and an extensive bicycle and pedestrian network. Compact development and mixed-use development take up less land than conventional development, thereby creating more open space and fewer impacts to wildlife and aquatic habitat. Compact zoning also reduces the amount of impervious surface reducing water quality impacts. Infrastructure requirements are greatly reduced in more densely developed areas resulting in lower costs to build for developers, cities and ultimately the consumer. In mixed-use developments, housing, offices, restaurants, entertainment, and shopping are located close together which can reduce the number of vehicle trips and encourage walking and bicycling.

As the E-470 corridor continues to face growth pressures, more complex and long-term strategies could be incorporated into land use and transportation planning. Environmentally sensitive development strategies could be incorporated into future land use and transportation plans.

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These efforts can contribute to the quality of life in a community. Growing communities such as those along the E-470 corridor, have an opportunity to implement planning guidelines that encourage smart growth practices. The City of Aurora has already identified environmentally sensitive development, preservation of natural resources, preservation of view sheds, and maintenance of community character as important goals in guiding future development. These strategies and goals are included in several documents including the City of Aurora Comprehensive Plan 2003, the Aurora, Colorado Environment Report, 2005, and the Aurora Parks and Open Space Dedication and Development Criteria Manual, August 2006.

**Wildlife:** The City of Aurora has several policies that discuss the preservation of open space and wildlife habitat. Specifically, from the City of Aurora Municipal Code, Article 9, Chapter 146, Section 908 - Protection of Natural Features, Resources, and Sensitive Areas:

(A) Intent. Protect significant natural features, resources, and sensitive areas in order to minimize the impacts of development on the environment and create more distinctive neighborhoods and mixed-use areas. Such features shall be used as amenities to enhance the value of development.

1. Standards Applicable to All Development
   a. Development shall be organized and designed to protect, appropriately use, or enhance the following types of natural resources and features. This shall be accomplished by including such features in common landscaped areas or dedicated open space, by not allowing construction in these areas sensitive to the protection of these features, or by mitigating impacts. If possible, these features shall be connected or integrated with similar features on adjacent lands.
      1. Water features (in addition to floodplains, which are dedicated);
      2. Parks and public open space areas on or adjacent to the site;
      3. Historic or archeological sites or areas that have been recognized by the city council as significant;
      4. Significant views of the Front Range or of designated open space areas as viewed from dedicated public parks and open space, from the E-470 tollway, or from collector or arterial streets;
      5. Riparian wildlife habitat, as identified by the Division of Wildlife; and
      6. The approximate topographic form of major ridgelines and swales.
      7. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, or expansive soils; and
      8. Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands.

In addition, the 2003 Comprehensive Plan from the City of Aurora states as one of its goals, "Preserve and interconnect open space corridors as much as possible in order to preserve existing wildlife corridors and extend the urban trail system.

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Finally, in the *Aurora Parks and Open Space Dedication and Development Criteria Manual*, August 2006, part of the dedication criteria is to “Undertake habitat enhancement projects that benefit plant and animal species, thereby promoting wildlife and habitat conservation.”

These goals and ordinances are enforced by the City of Aurora through the Framework Development Plan review process. Specifically along E-470, the zoning code requires that there be a land analysis incorporated into any development plans before they are reviewed. Part of this land analysis is to identify and maximize the preservation of wildlife habitat, riparian corridors and open space. Also, it is required that these areas experience minimal disruption during development. The framework development plans then go through a three-cycle review process starting with Zoning and Development Review Division in the City’s Planning Department. If the habitat/open space areas to be preserved are not incorporated into the plans, then the plans would be rejected.

*Floodplains:* The EA document states that 11.4 acres of the First Creek floodplain are impacted by this interchange. However, in actuality approximately 8 of those acres are impacted by the Eastgate and Prologis industrial park developments. Approximately 3.4 acres of the floodplain will be impacted by the interchange. This will be clarified in the FONSI. In addition, construction within the floodplain will not increase the upstream or downstream water surface elevation outside the project limits. The footprint of the floodplain impact will be minimized by the use of a retaining wall along Ramp O south of 19th Avenue, as well as an elevated structure spanning 19th Avenue and the floodplain north of 19th Avenue.

