

Chapter 6

Public Involvement



Chapter 6. Public Involvement

The Public Involvement Program (PIP) for this project was developed in accordance with Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) guidance and is being conducted throughout the environmental assessment (EA) process to ensure agency and public participation.

The main purpose of the PIP is to inform appropriate local, state, and federal agencies and members of the general public about the project; identify their issues and concerns; and allow for feedback during the entire EA process. A key element of the program is being responsive to agency and public concerns related to the project. This requires an integrated program tailored to meet the needs of agencies and the public.

Program effectiveness requires timely information dissemination. To meet this goal, the following tools have been and continue to be used:

- ❑ agency meetings
- ❑ public workshops
- ❑ project website
- ❑ factsheets and postcards
- ❑ mailings to an extensive list of recipients

The PIP will conclude at the close of the 30-day public and agency review period. Within this period, a public hearing will be conducted and formal comments received. Responses to all comments will be provided in the National Environmental Policy Act (NEPA) decision document.

6.1 Public and Agency Involvement Programs

6.1.1 Scoping

Although scoping is the first step in the EA process, public and agency involvement is a critical component that continues throughout the

process. Scoping was done at the onset of the project to identify the range or scope of public and agency issues and concerns related to potential widening of SH 402. Scoping identified the alternatives to be studied and shaped the alternatives selection process. Primary issues raised were safety, mobility, potential relocations, and impacts on wetlands, noise, and water quality.

6.1.2 Agency Coordination

Local, state, and federal agencies were involved at project initiation and all key milestones in the EA process. FHWA and CDOT solicited input from local and regional planning and transportation representatives and worked with resource and regulatory agencies to help identify environmental issues and potential impacts associated with the project.

Three Agency Status Meetings were conducted to solicit comments from these agencies: the first in October 2001, the second in August 2002, and the third in February 2003. Representatives from the following agencies were invited to attend:

- ❑ CDOT, Region 4 specialists: Environmental, Engineering, Access, Traffic, Design, Right-of-Way, and Utilities
- ❑ Environmental Protection Agency (EPA)
- ❑ Federal Emergency Management Agency (FEMA)
- ❑ US Army Corps of Engineers (USCOE)
- ❑ US Fish and Wildlife Service (USFWS)
- ❑ Natural Resources Conservation Service (NRCS)
- ❑ Colorado Division of Wildlife (CDOW)
- ❑ Colorado Department of Public Health and Environment (CDPHE)
- ❑ Colorado Office of Archaeology and Historic Preservation (OAHP)
- ❑ Larimer County departments: Planning, Public Works, and Engineering

- ❑ City of Loveland departments: Planning, Transportation, and Engineering
- ❑ North Front Range Transportation and Air Quality Planning Council (NFRT & AQPC)

October 2001 Agency Status Meeting

The purpose of the October 2001 Agency Status Meeting was to introduce the project, discuss relevant issues, and obtain input. At this meeting, agency representatives were provided with a presentation of the proposed project: draft purpose and need statement, project goals, project schedule, and description of the environmental assessment process (including PIP). Agency representatives provided comments and preliminary information regarding issues and concerns, and consensus on key elements of the purpose and need statement.

August 2002 Agency Status Meeting

The purpose of the August 2002 Agency Status Meeting was to update agencies on the status of the project and tasks performed to date. The project team sought feedback from agencies on the alternatives analysis. Agency representatives were provided with a presentation of preliminary traffic study results, screening criteria, alternatives developed to date, and initial screening results. In addition, a summary of public comments received was provided. Agencies gave feedback on the information presented, as well as concurrence on the screening process criteria and alternatives being studied.

February 2003 Agency Status Meeting

The chief purpose of the February 2003 Agency Status Meeting was to provide the project team with agency feedback on the recommendation to take the No Action Alternative and Meander Alternative reduced-right-of-way forward into detailed environmental analysis.

