

APPENDIX D

Requests for Comment Period Time Extension

As was noted in Section 3 of this decision document, the advertised public comment period for the I-25 Environmental Assessment was 45 days in duration, beginning March 29, 2004 and ending on May 12, 2004. A letter requesting a 30-day extension of this comment period was received from an attorney from the Old North End Neighborhood in a letter dated March 30, 2004. A copy of the letter is provided in this Appendix.

The Federal Highway Administration carefully reviewed and considered the reasons for the requested extension, and determined that they did not provide “good cause” for an extension. A letter stating this position was provided by FHWA to the Old North End Neighborhood, and is included in this Appendix following the request.

Other requests were received subsequently from other entities, either explicitly supporting the original request, or making the same request for largely identical reasons. Copies of all extension requests received are provided in this Appendix.

The following requests were received:

- Undated letter received April 2, 2004 from Dan Cleveland on behalf of the Trails and Open Spaces Coalition
- April 2, 2004 electronic mail message from Chesley Miller, on behalf of Friends of Monument Valley Park
- April 5, 2004 letter from David Prince on behalf of the Historic Preservation Alliance of Colorado Springs
- April 8, 2004 letter from Jane Ard-Smith on behalf of the Sierra Club
- April 12, 2004 letter from Jan Doran on behalf of the Council of Neighbors and Organizations
- April 18, 2004 electronic mail message from Barbara Sparks, on behalf of herself

FHWA also denied these requests, in letters substantially similar to the response provided to the Old North End Neighborhood. Since these letters would be redundant, they are not included in this Appendix.

MERRILL, ANDERSON, KING & HARRIS, LLC
ATTORNEYS AT LAW

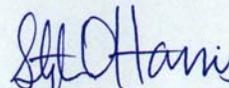
I-25 Project Office
March 30, 2004
Page 2

meeting will occur on Thursday, May 13, 2004, the day after the public comment period is set to expire. Therefore, it appears that the Board will not have an opportunity to consider the draft EA and its implications for Monument Valley Park before comments are due.

Finally, public comments are also due one week before the annual meeting of the Old North End Neighborhood, an association comprised of the single greatest number of affected households. The ONEN annual meeting was scheduled for Wednesday, May 19, 2004 well before CDOT announced the imminent publication of the EA last week. While perhaps not required by the National Environmental Policy Act (NEPA) or its implementing regulations, under these circumstances an extended public comment period will serve to advance the Congressional goal of encouraging and facilitating "public involvement in decisions which affect the quality of the human environment" (see <http://www.fhwa.dot.gov/environment/pubinv2.htm>).

Thank you for your consideration and please don't hesitate to contact me directly if you have any questions about this request. In light of the fact that it took CDOT and its consultants nearly five years to prepare the EA, I do not believe that my request for a thirty-day extension of the public comment period is unreasonable. I look forward to your prompt response so that my clients can plan accordingly.

Very truly yours,



Stephen D. Harris

Attachment as stated

cc: Chris Horn, Federal Highway Administration
James Flohr, CDOT

RECEIVED
MAR 31 2004
Wilson & Company
Colorado Springs Office

MERRILL, ANDERSON, KING & HARRIS, LLC

ATTORNEYS AT LAW

20 BOULDER CRESCENT

COLORADO SPRINGS, COLORADO 80903-3300

PAUL G. ANDERSON
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TELEPHONE (719) 633-4421
FACSIMILE (719) 633-4759

March 30, 2004

I-25 Project Office
c/o Wilson & Company
455 East Pikes Peak Avenue, Suite 200
Colorado Springs, Colorado 80903

Via Certified Mail
Return Receipt Requested
7003 0500 0000 6018 3355

**Re: I-25 Environmental Assessment
Request for Extension of Public
Comment Period**

Dear I-25 Project Office:

I represent the Old North End Neighborhood (ONEN), a not for profit association of approximately 1,500 households located in a historic neighborhood near downtown Colorado Springs. ONEN has a long history of public involvement in matters concerning Interstate 25. According to your website (www.i25environment.com), you intend to accept public comment on the recently released Environmental Assessment (EA) for forty-five days, or until May 12, 2004, the minimum time required under 23 C.F.R. § 771.135(i) (for EA with proposed 4(f) mitigation). For the reasons stated in this letter, I hereby request that you extend the public comment period for an additional thirty days, or until June 11, 2004.

First, the sheer size and scope of the EA justifies the requested extension of the public comment period. Although calculating the precise number of pages of text presented in the EA and supporting technical appendices is difficult on-line, the document is hundreds of pages long. According to your website, the Colorado Department of Transportation (CDOT) and its contractors began the EA with preparation of a Mode Feasibility Alternatives Analysis in 1999. During the past five years, CDOT and its team of paid consultants have conducted field studies and prepared numerous technical memoranda to support the findings of the EA. My office personally requested an advance copy of the EA by letter to James Flohr dated February 9, 2004, but CDOT refused to release the EA until its official publication (despite the fact that portions of the EA were made available to government officials and elected officials at least as early as February 4, 2004). It is frankly unreasonable to expect concerned citizens and affected members of the public to read the hundreds of pages of technical information contained in the EA and provide meaningful input in such a short period of time.