An alternative alignment for Ramp O that would have avoided the floodplain impacts was evaluated but it required acquisition of additional right-of-way, including portions of the adjacent Prologis industrial park and relocation of Smith Way. This also would have resulted in a substandard spacing of decision points between the exit from westbound I-70 and the split between Ramp O and Ramp T.

Regulations dealing with construction in a floodplain are intended to avoid loss of life and property. The proposed construction will not be inhabited and will be adequately protected from flood forces. Finally, both the Eastgate and Prologis industrial parks, the only adjacent developable areas in the First Creek floodplain, are in the process of obtaining the necessary Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) to document their proposed impacts. The preliminary mitigation measures cited were based on initial, 10 to 15% design. Floodplain mitigation requirements, if any, will be included in final design services.

*Ramp H:* The FHWA Non-Programmatic Environmental Review Summary was used to determine that construction of Ramp H meets the criteria for a Categorical Exclusion (CE) permit. CDOT Form 128 signed by FHWA (Scott Sands) lists the clearances and permits obtained as part of the CE process. This form and all other documentation related to the CE are

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on file at CDOT Region 1 headquarters. During the Environmental Assessment process, traffic analysis indicated that safety at the I-70/E-470 (westbound) interchange would be significantly improved by adding Ramp H. This ramp, along with the E-470 realignment, was designed to be completed without precluding any of the future actions or interchange configurations being considered in the ongoing Environmental Assessment. With safety in mind, and concurrence from the FHWA, the applicability of a Non-Programmatic CE was explored and accepted.

These explanations are intended to address all of your questions and concerns about this Environmental Assessment. If you require anything further, please do not hesitate to contact Deb Angulski with CDOT Region 1 Environmental by phone at 303.365.7042, or by email at debra.angulski@dot.state.co.us.

Sincerely,

JEFFERY R. KULLMAN
Regional Transportation Director

cc: Michelle Li
    Melinda Urban

“Taking Care to Get You There”
Ref: 8EPR-N

David A. Nicol
Division Administrator, Colorado Division
Federal Highway Administration
12300 W. Dakota Avenue Suite 180
Lakewood, Colorado 80228

Jeffrey Kullman
Regional Transportation Director
CDOT Region 1
18500 E. Colfax Road
Denver, CO 80011

Re: EPA Comments on the Environmental Assessment (EA) for I-70/E-470 Interchange,
Denver Metropolitan Area, CO

Dear Mr. Nicol and Mr. Kullman:

EPA Region 8 has reviewed the EA for the I-70/E-470 Interchange complex. This
document outlines three new or improved interchanges along I-70, west of Denver, Colorado:
the I-70 and Colfax interchange, the I-70 and Picadilly Road interchange, and the I-70 and
Harvest Road Interchange. The current I-70 and Gun Club Road interchange would be closed.
A flyby has recently been opened to bypass the current signalized intersections, including a ramp
to connect northbound E-470 to westbound I-70.

DRCOG 2030 land use assumptions assume a 300% increase in population and a 2,100%
increase in employment in this area (see EA Appendix A, meeting minutes from Indirect Effects
Panel). We have also seen predictions of 250,000 new residents expected along the E-470
corridor in the Aurora area alone, doubling the City’s population, and a 64% increase in VMT.
The document also states that wildlife is greatly reduced or compromised.

Cumulative Impacts: The cumulative impacts study does not give enough information on the
resources of importance to the area. Wildlife in general will decline; 5.18 acres of wetlands have
been impacted, 11.4 acres of floodplain will be impacted, but no context for what this means is
given. The document states that the incremental impact of the preferred alternative does not
result in effects that cause an unacceptable deterioration in the human quality of life, but this is
only part of the question to be answered. The question is how are the resources doing in general,
and even if a particular action does not have great impacts, it might “tip the balance” on a
resource if the resource is in a state of decline. There is no way to determine the state of the resources from this cumulative impacts study.