The four original action alternatives had a right-of-way width of 225 feet. Initial screening was based on this design, which was presented at the August 2002 Agency Status Meeting. The same

information was presented to the public at a workshop in September 2002. As a result of public feedback and input, FHWA and CDOT decided to explore the concept of narrowing the right-of-way to further minimize impacts before completing the screening process. All four action alternatives were modified to a 160- to 175-foot right-of-way width. *Chapter 2, Alternatives*, includes a detailed discussion of this process. The Meander Alternative was refined to reduce the number of property acquisitions while minimizing environmental impacts. These narrower alternatives were then evaluated against the original screening criteria.

In addition, the project team sought agency input on the information to be presented at the public workshop scheduled for April 2003. At this meeting, agencies agreed that the No Action and Meander Alternatives should progress to detailed environmental analysis.

6.1.3 Public Participation

Throughout the PIP, information about the project has been distributed via mailings, project website (www.sh402ea.com), and public workshops held in September 2002 and April 2003.

Mailings

Seven factsheets and one notification letter have been produced and distributed.

First Factsheet, October 2001. Shortly after the project began, a factsheet containing a postage-paid comment sheet was mailed to recipients on the project mailing list to solicit input on concerns about the existing highway, potential improvements, and the surrounding environment. In an effort to reach SH 402 corridor users, these materials were left in an information box at the carpool lot at the southwest quadrant of the SH 402 and I-25 interchange. Subsequently, a bulk mailing was sent to the SH 402 addresses on the rural route in the project vicinity. More than 60 comment sheets were returned, and most focused on concerns about safety, access, and potential relocation. A small number

expressed concern about environmental issues such as noise, wetlands, and farmland impacts.

Second Factsheet, November 2002. The second factsheet summarized the first public workshop, including a synopsis of comments and feedback provided by attendees, together with the remaining EA schedule and next steps.

Third Factsheet, April 2003. The third factsheet notified individuals about the second public workshop scheduled for April 2003, provided an update on refinement of the alternatives, and solicited comments.

Fourth Factsheet, July 2003. The fourth factsheet provided an update on the two alternatives that would progress into the next phase of study, environmental analysis, and the No Action Alternative and Meander Alternative. The second public workshop and the comments received were summarized.

Fifth Factsheet, April 2004. The fifth factsheet provided the general project status and an update on the forthcoming completion of the EA document and project schedule.

Notification Letter and Study Area Map to Stakeholders West of SH 402 and US 287, April 2004. Property owners and business operators located adjacent to the SH 402 and US 287 intersection and west to South Garfield Avenue received a letter and a map illustrating potential intersection improvements should the Meander Alternative be selected as the Preferred Alternative.

Sixth Factsheet, January 2005. The sixth factsheet told readers that the EA would include the Meander Alternative and the No Action Alternative. It also included a map of the Meander Alternative and an updated project schedule.

Seventh Factsheet, September 2005. The seventh factsheet provided an overview of the project and activities that had occurred during

2005. It also explained the additional research underway for historic preservation. The Meander Alternative alignment was illustrated in this factsheet.

Project Website

A website was established to provide up-to-date information and allow interested members of the public to ask questions, request information, and be placed on the mailing list. Besides being a source of information, the website serves as an alternate method to register comments. The website address is www.sh402ea.com.

Public Workshops

Two public workshops were held at CDOT, Region 4 Loveland Residency at 2207 East Highway 402 in Loveland. Postcards advertising both events were sent to recipients on the mailing list and to rural route box holders in the study area. In addition, public notices were posted in the *Loveland Reporter-Herald* and on the project website.

First workshop, September 19, 2002, 4:00 PM to 7:00 PM. This workshop presented information on the following topics:

- project overview
- environmental assessment process
- project schedule
- project goals
- initial alternatives
- screening criteria
- environmental mapping
- potential impacts associated with the alternatives
- traffic data

The workshop was informal, allowing attendees to discuss the project one-on-one with CDOT, FHWA, and consultant team representatives. Fifty people attended the workshop, and 14 comments were received in the form of Post-It™ notes attached to exhibits and comment sheets. Workshop stations included:

- ❑ Station #1: Attendees were greeted, asked to sign in, and given an information packet. Post-It notes and comment sheets were provided for indicating comments.
- ❑ Station #2: Displays featured the project purpose and need, study area aerial map, project goals, issue identification, and EA process.
- ❑ Station #3: Displays featured traffic growth issues, level of service, traffic safety issues, and cross sections of the existing SH 402 and conceptual action alternatives.
- ❑ Station #4: Displays featured the alternatives analysis, the screening process, and next steps in the EA process.
- ❑ Station #5: Displays featured right-of-way information; two CDOT Right-of-Way staff members were present to answer questions.
- ❑ Station #2: Displays featured project orientation, including project purpose and need, project goals, the EA process, and a map of the entire study area.
- ❑ Station #3: Displays presented information on traffic analysis results and traffic-related safety issues.
- ❑ Station #4: Displays illustrated action alternative cross sections, reduced right-of-way action alternatives, and associated environmental analyses.
- ❑ Station #5: Displays provided right-of-way information; two CDOT Right-of-Way staff members were present to answer questions.
- ❑ Station #6: Displays illustrated next steps in the EA process and PIP information.

Second workshop, April 15, 2003, 4:00 PM to 7:00 PM. This workshop presented information on the following topics:

- ❑ reduced right-of-way-width alternatives and alternative analysis update
- ❑ modified screening results
- ❑ alternatives recommended for further environmental analysis

The workshop format was informal and promoted discussion about the project with CDOT, FHWA, and consultant team representatives. Participants were encouraged to use various maps to identify areas of specific interest to them. Forty-five individuals attended the workshop and 13 comments were received. Workshop stations included:

- ❑ Station #1: Attendees were greeted, asked to sign in, and given an information packet. Post-It™ notes and comment sheets were provided for indicating comments.

Mailing List

As of November 2006, the project mailing list contained 302 names and addresses. The list includes federal, state, and local agency representatives; elected officials; special interest groups; business owners; property owners; and other interested parties. The mailing list is updated throughout the life of the project as individuals ask to be added. Besides recipients on the mailing list, SH 402 rural route box holders receive project information.

6.2 Program Results

All of the questions and comments received from agencies and the public were compiled, organized by topic, analyzed, and summarized.

6.2.1 Agency Status Meeting Results

The following summarizes the issues and concerns identified in the Agency Status Meetings held in October 2001, August 2002, and February 2003.

Project Schedule/Funding

Issue. If construction money isn't available, why is the EA on such an aggressive schedule?

Response. Construction money is not actually available until after 2008. SH 402 is identified as "future funds" in the current *Statewide Transportation Improvement Program (STIP)* listing of projects. Several activities need to occur between the EA and construction. Once the EA is complete and a public hearing has been held, FHWA will issue a decision document, resulting in selection of either the No Action Alternative or the Meander Alternative. Should the Meander Alternative be selected as the Preferred Alternative, CDOT would complete final design of the alternative and begin working with affected property owners. Only after these steps are complete can construction begin. Please note that this response has been updated to reflect current funding availability and timeframe.

Traffic/Highway Design

Issue. Does the long-range plan call for urban or rural design?

Response. The city of Loveland plans for this highway to be a four-lane facility. Based on current land use projections and traffic volumes, an urban design is warranted from US 287 to CR 13C. A rural design is warranted between CR 13C and the I-25 interchange.

Issue. Are there any plans to go east of I-25?

Response. Current and projected traffic patterns and volumes do not warrant expansion east of the I-25 interchange. Should changes in travel occur, the area to the east would need to be examined in a separate study.

Issue. What is the current road width and right-of-way?

Response. Current width is approximately 32 feet: two 12-foot lanes and two 4-foot shoulders. The current right-of-way varies but is generally 60 feet wide.

Issue. Would fixing the vertical sight distance near Paradise Acres go out of 200 feet planned right-of-way?

Response. Yes, but only in a few very limited areas. The planned right-of-way is now 160 to 175 feet.

Issue. Do we have a goal for other corridors that can serve the same purpose?

Response. FHWA and CDOT examined traffic volumes and patterns and determined that SH 402 as a stand-alone project needs to be improved to address mobility and safety issues specifically associated with the highway. Improvement of parallel roads will not address the needs of SH 402. This need must be addressed regardless of actions taken to improve other facilities in the area.

