PICOLAN – NORTHGATE CORPORATE VILLAGE

HOGAN & HARTSON
L.L.P.

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JOHN W. COOK
PARTNER
(719) 448-5912
JWCOOK@HHLAW.COM

TWO NORTH CASCADE AVENUE, SUITE 1300
COLORADO SPRINGS, COLORADO 80903
TEL (719) 448-5900
FAX (719) 448-5922
WWW.HHLAW.COM

VIA HAND DELIVERY
I-25 Project Office
Wilson & Company
455 E. Pikes Peak Avenue, Suite 200
Colorado Springs, Colorado 80903

RE: Draft Environmental Assessment (the "Draft EA") I-25 Improvements Through the Colorado Springs Urbanized Area (the "Project")

Ladies and Gentlemen:

On behalf of Picolan, Inc. ("Picolan") we respectfully submit the following comments regarding the Draft EA to the U.S. Department of Transportation's Federal Highways Administration ("FHWA"), the Colorado Department of Transportation ("CDOT") and the U.S. Air Force Academy (the "Academy").

As described more fully below, Picolan respectfully asserts that the Draft EA does not comport with the requirements of the National Environmental Policy Act ("NEPA") and its implementing regulations, and as such, an environmental impact statement must be prepared for the Project. Because of deficiencies with the Draft EA and their relation to a last-minute changed alignment of a key interchange within the Project, Picolan is prepared to advance this position throughout the NEPA process. In general, Picolan does support the overall Project and would be pleased to work with the appropriate decision-makers at CDOT and the City of Colorado Springs (the "City") to resolve its concerns in a manner consistent with prior agreements.

Background

Picolan owns substantial real property adjoining a portion of Interstate 25 ("I-25") in the Project area and is very concerned about the Project. In fact, Picolan has engaged in years of planning efforts with CDOT, the City and other public agencies regarding transportation improvements affecting its 1,200 acres of real property, commonly known as Northgate Corporate Village ("Northgate").

RESPONSE

Lines 8-11: FHWA disagrees with the assertion that "the Draft EA does not comport with the requirements of [NEPA]." The EA provides a comprehensive evaluation of the impacts of the Proposed Action and conforms to both the letter and the intent of NEPA.

Also, it is unclear what is meant by this reference to "a Draft EA." The EA is not a Draft, but in fact was approved by FHWA on March 17, 2004, as noted on the EA title page.

Lines 11-12: Regarding a "last-minute changed alignment of a key interchange," it is understood that the "key interchange" refers to the I-25 Interchange with North Gate and Powers Boulevards, since the comments were submitted by an attorney representing the Picolan property there, but it is unclear what is meant by the phrase "last-minute changed alignment".

In 1997, FHWA approved a concept for an elevated, multi-level I-25 interchange that would accommodate Powers Boulevard as well as North Gate Boulevard. Since this interchange and seven miles of I-25 are located within an easement from the United States Air Force Academy, FHWA invited the Academy to be a cooperating agency in the preparation of the I-25 EA. During this EA process, the Academy requested that FHWA re-evaluate the previous interchange concept because of new concerns including air operations, security, and potential visual impacts. In early 2002, six alternative concepts were developed in a collaborative design charette with the Academy, as described in the EA at Appendix 6, Volume II, Attachment 1. Based on technical considerations, Academy input, and comments received from the public, a new Powers interchange configuration with no above-grade ramps was incorporated into the Proposed Action. This interchange concept was presented to the public in March 2002. Information about this configuration has been continuously available to the public since that time. Impacts of the proposed interchange configuration are discussed, for example, in the EA at pages 3-26, 3-54, 3-121 to 3-122, and 3-141.

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Picolan had entered into a Memorandum of Understanding (the "MOU") dated February 1, 1998 with CDOT and the City to complete such improvements, specifically an interchange and connected arterial highway at I-25 and Powers Boulevard (the "Powers" Interchange). Shortly thereafter, the City and CDOT entered into an Intergovernmental Agreement (the "IGA") which recognized certain pre-existing agreements with landowners.