In addition, smart growth policies are “recommended.” Recommendations and encouragements are obviously not the same as commitments. Enforceable commitments are necessary from the impacted cities to ensure that recommendations in a comprehensive plan are in fact carried forward (there are many examples where they are not). A city council resolution would be helpful that the smart growth planned will reduce the impacts of the growth in the area to the Floodplain, wildlife, and any other relevant resources in the area.

Floodplains: We would like to urge you to avoid or minimize any highway construction and indirect impacts of growth in the 100-year floodplain. The document states that 11.4 acres of floodplain will be impacted in the First Creek floodplain. The document does include mitigation in the mitigation table, but it is very generic. It is not clear to the reader whether everything practicable will be done to avoid or minimize impacts to the floodplain. Could we get a listing of what activities might take place to avoid/minimize? In addition, some explanation of what will be done to avoid or minimize impacts to the floodplain from potential growth in the area should be included.

Wildlife: “Since the time that E-470, DIA, and Pena Blvd were constructed, there has been a general loss and degradation of wildlife habitat as new development has followed these projects into the cumulative study area.” (EA page 3-76.) This can be further minimized by open space planning that takes into account wildlife habitat. This is the type of consideration that needs to be weaved into the smart growth commitments - that the open space will be open space that benefits the wildlife in the area and slow the degradation of habitat.

We would also appreciate a better description as to why and how the H Ramp was approved outside the NEPA process. The EA does not explain this situation.

Thanks for your consideration of these comments. If you have any questions on these comments, please contact Deborah Lebow at 303 312-6223.

Sincerely,

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

cc: Brad Beckham, CDOT
Melinda Castillo, FHWA Colorado Division
STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

October 19, 2006

Mr. David A. Nicol, PE
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Finding of Section 4(f) De Minimis Impact, Interstate 70/E-470 Intersection Complex, Environmental Assessment

Dear Mr. Nicol:

This letter and the attached materials constitute a request for review and concurrence on a finding of de minimis impact for the project referenced above, which involves major transportation improvements at the I-70/E-470 Interchange Complex in northeastern Aurora, Adams and Arapahoe Counties. A segment of Colfax Avenue/US Highway 40 (SAH2914.1) and a segment of the Kansas & Pacific Railroad (SAM472.3) are located in the project area. Colfax Avenue in its entirety is eligible to the National Register of Historic Places (NRHP) under Criterion A as part of the first transcontinental highway and as one of the longest commercial streets in the United States. The segment of Colfax Avenue in the project area lacks sufficient integrity to support the overall eligibility of the entire road. The entire Kansas & Pacific Railroad is eligible under Criterion A for fostering settlement and agricultural development of the region as well as inter-regional commerce. The segment in the project area retains sufficient integrity to support the overall significance of the entire railroad.

Project Effects:

Colfax Avenue (SAH2914.1): The original alignment of Colfax Avenue east of Picadilly Road was destroyed during the construction of I-70 in the mid-1960s. At that time the Colfax Avenue moniker was applied to the south frontage road, which was built as part of the I-70 project. The existing south frontage road along L-70 between Picadilly Road east to Powhatan Road is signed as Colfax Avenue. In order to provide space for ramps and connecting roadways between Picadilly Road and E-470, and for the ramps at the I-70/Harvest Road interchange, the existing south frontage road will be relocated to the south between E-470 and Powhatan Road. CDOT determined that these proposed improvements will result in no adverse effect to segment SAH2914.1, as this part of the roadway already lacks historic integrity.

Kansas & Pacific Railroad (SAM472.3): The project requires widening the two existing bridges over the railroad to add auxiliary lanes. These two overpasses have a vertical clearance of 24 feet above the railroad tracks and extend for a length of 300 feet over the railroad. They would each be widened by 10 feet, but no new piers would be placed in the railroad right-of-way (ROW). Only the deck will be widened for these existing bridges.