Issue. Explain why an alternative along this corridor is the only option to meet the purpose and need, and why no other roads can improve through traffic flow.

Response. Early consensus was reached among the agencies (October 2001 Status Meeting) that the established purpose and need only justified looking at alternatives on the existing alignment.

Traffic/Highway Design

Issue. A raised median should be included in the design for safety/capacity reasons. This should not affect the EA in terms of roadway width.

Response. A raised median is included in the design for the urban section from US 287 east to CR 13C. Rural section design includes a center turn lane in the median rather than a raised median. These designs are appropriate for current and projected traffic volumes. The rural section could be modified in the future to include a raised median should this be warranted.

Issue. Give consideration to design for joint trench utilities, especially communications providers.

Response. All action alternatives include a 25-foot utility corridor on the south side for placement of most utilities. Should an action alternative be selected, CDOT will coordinate closely with responsible parties to ensure appropriate handling of communications services.

Issue. Impacts should be evaluated based on the 225-foot cross section.

Response. Originally four action alternatives were developed with a right-of-way width of 225 feet on the south side. This information was presented to the public and, as a result of public feedback and input, CDOT decided to investigate narrowing the right-of-way to further minimize impacts before completing screening. As a result, all four action alternatives were modified to a 160- to 175-foot right-of-way. The Meander Alternative was refined to reduce the number of property acquisitions while minimizing environmental impacts. The narrower alternatives were then evaluated with the same criteria applied to the 225-foot alternatives. For more information, see *Chapter 2*.

Environmental Concerns/Mitigation

Issue. How are you going to handle runoff from the section between CR 13C and I-25 where there is no vegetation, curb, or gutter?

Response. Roadside ditches will be provided as part of the cross section for the rural portion of SH 402.

Issue. Will there be any noise impacts?

Response. Noise impacts exceeding 66 dB(A) would occur at eight residential receptors under the No Action Alternative. Three additional residences would be affected by the Meander Alternative. Information specific to noise impacts and mitigation can be found in *Chapter 3, Section 3.15, Noise*.

Issue. Are there any environmental justice issues?

Response. Based on block level analyses, no environmental justice impacts are expected. Information specific to environmental justice can be found in *Chapter 3, Section 3.3, Environmental Justice*.

Environmental Concerns/Mitigation

Issue. How is air quality affected?

Response. Air quality and the potential impacts of the No Action and Meander Alternatives were analyzed; see *Chapter 3, Section 3.16, Air Quality*, for analysis results. The city of Loveland is outside the Fort Collins attainment/maintenance area and is not subject to conformity with their maintenance plan for carbon monoxide. Carbon monoxide hot-spot modeling is not required for SH 402. Because SH 402 is not located in a particulate less than 10 micron nonattainment or maintenance area, a detailed analysis of particulate less than 10 micron impacts is not required. Numerous counties along the Front Range, including Larimer County, are in violation of the 8-hour ozone standard. An Early Action Compact (EAC) designed to achieve and maintain the 8-hour ozone standard has been developed for this nonattainment area. Therefore, the Environmental Protection Agency has deferred the effective date of the nonattainment designation as long as the EAC milestones are met. Conformity to the 8-hour ozone standard does not apply to this project.

Issue. Significant sandy gravel resources are present in this area—you may want to include them in your mapping. Mining is governed by state law; the area is zoned commercial-mineral resources.

Response. Impacts and mitigation for geology and soils are discussed in *Chapter 3, Section 3.22, Geology*. Gravel mining operations in the area will not be affected by either the No Action Alternative or the Meander Alternative.

Issue. Regarding prime farmland, in addition to the National Resources Conservation Service (NRCS) soil analysis, Larimer County adopted the Land Evaluation and Site Assessment (LESA) study.

Response. NRCS used LESA guidelines to assess impacts on SH 402 area farmlands. For further discussion, see *Chapter 3, Section 3.5, Farmland*.

Issue. Do we have a good feel for floodplain and mapping? With regard to the Big Thompson, cumulative effects will be a big issue.

Response. The Meander Alternative does have an impact on the Big Thompson floodplain, but because the floodplain is very wide and flat in the affected area, the Meander Alternative will have minimal effect on base flood elevations. See *Chapter 3, Section 3.20, Floodplains* for further information specific to floodplain impacts and mitigation.