Moreover, the public comment deadline hinders meaningful review of the EA by at least two significant affected stakeholders. At CDOT's request, the Colorado Springs Parks, Recreation & Cultural Services Advisory Board (the Board) provided preliminary input on proposed mitigation measures at its December 2002 meeting. At that time, the Board indicated its preferred mitigation but expressly reserved the right to change its input following release of the draft EA. Last week Friends of Monument Valley Park, a non-profit organization, requested that the EA be added as an agenda item for the Board's April 7, 2004 meeting. The Parks Department's director declined the request, noting that the staff would have insufficient time to adequately review the EA and prepare for the April 7 meeting (see attachment). Unfortunately, the Board's next regularly scheduled



U.S. Department
Of Transportation
Federal Highway
Administration

Colorado Federal Aid Division
555 Zang Street, Room 250
Lakewood, CO 80228-1040

April 16, 2004

Mr. Stephen Harris
Merrill, Anderson, King & Harris LLC
Attorneys at Law
20 Boulder Crescent
Colorado Springs, CO 80903-3300

SUBJECT: I-25 Environmental Assessment Request for Extension of Public Comment Period

Dear Mr. Harris:

This letter is in response to your letter dated March 30, 2004 addressed to the I-25 Project Office c/o Wilson & Company, requesting a 30-day extension to the 45-day public comment period for the 'I-25 Improvements Through the Colorado Springs Urbanized Area' Environmental Assessment (EA). The Federal Highway Administration (FHWA) does not feel your letter provides 'good cause' to warrant an extension and will not be extending the public comment period for this EA based on the information provided in your letter.

The FHWA does not agree with your assertion that the length of the document is a compelling reason for a time extension. The document was written in a reader-friendly manner and is available in a variety of locations and formats. An extensive public involvement process was conducted during the EA development process where the issues have been presented in numerous public meetings and other forums.

The Colorado Department of Transportation (CDOT) "refused" to provide your office with an advanced copy of the EA as requested on February 9, 2004 because it is FHWA's policy not to release working drafts that may contain preliminary conclusions. The only draft work that was allowed to be released was to cooperating agencies and consulting parties.

Your letter mentioned upcoming meetings on the part of two stakeholders, the Colorado Springs Parks, Recreation & Cultural Services Advisory Board and the Old North End Neighborhood. There has been extensive discussion with both of these stakeholders throughout the course of the EA's development. It is our understanding that the Advisory Board concluded discussion on the Environmental Assessment at its April meeting. We believe there is sufficient time remaining for Old North End Neighbors to meet, if they believe it is necessary, prior to May 12th.

Sincerely yours,
Christopher Horn

for William C. Jones
Division Administrator

cc: Mr. Robert Tomas, CDOT Region 2 RID/Mr. David Poitig, CDOT Region 2 RPE/Mr. Dick Annand, CDOT Region 2 RPE/Mr. Shaun Caring, FHWA/File 12210/Reader File/Chorn.ams/F/Region 2/I-25 Colorado Springs/EA Time Extension



**THE HISTORIC PRESERVATION ALLIANCE
OF
COLORADO SPRINGS**

April 5, 2004

APR 06 2004

I-25 Project Office
c/o Wilson & Company
455 E. Pikes Peak Avenue, Suite 200
Colorado Springs, CO 80903

710 North Cascade Avenue
Colorado Springs, CO 80903
719.471.3454
www.cospringspreservation.org

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Joyce N. Stivers

Dear Project Manager:

I serve as the president of the Historic Preservation Alliance of Colorado Springs. We have over 500 members interested in preserving our architectural heritage as well as preserving the fabric of our historic neighborhoods. I understand that the environmental assessment report on the I-25 expansion was released last week. The report is voluminous and contains detailed appendices of technical information to be considered. I am advised that though this report has been in preparation since 1999, the current plan is to permit 45 days for the public to review and comment on the report.

As you know, the Congressional goal stated in the National Environmental Policy Act is to encourage and facilitate "public involvement in decisions which affect the quality of the human environment." In the downtown Colorado Springs area, there is no other project underway or being contemplated that has as great a potential impact on the human environment than the I-25 expansion. The planned public comment period of 45 days is simply too short to permit the community to examine and provide meaningful comment on this report and its extensive studies which have been five years in the making. The Historic Preservation Alliance of Colorado Springs joins in the request of other community groups that the public comment period be extended by 30 days until June 11, 2004. Given the volume of material provided and the years that went into preparing the report, this extension seems a minimal burden for furthering the goals of the National Environmental Policy Act.