The project also requires a new bridge structure (shown as Ramp O on Page 5 of the attached graphics) to be built over the historic Kansas Pacific (now Union Pacific) Railroad. The new overpass will carry a northbound on-ramp to E-470. Like the existing bridges, the new structure will have a vertical clearance of 24 feet above the railroad tracks and will extend for a length of 300 feet over the railroad. It will be immediately adjacent to the existing twin bridges that carry the main E-470 lanes over the railroad. Final
design has not been completed, but it is anticipated that the new ramp bridge structure will be about 27 feet wide. For the new ramp bridge, one new pier will be placed in the railroad ROW in line with the piers of the existing E-470 bridges. Another pier will be placed on the other side of Smith Road well outside the railroad ROW (the historic boundary of the property).

The entire railroad ROW is considered the historic boundary of the property and will be spanned by the new bridge structure. No tracks will be realigned but there will be temporary impacts from increased dust, dirt and traffic during construction. The existing bridges that will be widened were built within the last decade with the construction of the E-470 tollway. The new bridge structure and the two widened bridges will not physically change the alignment of the railroad or diminish its significant qualities, and the railroad will continue to be eligible under Criterion A for its role in the settlement and development of Colorado and the American West. CDOT has determined that construction of the new bridge and its associated pier placement, and the widening of the two existing bridges will result in no adverse effect to 5AM472.3. Please see the attached graphics for more information.

**Finding of De Minimis Impact**

The State Historic Preservation Officer (SHPO) concurred with the no adverse effect finding for Colfax Avenue (5AH2914.1) in correspondence dated May 15, 2006. In a letter dated July 12, 2006, the SHPO similarly concurred that there would be no adverse effect to the Kansas & Pacific Railroad (5AM472.5). In a letters dated April 26, 2006, Adams County, the Aurora History Museum, and Arapahoe County were afforded an opportunity to comment on the Section 106 findings. We did not receive responses from these groups within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and in the attached documentation, the effects of this proposed improvement on Colfax Avenue and the Kansas Pacific Railroad constitute de minimis impacts and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below. Any questions regarding this matter should be directed to CDOT Senior Staff Historian Lisa Schoob at (303)512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Section 106 correspondence
Graphics for I-70 and E-470 Grade Separations, pp. 1-6

cc: Michelle Li, CDOT Region 1
File/CF

I concur:

David A. Nicol, PE
Administrator, Colorado Division
Federal Highway Administration
June 30, 2006

Ms. Georiganna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Additional Information, Determinations of Effects, and Section 4(f) De Minimis Notification, I-70/E-470 Interchange Complex Environmental Assessment, Adams and Arapahoe Counties

Dear Ms. Contiguglia:

This letter and the enclosed materials constitute additional information for the Grimm Farm (SAM438), which was identified as part of the historic resources survey, and effects determinations for the Kansas Pacific Railroad (SAM472.3) and the Highline Canal (SAM261.2), both of which were identified in the archaeology survey for the project. We initially consulted with you regarding historic resources in correspondence dated April 25, 2006 and eligibility of archaeological resources under separate cover dated May 15 and June 7, 2006. Also included herein is a notification of Section 4(f) de minimis for your information.

Additional Information, Grimm Farm (SAM438):
1) Clarification of construction date for Quonset hut: The Quonset hut was built on-site in 1947. A conversation with the owner on June 9, 2006 revealed that the hut has been painted several times.

2) Justification regarding why the resource lacks integrity as a Craftsman bungalow: There are still some architectural elements of the Craftsman style evident on the farmhouse. However, the house, which was built in 1917, originally featured wood siding that was covered with asphalt shingles, first in 1958 and again in 1985. A porch was removed from the rear of the house and the original wood siding is visible in that area. A photo showing the rear of the house was included with the survey. We have determined that the house has lost integrity due to the removal of the back porch, the installation of asphalt shingles, and the installation of steel storm windows. While this house is an example of Craftsman architecture, we believe the modifications prevent this from being a good representative example of the style.