Issue. The city of Loveland has an Open Lands Plan that rates natural areas, including wetlands and parks. Also, the Parks Plan has proposed a trail route going through this area.

Response. At this time, the city has no plans to develop a trail near the Big Thompson River. Larimer County Open Space officials stated that they requested easements along both sides of the Big Thompson River, but the proposed trail has not been planned at this time.

Issue. Mitigate cumulative impacts and demonstrate how you've done so with the city and county. Issues of specific interest are floodplains, wetlands, prime farmlands, and any threatened and endangered species found.

Response. Each resource was evaluated for cumulative impacts; specific information can be found in *Chapter 5, Cumulative Impacts*. The information is also summarized at the end of the chapter for easy reference.

Issue. If the farmhouses go, then what happens to the integrity of the barns? How does this relate to the complex as a whole?

Response. SH 402 will have an adverse effect on the historic Weber Farm as a whole (5LR10725) with the acquisition of the farmhouse and a chicken brooder house. No other historic properties will be adversely impacted by this project.

Environmental Concerns/Mitigation

Issue. The following modifications to the Alternatives Analysis Matrix were suggested: 1) note the mitigation potential for environmental impacts, 2) show acreages for potential threatened and endangered species, 3) give more details for the public workshop, 4) quantify impacts from highest to lowest instead of comparing them, and 5) include the No Action Alternative.

Response. 1) Mitigation measures are considered in the environmental analysis phase of the study and can be found in *Chapter 3, Impacts and Mitigation Measures*.

2) The bald eagle is the only threatened or endangered species that may be present. Habitat encroachment is outlined in the Alternatives Analysis Matrix in *Chapter 2, Alternatives*.

3) The Alternatives Analysis Matrix provides an overview of impacts on factors that shape the screening process. Supporting documentation can be found in *Chapter 2, Alternatives*.

4) Quantification, where possible, is provided in the Alternatives Analysis Matrix in *Chapter 2, Alternatives*.

5) The No Action Alternative is included in the Alternatives Analysis Matrix in *Chapter 2, Alternatives*.

Screening

Issue. Do we have any other criteria for screening for migratory birds and terrestrial wildlife?

Response. Screening criteria are described in *Chapter 2, Alternatives*, and provided on the Alternatives Analysis Matrix in Chapter 2. New ground disturbance was a screening consideration.

Issue. Concerned over considering costs during screening.

Response. Cost was not a differentiating factor among the alternatives.

Public Involvement

Issue. Tenants, property owners, and commuters all need to be reached with public involvement.

Response. Project information was mailed to property owners and all box holders along Rural Route 402, posted at the carpool lot in the corridor, advertised in local newspapers, and posted on the project website www.sh402ea.com. Refer to *Section 6.1.3* above for a description of how the PIP was conducted throughout the EA process.

Issue. The Johnstown planning consultant should be included in this project as well. Johnstown boundaries come very close to the eastern terminus of the project area.

Response. All local and municipal authorities were included in the PIP and have had access to public involvement materials.

Bicycle/Pedestrian Use

Issue. Bicycle/pedestrian use is important. Will 10-foot shoulders be provided now or in the future?

Response. A 10-foot shoulder is included in the conceptual design for all action alternatives and could accommodate both pedestrians and bicyclists for the rural section east of CR 13C (St. Louis Avenue). A sidewalk is included in the urban section west of CR 13C. The No Action Alternative has no provision for either mode of transportation.

6.2.2 Public Involvement Program Results

The following summarizes issues and concerns identified in responses to Factsheets 1 through 7, and the public workshops held on September 19, 2002, and April 15, 2003. Comments from the

public were associated with access, safety, carpool lot safety, irrigation, right-of-way, traffic, and environmental issues. Table 6-1 provides a tally of outreach and comments received.

