

Meeting Summary

Date: June 20, 2024

29 Road Interchange at I-70, NEPA/1601 Project

Meeting Name: Air Quality and Greenhouse Gases Scoping Meeting

Meeting Date: June 13, 2024

Attendees:

Invitee	Organization	Attended?	Invitee	Organization	Attended?
Chris LaPlante	CDOT	X	Alex Pulley	FHU	X
David Messmer	CDOT	X	Amanda Cushing	FHU	X
Libba Rollins	CDOT	X	Jodie Snyder	FHU	X
Dave Cesark	CDOT	X	Cady Dawson	FHU	X
Neal Goffinet	FHU	X	Jake Fritz	FHU	X

Scoping Meeting Checklist Review

A scoping checklist was provided prior to the meeting. During the meeting, the team discussed the checklist. The scoping checklist along with comments and meeting minutes are provided as an **attachment** to this meeting summary.

Discussion

- ▶ The project meets the Transportation Capacity project definition.
- ▶ The project meets the Regionally Significant project definition.
- ▶ It is currently not on CDOT's 10-year plan. Therefore, it does not meet the CRS 43-1-128 requirements.
- ▶ An EA Class of Action would trigger other federal requirements (i.e., specifically the CEQ guidance from January 2023).

Meeting Summary

Next Steps

- ▶ FHU will prepare an RSTC determination memorandum to document that CRS 43-1-128 does not apply to the project.
- ▶ The project will move forward with preparing an Air Quality Technical Report with the understanding that the project will be a Documented CatEx.

Disclaimer: If the project does become an EA, it will be subject to quantitative GHG analysis under January 2023 Interim CEQ Guidance.

- ▶ CDOT will meet internally to discuss the next steps with how to document GHG in the Air Quality Technical Report.

Attachment

AQ and GHG Scoping Checklist for NEPA

NEPA Scoping Checklist for AQ and GHG

CDOT Version 1, last updated May 10, 2024

Project Name: 29 Road and I-70 Interchange

CDOT Subaccount Number:

Date: June 13, 2024

Performed By:

Agency/Organization	Name
CDOT Region 3	Dave Cesark
CDOT EPB	Chris Laplante
CDOT EPB	David Messmer
CDOT EPB	Libba Rollins
CDOT Region 3	Dave Cesark
FHU	Alex Pulley
FHU	Amanda Cushing
FHU	Neal Goffinet
FHU	Jodie Snyder
FHU	Cady Dawson
FHU	Jake “checklist” Fritz

Applicable Guidance

Is a project-level air quality analysis required per Section 2.2 of the [February 2019 Air Quality Project-Level Analysis Guidance \(2019 AQ-PLAG\)](#)? (Note that the latest effective AQ-PLAG and GHG-PLAG should be followed.)

☒ Yes – the latest effective AQ PLAG applies. As of the scoping date, this is the:

☒ February 2019 AG-PLAG

☐ Other(s): _____

☐ No – the project is not subject to a project-level air quality analysis. (Note that this is very rare. CDOT evaluates air quality for all projects at the project level.) Provide justification.

Comments:

Transportation Conformity

Is the project exempt from conformity, per [40 CFR Part 93.126](#), per the [Exempt Project Interpretations memo](#), or covered by [40 CFR Part 93.128](#)?

☐ Yes – Conformity requirements do not apply. *Skip ahead to NEPA (GHG, MSAT, Construction, Indirect & Cumulative Impacts).*

☒ No – Project is not exempt from conformity. *Proceed to next question.*

Comments:

Ozone Conformity

Does the project fall within the [ozone non-attainment area](#)?

☐ Yes – Conformity does apply. *Proceed to next question.*

☒ No – Conformity does not apply. Regional ozone conformity analysis is not required. Ozone is not analyzed at the project level. *Proceed to PM10 Conformity.*

Comments:

Is the project exempt from regional emissions analysis per [40 CFR Part 93.127](#)?

☐ Yes – Conformity does apply. However, the project is exempt from regional ozone conformity analysis. Ozone is not analyzed at the project level. *Proceed to PM10 Conformity.*

☐ No – *Proceed to next question.*

Comments: NA

Does the project meet the MPO's definition of regionally significant project? ([DRCOG definition](#); GVMPO; [NFRMPO definition](#); [PPACG definition](#); PACOG; and [RSC map](#))

☐ Yes – Conformity does apply. Regional ozone conformity analysis to be completed by MPO. Project must be in RTP and TIP. *Proceed to PM10 Conformity.*

☐ No – Conformity does apply. However, regional ozone conformity analysis is not required. Ozone is not analyzed at the project level. *Proceed to PM10 Conformity.*

Comments: NA

PM10 Conformity

Does the project fall within a [PM10 maintenance area](#)?