3) Additional information regarding asphalt shingles on house: As noted above, the asphalt shingles were placed over the original wood siding in 1958. In 1985, a new layer of asphalt shingle was installed over the previous layer. The asphalt shingles obscure the original wood siding and have not acquired significance since their most recent installation.

4) Clarification regarding agricultural fields within historic boundary: The agricultural fields within the historic boundary still convey the function and history of agriculture. The Grimm family does not live on the farm, but they still use the land to produce winter wheat. The land to the east and west of the farm is now the site of gas plants.
5) **Additional information and evaluation of old outbuildings:** At the time the survey was prepared in October 2005, the site contained two old shed-roofed outbuildings used for storage. A photo of the sheds was taken at that time and is enclosed with this letter. The sheds were in poor repair, and since that time one has been removed and the owner has indicated he will be demolishing the other one soon. Although assessor records indicate that these sheds were built in the 1950s, the property owner has informed us that they were standing when the property was purchased by his family in 1939.

6) **Discussion of whether the farm is a good example of farms historically located in the area:** While this farm is an example of farms historically located in the area, we have determined that this property is not a good example because the house has lost integrity and the few outbuildings left were either built later than the main house or have lost integrity. For these reasons and those discussed in our initial consultation on this property, we continue to support our initial evaluation that 5AM438 is not eligible to the NRHP based on loss of integrity, resulting in a **no historic properties affected finding**.

**Effect Determinations**

**Kansas & Pacific Railroad (5AM472.3):** The project requires widening the two existing bridges over the railroad to add auxiliary lanes. These two overpasses have a vertical clearance of 24 feet above the railroad tracks and extend for a length of 300 feet over the railroad. They would each be widened by 10 feet, but no new piers would be placed in the railroad right-of-way (ROW). Only the deck will be widened for these existing bridges.

The project also requires a new bridge structure (shown as Ramp O on Page 5 of the attached graphics) to be built over the historic Kansas Pacific (now Union Pacific) Railroad. The new overpass will carry a northbound on-ramp to E-470. Like the existing bridges, the new structure will have a vertical clearance of 24 feet above the railroad tracks and will extend for a length of 300 feet over the railroad. It will be immediately adjacent to the existing twin bridges that carry the main E-470 lanes over the railroad. Final design has not been completed, but it is anticipated that the new ramp bridge structure will be about 27 feet wide. For the new ramp bridge, one new pier will be placed in the railroad ROW in line with the piers of the existing E-470 bridges. Another pier will be placed on the other side of Smith Road well outside the railroad ROW (the historic boundary of the property).

The entire railroad ROW is considered the historic boundary of the property and will be spanned by the new bridge structure. No tracks will be realigned as part of this project. There will be temporary impacts from increased dust, dirt and traffic during construction. The existing bridges that will be widened were built within the last decade with the construction of the E-470 tollway. The new bridge structure and the two widened bridges will not physically change the alignment of the railroad or diminish its significant qualities, and the railroad will continue to be eligible under Criterion A for its role in the settlement and development of Colorado and the American West. CDOT has determined that construction of the new bridge and its associated pier placement, and the widening of the two existing bridges will result in **no adverse effect** to 5AM472.3. Please see the attached graphics for more information.

**High Line Canal (5AM261.2):** There are no direct or indirect impacts to the canal. The resource is on the far side of the study area and there will be no transportation improvements near it. The project results in **no historic properties affected** with regard to this eligible resource.

**Notification of Section 4(f) De Minimis Determination**

This project has been determined to have **no adverse effect** to the Kansas & Pacific Railroad (5AM472.3) and Colfax Avenue (SAH2914.1). Based on the **no adverse effect** findings outlined above (for the railroad) and in previous consultation (for Colfax Avenue), FHWA may make a de minimis finding for the Section 4(f) requirements for these historic sites.
We request your concurrence with these determinations of eligibility and effect. Your response is necessary for the Federal Highway Administration’s compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation’s regulations. We also request acknowledgement of the Section 4(f) de minimis notification at this time.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian, Lisa Schoch, at (303) 512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosures
Graphics for I-70 and E-470 Grade Separations, pp. 1-6

cc: Michelle Li, CDOT Region 1
Troy Halouska, Carter & Burgess
F/CF
March 23, 2007