Table 6-1. Summary of Public Outreach and Comments Received

Factsheets (seven were mailed out)		Totals
Factsheets mailed		3,260
Comments received		64
Public workshops (two were held)		
Total in attendance		95
Comments received		27
Project website		
Total site visits		>100
Comments received		0

Access	
Issue. Access issues include Rocky Mountain Tranquility, property entrances, business entrances, Paradise Acres, and Heron Drive.	Response. Access is considered in the conceptual design. All accesses to Rocky Mountain Tranquility will be maintained—even during construction—should the Meander Alternative be selected as the Preferred Alternative.
Issue. Lanes are needed for turning (especially left) and acceleration; four if possible.	Response. The Meander Alternative includes a center turn lane for vehicles turning left, as well as a 10-foot shoulder and four general-purpose travel lanes.
Issue. Some attendees noted that the roadway cross-section, especially the median and wider shoulder, is a much-needed improvement.	Response. Noted.
Issue. There was some dislike for the raised median (from US 287 to CR 13C) from attendees who are directly affected by losing their access and other attendees.	Response. Noted.

Public Involvement	
Issue. Many attendees expressed appreciation for the workshop and noted that the format was conducive to participating in the process. Some attendees stated that the public workshop was an excellent means of identifying property owner issues.	Response. Noted.

Safety

Issue. Safety concerns include the need for left turn lanes, a wider shoulder, and improved sight distance at intersections. Presently vehicles pass on the shoulders.

Response. These features are a part of the proposed project.

Carpool Lot Safety

Issue. A turning lane for the “Park-N-Ride” would improve safety.

Response. The Meander Alternative will improve traffic flow (that is, decrease congestion) in the area of the carpool lot. A designated right turn only for the carpool lot is not warranted under the improved condition.

Irrigation

Issue. Concerns about the irrigation ditch include effects on the current ditch, cost to relocate the ditch, and drainage.

Response. Potential impacts on irrigation ditches have been examined; should the Meander Alternative be selected, the function of the irrigation ditch will not be affected. Drainage has been examined as part of the environmental analysis and is discussed in *Chapter 3, Impacts and Mitigation Measures*.

Issue. Water rights are an issue for some attendees because they have a water right that allows them to draw out of the existing ditches; what would happen if the water were put into pipes?

Response. Water rights will not be compromised regardless of whether portions of a ditch would be piped in the vicinity of SH 402. Ditch access will be clarified during design.

Right-of-Way

Issue. How much property (feet) would be used by the expansion? How are structures and property values affected? Some residents prefer other alternatives that don't affect their property.

Response. The amount of right-of-way width would increase from approximately 60 to 160 to 175 feet. Should the Meander Alternative be selected, CDOT Right-of-Way staff will work directly with each affected property owner to determine appropriate compensation. If the right-of-way comes within 15 feet of a structure, CDOT considers this an acquisition. If a property extends away from the road, CDOT will discuss on an individual basis the option to relocate the structure should the Meander Alternative be selected.

Issue. The majority of support was for the Meander Alternative with a 160- to 175-foot right-of-way. The Meander Alternative was preferred by most of the attendees who commented that this alignment would address most issues within the study area and provide the best balance of environmental impacts.

Response. Noted.

Traffic/Highway Design

Issue. Increased traffic volume and congestion are concerns.

Response. These factors were considered in both identifying project purpose and need and in conceptual design of the action alternatives.

Issue. Will the north or south side be widened?

Response. Alternatives that widen to both sides, widen only to the south, widen only to the north, or meander (a limited number of slight shifts in the highway) were all considered in the alternative analysis. A discussion can be found in *Chapter 2, Alternatives*. As a result of screening, only the Meander Alternative progressed into the environmental analysis.

Environmental Concerns

Issue. Issues include: noise, pollution, loss of vegetation, loss of wildlife habitat, and loss of rural character.

Response. The Meander Alternative was designed to minimize impacts on the natural and human environments to the greatest extent possible. *Chapter 3* presents a detailed discussion on impacts and mitigation.

Project Funding

Issue. Many attendees wanted to know when construction would begin.

Response. Construction money is not available until after 2008.

Issue. Will there be enough funds to complete the project?

Response. This project is a part of the Statewide Transportation Improvement Program (STIP), and CDOT will budget for completion in a timely manner should the Meander Alternative be selected.

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