Upon initial review of the Draft EA, it appears that contrary to prior agreements, and with what appears to be completely inadequate environmental review, CDOT now proposes an alternative configuration of the Powers Interchange. Such an action would appear to yield unknown, and potentially far more adverse environmental effects than the interchange previously studied, analyzed and agreed-upon, and in many cases cannot be reconciled with the stated design principles for the Powers Interchange as set forth in the Draft EA, or with sound environmental management.

Comments

1. Picolan has significant concerns with the limited scope of analysis presented in the Draft EA, and as a result, objects to the recommended action. In particular, Picolan questions the appropriateness of an EA, as opposed to an environmental impact statement ("EIS"), for a project of this scale and complexity; with the cumulative effects involved; the inadequacy of alternatives analyzed; and the cursory alternatives analysis presented in the Draft EA. The Council on Environmental Quality ("CEQ") regulations define an EA as a "concise public document" that serves three purposes, including making a determination of "whether to prepare an environmental impact statement or a finding of no significant impact." 40 C.F.R. §1508.9(a) (1997). As described below, for a project of this massive scale, the analysis presented in the Draft EA, particularly with regard to alternatives, is simply not rigorous enough to support the requisite objective evaluation of all reasonable alternatives and comparison of their relative merits, nor could it support a finding of no significant impact. Therefore, Picolan must assume, and is prepared to advance the position that, the Draft EA was prepared in support of an eventual decision to prepare an EIS.

2. The FHWA's NEPA implementation regulations require that an EIS be prepared for actions that "significantly affect the environment." 23 CFR §§771.115(a)(2003). By way of example and not limitation, the FHWA regulations

RESPONSE

Lines 1-6: CDOT was not a party to the Memorandum of Understanding dated February 1, 1998 between Picolan and the City of Colorado Springs. The MOU and the Intergovernmental Agreement preceded the I-25 EA. To the extent that the MOU and the IGA differ from the I-25 EA configuration, it may be necessary to amend those documents to reflect the revised configuration that is included in the Proposed Action of the March 2004 I-25 Environmental Assessment.

Line 9: FHWA disagrees with the assertion that the environmental analysis was "completely inadequate". FHWA has determined that sufficient studies have been prepared to assess the direct, indirect and cumulative impacts of the Proposed Action in accordance with the National Environmental Policy Act and implementing regulations of the Council on Environmental Quality and the Federal Highway Administration.

Line 10: Indeed, the interchange configuration was changed, as discussed in the response to Lines 8-11 on page 1. This change in configuration was provided to the property owner by CDOT.

Lines 12-13: The environmental consequences of the Proposed Action, including the I-25 Powers/North Gate interchange, are known and were fairly and thoroughly evaluated in the EA. The design of this interchange would result in substantially fewer impacts to the Air Force Academy than the previous design. FHWA and CDOT disagree that the impacts to the Picolan property would be "far more adverse… than the interchange previously studied, analyzed and agreed upon."

Lines 13-15: It is perplexing what is meant by much of the rest of the sentence which states that the proposed new configuration for the I-25 Powers/North Gate interchange "in many cases cannot be reconciled with the stated design principles for the Powers Interchange as set forth in the Draft EA, or with sound environmental management." FHWA cannot respond to a comment it does not understand.

Lines 19-34: As stated above, FHWA has determined that the scope of the analysis was thorough and comprehensive.

Lines 21-23: FHWA has determined, in accordance with 23 CFR771.119(i), that the impacts of the Proposed Action are not significant as that term is defined in NEPA and its implementing regulations. FHWA determined that it was appropriate in this case to proceed with an Environmental Assessment for the purpose of determining whether or not the impacts of the Proposed Action would be significant, in accordance with 23 CFR 771.119(i). FHWA disagrees with the assertion that an EIS should have been prepared due to the "scale and complexity" of the Proposed Action. Significance of impacts, based on their context and intensity, is instead the appropriate basis for determining whether an EIS is warranted.

Lines 23-32: FHWA strongly disagrees with the implication that the I-25 EA is inappropriate due to the "cumulative effects involved; the inadequacy of alternatives; and the cursory alternatives analysis presented in the Draft EA." Section 4 of the I-25 EA provides a complete evaluation of cumulative effects, and EA Appendix 9 (*Sustaining Nature and Community in the Pikes Peak Region: A Sourcebook for Analyzing Regional Cumulative Effects*) provides a comprehensive examination of regional cumulative impacts. A wide range of alternatives was evaluated in the *Mode Feasibility Alternatives Analysis* (EA Appendix 1), which is summarized in Section 2 of the EA. Additionally, as noted earlier, six alternative interchange concepts for I-25's Powers/ North Gate interchange were considered and evaluated, as detailed in the response to lines 8 to 11 on page 1.