☐ Yes – Conformity may apply. *Proceed to next question.*

☒ No – Conformity does not apply. Project-level hotspot analysis and regional emissions analysis for PM10 is not required. *Skip ahead to CO Conformity.*

Comments:

Have conformity requirements expired for the PM10 maintenance area per CDOT's [maintenance area conformity end dates spreadsheet](#)?

☐ Yes – Conformity requirements have expired. Document finding. *Skip ahead to CO Conformity.*

☐ No – Conformity requirements do still apply. *Proceed to next question.*

Comments: NA

Is the project exempt from regional emissions analysis per [40 CFR Part 93.127](#)?

☐ Yes – The project is exempt from regional emissions analysis. *Proceed to next question.*

☐ No – The project is not exempt from regional conformity. An interagency consultation must be held to determine how regional conformity will be determined. *Proceed to next question.*

Comments: NA

Does the project potentially require quantitative analysis per 40 CFR Part 93.123(b)(1) as described in Section 5.3 of the [2019 AQ-PLAG](#)?

☐ Yes – The project may require a PM10 hotspot analysis. An interagency consultation must be held to determine if the project is a project of air quality concern. *Proceed to CO Conformity.*

☐ No – The project is not exempt but PM10 hot-spot analysis is not required. *Proceed to CO Conformity.*

Comments: NA

CO Conformity

Does the project fall within a [CO maintenance area](#)?

☐ Yes – The project is not exempt from conformity until the EPA re-designates the maintenance area to an attainment area. However, conformity requirements (i.e., project-level hotspot analysis and regional emissions analysis) are no longer required in the State of Colorado. This spreadsheet includes the CO [maintenance area conformity end dates](#). *Proceed to NEPA (GHG and MSATs).*

☒ No – Conformity does not apply. Project-level hotspot analysis and regional emissions analysis for CO is not required. *Proceed to NEPA (GHG and MSATs).*

Comments:

NEPA (GHG, MSAT, Construction, Indirect & Cumulative Impacts)

Is the project anticipated to be evaluated through an EA or EIS?

☐ Yes – Quantitative GHG analysis is required per [CEQ Interim GHG Guidance](#) and Chapter 9.3 of the [CDOT NEPA Manual](#) (note – the GHG-PLAG will supersede this when it is published). Quantitative MSAT analysis may be required per NEPA requirements. For an EIS, the project may be subject to interagency consultation and consideration for construction impacts to Air Quality. For an EA or EIS, the project may be subject to Air Quality evaluation in the Indirect and Cumulative Impacts Assessment. *Proceed to next question.*

☒ No – The project is expected to be a Categorical Exclusion. A qualitative GHG analysis is required per the [2019 AQ-PLAG](#). A quantitative GHG analysis is not required per [CEQ Interim GHG Guidance](#) (note that CRS 43-1-128 may still require GHG analysis). The project is Category 1

and a MSAT analysis is not required per [FHWA Interim MSAT Guidance](#) and the 2019 AQ-PLAG. Quantitative evaluation of construction impacts and indirect and cumulative impacts is not necessary per the [2019 AQ-PLAG](#). *Skip ahead to CRS 43-1-128.*

Comments: The NEPA class of action has not been determined yet. However, it is anticipated to be a Documented CatEx.

Alex – Coordination with FHWA leads us to anticipate this project being a Documented CatEx and not an EA.

Jake – Is it fair to move forward with the project being a Documented CatEx with the understanding that additional and substantial analysis would be needed for GHGs if the project becomes an EA?

Chris – yes.

Does the project qualify as exempt from Conformity under 40 CFR Part 93.126 or have no meaningful impacts on traffic volumes or vehicle mixes?

☒ Yes – The project is Category 1. MSAT analysis is not required. *Skip ahead to CRS 43-1-128.*

☐ No – *Proceed to next question.*

Comments: The NEPA class of action has not been determined yet. However, it is anticipated to be a Documented CatEx. Assuming the project will meet the requirements of a Documented CatEx, then the project will be Category 1 for MSATs per the 2019 AQ-PLAG.

Does the project meet the Category 3 definition per Section 8.1 of the [2019 AQ-PLAG](#)?

(Future AADT estimates can be found on the [CDOT OTIS Traffic Data Explorer](#).)

☐ Yes – An interagency consultation is required to determine if a quantitative MSAT analysis is required. *Proceed to CRS 43-1-128.*

☐ No – The project is Category 2. A qualitative MSAT analysis is required. *Proceed to CRS 43-1-128.*

Comments: NA

CRS 43-1-128

Is the project exempt per the latest [RS/TC Project Interpretation](#)?