Mr. Wallace Coffey, Chairman
Comanche Tribe of Oklahoma
P.O. Box 908
Lawton, OK 73502

SUBJECT: Additional Information Regarding the I-70/E-470 Interchange Environmental Assessment, Adams and Arapahoe Counties, Colorado

Dear Mr. Coffey:

In August 2003 your tribe expressed a desire to become a consulting party for the Colorado transportation project referenced above, under the terms of Section 106 of the National Historic Preservation Act. The undertaking proposes construction of a new interchange at the intersection of I-70 and E-470, a private toll road, located at the eastern fringe of the Denver metropolitan area. Since our initial correspondence regarding this project, the Environmental Assessment has been completed and we are in the process of preparing the Finding of No Significant Impact (FONSI), the last step in the environmental documentation process.

As noted in our July 10, 2003 letter regarding this project, no Native American sites eligible for listing on the National Register of Historic Places are present within the project area, and your tribe has not indicated a specific concern about any resources within the direct area of potential effect. FHWA and CDOT remain committed to addressing any issues you may have regarding the I-70/E-470 project. However, we are concluding the environmental documentation and no further consultation actions by the agencies are planned at this time. Unless we receive notification from you within 30 days of receipt of this letter indicating your desire to extend government to government consultation, we will conclude the Section 106 tribal consultation process for this initial part of the undertaking. Your rights as a consulting tribe under Section 106 will continue throughout project construction, however, and you will be notified immediately should Native American artifacts or human remains be exposed.

If you have questions about the information outlined above, please contact me by telephone at (303)757-9631, Email at daniel.jepson@dot.state.co.us, or at the CDOT mailing address on the letterhead.

Sincerely,

[Signature]

Dan Jepson, Senior Staff Archaeologist
Section 106 Tribal Liaison

cc: M. Vanderhoof (FHWA)
    D. Angulski (CDOT Region 1)
    R. Toahy (Tribal NAGPRA Coordinator)
March 23, 2007

Mr. Billy Evans Horse, Chairman
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

SUBJECT: Additional Information Regarding the I-70/E-470 Interchange Environmental Assessment, Adams and Arapahoe Counties, Colorado

Dear Mr. Evans Horse:

In August 2003 your tribe expressed a desire to become a consulting party for the Colorado transportation project referenced above, under the terms of Section 106 of the National Historic Preservation Act. The undertaking proposes construction of a new interchange at the intersection of I-70 and E-470, a private toll road, located at the eastern fringe of the Denver metropolitan area. Since our initial correspondence regarding this project, the Environmental Assessment has been completed and we are in the process of preparing the Finding of No Significant Impact (FONSI), the last step in the environmental documentation process.

As noted in our July 10, 2003 letter regarding this project, no Native American sites eligible for listing on the National Register of Historic Places are present within the project area, and your tribe has not indicated a specific concern about any resources within the direct area of potential effect. FHWA and CDOT remain committed to addressing any issues you may have regarding the I-70/E-470 project. However, we are concluding the environmental documentation and no further consultation actions by the agencies are planned at this time. Unless we receive notification from you within 30 days of receipt of this letter indicating your desire to extend government to government consultation, we will conclude the Section 106 tribal consultation process for this initial part of the undertaking. Your rights as a consulting tribe under Section 106 will continue throughout project construction, however, and you will be notified immediately should Native American artifacts or human remains be exposed.

If you have questions about the information outlined above, please contact me by telephone at (303) 757-9631, Email at daniel.jepson@dot.state.co.us, or at the CDOT mailing address on the letterhead.

Sincerely,

Dan Jepson, Senior Staff Archaeologist
Section 106 Tribal Liaison

cc: M. Vanderhoof (FHWA)
    D. Angulski (CDOT Region 1)
    G. Daingkau (Kiowa NAGPRA Rep.)