Lines 32-34: In accordance with 23 CFR 771.119(i), FHWA prepared an EA to determine if the Proposed Action would likely result in significant impacts. If significant impacts had been identified, an EIS would have been prepared. However, based on the complete and thorough evaluation of the impacts of the Proposed Action, and consideration of comments received from reviewing agencies and the public, including this letter, FHWA has concluded that the EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

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list new controlled access freeways as types of actions which require preparation of an EIS, not an EA. *Id.* A component of the Project, the Powers Interchange is described and depicted throughout the Draft EA, the IGA, and recent CDOT correspondence as consisting of a freeway-to-freeway interchange and a new controlled access freeway. Because new freeway-type facilities require an EIS, the Draft EA is inadequate to support the proposed action.

3. The FHWA regulations also require an EIS for planning new construction of fixed rail transit facilities and certain high occupancy vehicle roadways. *Id.* According to the Draft EA, these types of facilities were considered, analyzed and rejected, but without the requisite EIS – level of documentation. As such, the Draft EA is inadequate.

4. CDOT's guidance on "Triggers for Environmental Impact Statements" states that an EIS is required for "a highway project of four or more lanes on a new location." Again, the Draft EA repeatedly concedes that the proposed Power Interchange involves "new sections of roadway [which] will be initially constructed as a four-lane expressway." Draft EA, Section 8, Biological Opinion. Given this interchange and attendant highway design for Powers Boulevard, federal law does not provide the discretion to merely prepare an EA, rather than an EIS.

5. The below grade interchange at Powers Boulevard which the Draft EA proposes surely involves a right-of-way scenario at that location with far greater physical and adverse impacts on the environment as compared with other alternative alignments that do not involve a below-grade freeway. The preferred alternative unexplainedly promotes a man-made canyon with negative slopes leading down to an entrenched road, instead of an alternative that is, for the most part, at or near existing grades. Although there is scant if any analysis presented, wildlife migration patterns will clearly be more adversely affected by the preferred alternative at the Power Interchange than in other alternative scenarios.

6. The Draft EA alternatives analysis does not adequately (if it does at all) analyze environmental affects of flooding, stormwater, public safety, and water quality certain to arise from this new underground canyon. The public can not ascertain from the Draft EA if the vertical alignments create health and public safety concerns for flash flooding or stormwater control systems. These concerns must be addressed.

RESPONSE

Lines 1-6: The regulations at 23 CFR 771.115(a)(1) do normally require an EIS for "[a] new controlled access freeway." Interstate 25 is not a new controlled access freeway as specified in 23 CFR 771.115(a)(1) since it was built more than 40 years ago. During a 1997 NEPA evaluation for Powers Boulevard, FHWA determined that the Powers Boulevard extension, planned since the early 1970's, was unlikely to result in significant impacts. Therefore an EA was prepared for the Powers Boulevard extension to I-25. Since no significant impacts were identified, a Finding of No Significant Impact was issued. The Proposed Action evaluated in the Powers Boulevard EA and FONSI included the I-25/Powers interchange. For the reasons described in the response to lines 11-12 on page 1 of this letter, the interchange concept approved in 1997 has been modified and the new interchange concept is included in the I-25 Proposed Action.

FHWA has determined that sufficient studies have been prepared to assess the direct, indirect and cumulative impacts of the I-25 Proposed Action. After a thorough, comprehensive and independent review of the EA, its associated studies and documentation, and all comments received during the 45-day public review period, including this letter, FHWA has determined that implementation of the Proposed Action would not result in significant impacts to the quality of the human and natural environment.

Lines 8-12: Rail transit and high occupancy vehicle (HOV) lanes were among the many alternatives evaluated in the I-25 Mode Feasibility Alternatives Analysis (EA Appendix 1). Rail transit did not meet the purpose and need of relieving congestion on I-25, as stated in the EA at pages 2-7 and 2-8. Based on the results of this evaluation, FHWA is not "planning new construction of fixed rail transit facilities," and an EIS is not required.