☐ Yes – CRS 43-1-128 requirements do not apply. *Skip ahead to Summary.*

☒ No – *Proceed to next question.*

Comments:

Is the project a Transportation Capacity Project per the [RS/TC Project Interpretation](#) memo? ([2020 USA Census Urban Areas map link](#))

☒ Yes – *Proceed to next question.*

☐ No – CRS 43-1-128 requirements do not apply. *Skip ahead to Summary.*

Comments: The project is a new Type I interchange. Part of that will be to add an auxiliary lane. It is not a through traveled lane. It will add through traveled lanes south along Patterson for approximately one mile. The project is in an urban area and is over one centerline mile in length.

Chris – the Type I interchange classifies the project as a Transportation Capacity project.

Is the project a Regionally Significant Project per the [RS/TC Project Interpretation](#) memo?

☒ Yes – *Proceed to next question.*

☐ No – CRS 43-1-128 requirements do not apply. *Skip ahead to Summary.*

Comments: The project is a transportation capacity project. It would serve regional transportation needs and would result in a demonstratable change in travel demand models.

Amanda and Alex – the project would result in demonstrable changes to the regional travel demand model.

Is/will the project be in [CDOT's 10 Year Plan](#)?

☐ Yes – CRS 43-1-128 requirements apply. *Proceed to next question.*

☒ No – CRS 43-1-128 requirements do not apply. (Note that projects cannot be removed from the 10 Year Plan in order to avoid CRS 43-1-128 requirements.) *Skip ahead to Summary.*

Comments: This a local agency project that is not anticipated to be in CDOT's 10 Year Plan.

Dave – I do not see this project being added to the CDOT 10 Year Plan. Director Lew does not anticipate CDOT funding this project.

Alex – The project sponsors (City and County) have that understanding as well.

Will the NEPA decision document be signed after July 1, 2022?

[] Yes – Air quality modeling and pre-construction monitoring are required. During-construction monitoring is required. Contact the CDOT Air and Climate Section Manager early on to discuss next steps.

[] No – Air quality modeling and pre-construction monitoring are not required. During-construction monitoring is required. Contact the CDOT Air and Climate Section Manager to discuss next steps.

Comments: NA

Summary

Regulation/Policy	Level of Analysis Determination
Ozone Conformity	☒ Ozone conformity does not apply ☐ Project exempt from ozone analysis ☐ Regional conformity analysis required
PM10 Conformity	☒ PM10 conformity does not apply ☐ Project exempt from PM10 analysis ☐ Interagency consultation required for regional emissions analysis ☐ Interagency consultation required for project PM10 hotspot analysis
CO Conformity	☒ CO conformity does not apply ☐ CO conformity analysis not required
NEPA – GHG	☒ Qualitative analysis ☐ Quantitative analysis
NEPA – MSAT	☒ Category 1 – No analysis ☐ Category 2 – Qualitative analysis ☐ Potential Category 3 – Interagency consultation
NEPA - Construction	☐ May be subject to interagency consultation for an EIS
NEPA – Indirect and Cumulative	☐ May be subject to indirect and cumulative impact assessment for an EA or EIS
CRS 43-1-128	☒ CRS 43-1-128 does not apply ☐ Air quality modeling ☐ Pre-construction monitoring ☐ During-construction monitoring

Meeting Minutes:

Jake – the project was initially scoped with this checklist during the environmental kickoff meeting on November 27, 2023. There were two outstanding items that led us to schedule today’s scoping meeting for AQ/GHG. Those were the NEPA class of action and RSTC/10 Year Plan determination.

[see meeting notes within the scoping sections above]

Should FHU document the RS/TC decision in a memo?

Chris – yes. The I-25 Lincoln Ave project and Federal Blvd BRT project both have RSTC determination memorandums that you can use as examples.

Should FHU complete an Air Quality Technical Report to document the conformity, MSAT, and GHG analysis is not required?

Chris – Yes.

Does CDOT agree with the scoping outcomes in the summary table above?

Chris – Yes, except what does the qualitative GHG analysis entail?

Alex – We should include some sort of qualitative GHG analysis even if it is not required.

Documented CatExs are more involved than a typical CatEx.

Jodie –The GHG language for qualitative GHG analysis was removed from the NEPA Manual for the June 2023 update.

Libba – We removed the GHG language from the NEPA Manual. We have come up with standard language that is going to be put into EAs and EISs. We should discuss incorporating some of that language.

Chris – CDOT should discuss internally what should be included for GHGs on CatExs.

Amanda – Can we set a timeline for that?

Chris – We can discuss internally within the next few weeks.