Thank you for your assistance and please advise me of your plans.

Very truly yours,

David S. Prince /kh

David S. Prince

DSP/kh

cc: James Flohr
Chris Horn
Stephen Harris

"A nation that forgets its past has no future." Sir Winston Churchill



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APR 14 2004

Pikes Peak Group

522 N. Royer Street
Colorado Springs, Colorado 80903
Information & messages: 719.559.2790
On the web at: www.rmc.sierraclub.org/ppg/

Explore, enjoy and protect the planet

April 8, 2004

I-25 Project Office
c/o Wilson & Company
455 E. Pikes Peak Ave., Suite 200
Colorado Springs, CO 80903

Re: Request for Extension of time to Review the Draft Environmental Assessment for I-25

On behalf of the Pikes Peak Group of the Sierra Club, I am requesting a 30-day extension of time to review and comment on the recently released Draft EA for I-25. We realize that the current timeline of 45 days is the minimum time required for an EA with proposed 4(f) mitigation. However, the draft document is hundreds of pages long with technical appendices. Forty-five days is simply not enough time for citizens and interested parties to review the document and appendices, evaluate the information, and provide meaningful comment on the draft. We are also concerned that it has taken nearly five years to complete the Draft EA (the process began in 1999), yet the public is given only 45 days for review. A 30-day extension of time to review a document that took nearly five years to complete seems warranted.

We also believe that a 30-day extension of time fulfills the purposes of the National Environmental Policy Act, i.e., to encourage and facilitate public participation in decisions that affect the quality of the human environment. This additional time will allow the Sierra Club and its members, who have been active participants in the EA scoping process, to determine whether the issues we raised have been adequately addressed in the draft.

Thank you for your consideration. If you have any questions about our request or the local Sierra Club, please contact me via telephone (520-5381), e-mail (jane/ard-smith@lexisnexis.com), or by regular mail at the address listed above.

Sincerely,

Jane Ard-Smith, Chair
Pikes Peak Group, Sierra Club

C: James Flohr, CDOT
Chris Horn, FHA

"The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest and most influential grassroots environmental organization."

The Pikes Peak Group of the Rocky Mountain Chapter of the Sierra Club



COUNCIL OF NEIGHBORS AND ORGANIZATIONS
PO BOX 49102 COLORADO SPRINGS, CO 80949-9102
www.cscono.org

April 12, 2004

I-25 Project Office
C/o Wilson & Company
455 E. Pikes Peak Ave., Suite 200
Colorado Springs, CO 80903

To: I-25 Project Office
Re: I-25 Environmental Assessment
Request for additional 30 day Public Comment extension

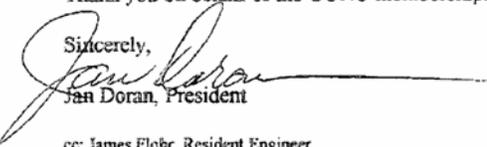
CONO was notified that the Environmental Assessment was recently released and public comment began on March 29, 2004 for a period of 45 days.

At our monthly CONO membership meeting on April 6, 2004 this was an Agenda item for discussion, pursuant to asking for Public Comment extension. The membership voted unanimously in favor of CONO asking for an additional thirty-day (30) extension for review of the I-25 EA.

It was determined that the EA document for the I-25 corridor is an extremely large volume of information for the general public to digest in a short period of time given the long term impact that could effect neighborhoods along the I-25 corridor. CONO, as a representative for neighborhoods wants assurance that everyone has a sufficient opportunity to be informed and evaluate all the information contained in the I-25 EA.

Therefore, we ask you to extend the comment period an additional thirty-days (30) following the current allotted forty-five (45) days. This is a significant document that needs additional time to be properly addressed by the public.

Thank you on behalf of the CONO membership.

Sincerely,

Jan Doran, President

cc: James Flohr, Resident Engineer
CDOT
1480 Quail Lake Loop
Colorado Springs, CO 80906

Chris Horn
Federal Highway Admin., Central Div.
555 Zang Street
Lakewood, CO 80228-1010

Stephen Harris
Merrill, Anderson, King & Harris, LLC
20 Boulder Crescent
Colorado Springs, CO 80903

From: Barbara Sparks [bsparks1@mindspring.com]

Sent: Sunday, April 18, 2004 3:41 PM

To: Everitt, Cheryl A.

Subject: EA expansion to June 11

Dear Cheryl,

As a thirty year user of Monument Park, I am writing to request an extension of the public comment on the EA period to June 11 regarding expansion of I-25 in the area of Monument Park. There is so much concern in the Springs already on the noise level in this historic park that make many of us want to have this studied in greater depth. This means the park in its entire length.. The park is being nominated for historic designation and with such a multi million dollar project going on it only makes sense to extend the date of the public comment period. This of course would satisfy better NEPA as mandated by congress.

Sincerely,

Barbara Sparks