With respect to HOV lanes, this alternative was not "rejected" as asserted in the comment, but in fact was incorporated as part of the I-25 Proposed Action. This is discussed in detail in the EA at 2-2 and 2-10. The comment notes that an EIS is normally required for "planning construction of…certain high occupancy vehicle roadways." In fact, 23 CFR 771.115(a)(4) applies specifically for the case of "[n]ew construction or extension of a separate roadway for buses and high occupancy vehicles not located within an existing highway facility." The HOV lanes proposed on I-25 do not constitute "a separate roadway," and they would clearly be located "*within* an existing highway facility." [emphasis added]. Therefore, an EIS is not required.

Lines 14-21: The "new sections of roadway" (Powers Boulevard) cited here were approved by FHWA in 1997 after a thorough evaluation as noted above. That analysis was subject to independent review and evaluation by other Federal agencies, including the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, prior to advancing segments of the Powers Boulevard extension to construction. With respect to the I-25 Proposed Action, FHWA determined that an EA was the appropriate level of NEPA documentation for the proposed improvements, including the Powers Interchange, and has now determined that the Proposed Action would not result in significant impacts. Therefore a FONSI has been prepared, rather than an EIS.

Response to page 3 continues on next page…

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list new controlled access freeways as types of actions which require preparation of an EIS, not an EA. *Id.* A component of the Project, the Powers Interchange is described and depicted throughout the Draft EA, the IGA, and recent CDOT correspondence as consisting of a freeway-to-freeway interchange and a new controlled access freeway. Because new freeway-type facilities require an EIS, the Draft EA is inadequate to support the proposed action.

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5. The below grade interchange at Powers Boulevard which the Draft EA proposes surely involves a right-of-way scenario at that location with far greater physical and adverse impacts on the environment as compared with other alternative alignments that do not involve a below-grade freeway. The preferred alternative unexplainedly promotes a man-made canyon with negative slopes leading down to an entrenched road, instead of an alternative that is, for the most part, at or near existing grades. Although there is scant if any analysis presented, wildlife migration patterns will clearly be more adversely affected by the preferred alternative at the Power Interchange than in other alternative scenarios.

6. The Draft EA alternatives analysis does not adequately (if it does at all) analyze environmental affects of flooding, stormwater, public safety, and water quality certain to arise from this new underground canyon. The public can not ascertain from the Draft EA if the vertical alignments create health and public safety concerns for flash flooding or stormwater control systems. These concerns must be addressed.

RESPONSE

See other Responses to page 3 on preceding sheet…

Lines 23-29: The rationale for changing the previously approved configuration to the below-grade configuration incorporated in the I-25 Proposed Action is explained in the response to lines 8 to 11 on page 1. The previous configuration was above I-25 and included a large westbound Powers to southbound I-25 loop ramp on USAFA property west of the current I-25 easement. The re-evaluation of the previous interchange concept involved a balance of various constraints, including historic resources, visual and airspace intrusion onto the Academy, modifications to the Academy easement, and endangered species habitat. The U.S. Air Force Academy is a property eligible for listing on the National Register of Historic Places, and is being evaluated as a National Landmark. Section 4(f) of the U.S. Department of Transportation Act requires avoidance and minimization of impacts, and all possible planning to minimize harm to historic properties such as the Academy. This is thoroughly explained in the EA at 6-2 through 6-14, Draft Section 4(f) Evaluation. The proposed concept was developed in cooperation with the Academy to meet these requirements, resulting in a configuration that shifts the interchange to the east.

In consultation with the Academy, it was necessary to avoid visual and airspace intrusion. This was accomplished by keeping all interchange ramps at or below existing grade. The previous above-grade, multi-level interchange design resulted in major visual and airspace impacts because it took Powers Boulevard over the existing I-25.

For seven miles including the I-25/Powers interchange location, Interstate 25 is located on an easement from the Air Force Academy, which currently does not accommodate a Powers Boulevard connection. In consultation with the Academy, it was necessary to develop a concept that met both FHWA and Academy needs while minimizing impacts to Academy property. The interchange concept incorporated in the I-25 Proposed Action accomplishes this objective.

Additionally, it was also required by the U.S Fish and Wildlife Service (USFWS) that the I-25 Proposed Action minimize impacts to the habitat of the Preble's meadow jumping mouse. This confined the interchange configuration options to the area between Smith Creek and Monument Branch Creek. The interchange design included in the Proposed Action was evaluated by USFWS in their Biological Opinion (EA Section 8) and was found acceptable.

In summary, the interchange design included in the Proposed Action was in fact found to be the alternative that represented the best balance of impacts to the environment. Therefore, FHWA disagrees with the assertion that "[t]he below grade interchange at Powers Boulevard… surely involves…far greater physical and adverse impacts on the environment as compared with other alternative alignments that do not involve a below-grade freeway."

Impacts to all property, including the property owned by Picolan, are always a concern to FHWA. An effort was made to minimize impacts during development of the interchange concept, and this effort will continue into final design.

Lines-29-31: The fact that Powers Boulevard will create a new barrier to north-south wildlife movement east of I-25 was pointed out in the EA at page 3-98. Mitigation activities to address wildlife impacts are described in the EA at pages 3-98 and 3-99. A barrier effect would be created whether Powers were constructed at-grade or below the existing grade. Adverse affects to wildlife can also be expected due to intense development and fragmentation of adjacent grasslands, such as that which may occur due to the Northgate Corporate Village development planned by Picolan. Habitat fragmentation and strategies to minimize such impacts are discussed in the EA at pages 2-37 and 2-47 of Appendix 9, *Sustaining Nature and Community in the Pikes Peak Region*. The Proposed Action provides habitat connectivity and accommodates movement of small animals through drainage structures at Smith Creek, Monument Branch, and Black Squirrel Creek North.

Lines 33–38: FHWA disagrees with the characterization of the Powers Boulevard connection east of I-25 as an "underground canyon". The cut slopes needed for this roadway segment are within normal engineering design parameters, and will not require extraordinary design or construction practices to address "flash flooding or stormwater control systems." Impacts of the design have been evaluated with respect to floodplain impacts (EA at pages 3-79 to 3-84) as well as stormwater runoff and water quality (EA at pages 3-82 to 3-89). The EA and the concept design plans were reviewed by the U.S. Air Force Academy, which is a first-responder for incidents on Academy property, and the Academy did not identify these issues as "health and public safety concerns". FHWA will not approve a design that results in a public health or safety issue or a flood hazard.

As explained in the EA at pages 3-79 and 3-83, the design of corridor improvements will comply with federal floodplain regulations and requirements (e.g., 23 CFR 650.115, U.S. DOT Order 5660.2, and Executive Order 11988). The designs will also comply with FEMA regulations and City and County floodplain ordinances. The Powers interchange design allows for a detention facility prior to discharge to Monument Branch. Best Management Practices to control erosion throughout the interchange area will be incorporated into the final design. An additional detention facility for water quality is planned in the southeast quadrant of the interchange on Air Force Academy property to accommodate runoff from the roadway as well as historic drainage from the Northgate Corporate Village. This was discussed in CDOT's meeting with Picolan on October 4, 2002, and will be coordinated with Picolan in final design.

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7. Collecting and concentrating runoff in a pipe and outfall system (which will constitute a new point source discharge under the Clean Water Act) that daylights adjacent to Monument Creek may cause habitat (e.g., Preble's Mouse) and water quality impacts at the Monument outfill corridor that would not otherwise occur in diffuse, at-grade runoff was filtered in vegetated swales and collected at localized detention facilities. This important water quality issue requires proper analysis.

8. The wildlife and water quality shortcomings of the Draft EA discussed above are illustrative of unanalyzed cumulative effects that could almost certainly be lessened by alternatives. In fact, these and other cumulative effects of the below-grade canyon alignment of the Powers Interchange do not appear to have been analyzed at all. Because NEPA requires rigorous alternative analysis, the Draft EA is wholly inadequate.

9. The August 2003 Biological Opinion by the U.S. Fish and Wildlife Service does not appear to contemplate the tunnel or canyon alignment of the Powers Interchange. It cannot, therefore, support the proposed findings of the Draft EA, and additional consultation must be undertaken.

10. The economic effects on Picolan, and indeed other landowners, have not been adequately analyzed as required by NEPA. For example, and not by way of limitation, the Draft EA references that 40 property owners would be required to lose 46 acres of land to additional right-of-way requirements. There is not sufficient information provided in the report to substantiate the statement. These figures are in contravention to CDOT's January 6, 2004 published estimates of between 50.002 and 51.457 acres for the Powers Interchange and adjacent infrastructure, are not explained, and the economic impacts to the affected landowners not discussed. In addition to the acreage itself, the canyon design of the Interchange will dramatically reduce the values of adjacent commercial properties which rely on frontage to Powers Boulevard. This apparent inverse condemnation is not at all analyzed or otherwise discussed in the Draft EA. Frankly, the Draft EA does not, and Picolan suggests it can not, reconcile the additional acreage and loss of practical highway frontage with the Draft EA's stated goal of minimizing impacts to local development.

RESPONSE

Lines 1-7: The effects on Preble's mouse habitat from the proposed drainage system were evaluated as part of the Biological Assessment and are incorporated into the Biological Opinion issued by the U.S. Fish and Wildlife Service (EA Section 8). All drainage facilities will comply with the Clean Water Act and the requirements of CDOT's Municipal Separate Storm Sewer Systems (MS4) permit, as explained in the EA at page 3-89.

Lines 9-14: FHWA disagrees with the assertion that cumulative effects relating to wildlife and water quality were "unanalyzed." Cumulative effects to both resources were extensively discussed in EA Section 4, Cumulative Effects, and EA Appendix 9, *Sustaining Nature and Community in the Pikes Peak Region*. Cumulative effects were also considered in the Biological Opinion issued by the U.S. Fish and Wildlife Service (EA Section 8, at pages 26 to 29). As explained earlier in the response to lines 11-12 on page 1, six alternatives for the I-25/Powers interchange were developed and thoroughly evaluated, resulting in the alternative that is included in the I-25 Proposed Action. The selected alternative was determined to provide the best transportation design, while meeting all environmental constraints involved.

Lines 16-18: FHWA disagrees with the assertion that the Biological Opinion "does not appear to contemplate" the configuration of the I-25/Powers connection that is included in the Proposed Action. The text (page 6, second paragraph under the heading of "Smith Creek") and graphics (Figure 1) of the Biological Opinion clearly describe and depict the interchange configuration that is part of the Proposed Action.

Lines 21-35: Compensation for all property acquired must be in compliance with Federal and State requirements as described in the EA at page 3-28. Just compensation will be made to property owners in full compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and applicable State laws, for all property that will need to be acquired in total or in part.

Lines 26-27: The January 6, 2004 exhibit prepared for Picolan by CDOT shows the difference in right-of-way impacts to Picolan property between the 1997 Powers interchange concept and the new Powers interchange that is incorporated in the I-25 Proposed Action. The estimated 50.002 acres represents Picolan property needed under the new concept, which is 1.455 acres *less* than the original Powers concept. All of the numbers presented to Picolan in January 2004 represent best estimates that are subject to change based on final design. The I-25 EA did not identify any property needed solely for Powers Boulevard. The EA also did not quantify the difference in property acquisition from Picolan's holdings between the two interchange concepts.

Lines 29-33: Specific right-of-way plans will be prepared at the time any property is to be purchased, and these will determine exactly the location and amount of property to be acquired. The valuation process can then begin. The effect of the change in the horizontal and vertical alignment of the interchange on potential future property values is speculative and cannot be determined with the limited information available at this time.

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11. The mere fact that additional right-of-way will be required on Academy property is completely contrary to minimizing impacts to the Academy, to historic preservation law, and to minimizing habitat disruption. All of these are stated goals in the Draft EA, yet that document does not provide justifications for recommending such action.

12. Similarly, CDOT's January 6, 2004 plan titled "Northgate Powers Environmental Assessment ROW and I-25 ROW" depicts two "fingers" of right-of-way for an unnamed purpose on the south side of the interchange. We can only assume that these are for stormwater facilities. The Draft EA does not adequately address the intended use of these parcels. Further, the geometry of these isolated parcels creates unwarranted and unjustified difficulty to developing the adjacent land. Lastly, if these parcels are part of a stormwater control system for the interchange, then the ultimate NEPA document should address the impacts to the adjacent land in far more detail.

13. There appears to be a major weaving section on Powers Boulevard at the I-25 interchange as proposed. A large percentage of Northgate and Voyager Parkway traffic is expected to proceed west on Powers Boulevard to access southbound I-25. Weaving across and in conflict with the movement will be northbound Powers Boulevard traffic wishing to access northbound I-25. This weaving movement, a clear public safety issue, does not appear to have been analyzed as NEPA requires.

14. Powers Boulevard, a planned six lane roadway, has a "lane drop" with only four lanes across the Voyager Parkway bridge. This results in both off-ramps failing to comply with the principles of lane balance and basic number of lanes. *See,* AASHTO, *Policy on Geometric Design of Highways and Streets – 2001,* at 814-818. To comply with the principles of lane balance with three lanes upstream from the off-ramp, the diverge lane configuration would need to be either two through lanes with two off-ramp lanes or three through lanes with one off-ramp lane. The two through-lane option would not be in compliance with the principles of basic number of lanes. To be in compliance with the basic number of lanes with three lanes upstream from the off-ramp, the diverge configuration would need to have three through lanes crossing the Voyager Parkway bridge.

15. Both northbound and southbound left-turn movements from Voyager Parkway onto the Powers Boulevard on-ramps appear to have insufficient

RESPONSE

Lines 1– 5: Seven miles of I-25, including the Northgate/Powers interchange, are located on Air Force Academy property through an easement. It should be noted that the Powers interchange concept incorporated in the I-25 EA has less impact on Academy property than the interchange concept previously approved in 1997. The I-25 Proposed Action is in full compliance with Section 106 of the National Historic Preservation Act, implementing regulations at 36 CFR 800 (Protection of Historic Properties), and Section 4(f) of the U.S. Department of Transportation Act, as documented in the EA at pages 3-113, 3-121 to 3-122, and 6-2 to 6-14. The issues raised here are also addressed above in the response to lines 23-29 on page 3.

Lines 7– 15: The two "fingers" of right of way are needed for drainage outfall purposes as discussed in the meeting between CDOT and Picolan on October 4, 2002. These outfalls are along historic drainageways within the Picolan property. It is CDOT's intent to coordinate with Picolan so that these historic drainageway outfalls can be incorporated into development plans. As noted in the response to lines 33-38 on page 3, a detention facility for water quality is planned in the southeast quadrant of the interchange on Academy property to accommodate runoff from the roadway as well as historic drainage from the Northgate Corporate Village. This was discussed in CDOT's meeting on October 4, 2002, and will be coordinated with Picolan in final design.

Lines 17–23: The safety of the future weave condition at this location was analyzed by CDOT traffic engineers as part of the concept development process and was determined to be acceptable. It is not a "clear public safety issue", as asserted in the comment. In 2025, a total of 1,255 vehicles per hour are projected to travel westbound on Powers during the morning peak hour when the highest weaving volumes are realized. Powers will be configured with three westbound lanes between Voyager Parkway and I-25, a distance of 1,700 feet. Level of Service analysis performed in accordance with methodologies in the Transportation Research Board Highway Capacity Manual 2000 indicate that this weaving segment operates at the best possible Level of Service (LOS A) during the peak hour. Therefore, this weaving section does not pose any operational or safety concerns for future traffic conditions.

Lines 25–35: The roadway design prepared by CDOT's engineers does meet applicable AASHTO guidance. CDOT has previously responded to the issues cited here in a letter to Picolan dated February 13, 2003. In particular, the traffic volume on Powers Boulevard under Voyager Parkway would not require a three-lane cross section, and the volumes on the off-ramps would not require a two-lane cross section. Therefore, the lane drops were designed without dual lane exits.

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storage based on prior trip generation/distribution analyses from projects in this area. Given the close spacing between the ramp intersections, the Voyager Parkway cross section will most likely need to be eight lanes wide beneath the bridge to provide two through lanes in each direction along with side-by-side dual left-turn lanes for each direction. (The storage will most likely need to extend beyond the interchange traffic signal intersections to prevent blocking of through movements by spillover left-turn storage.) This will necessitate a two-lane northbound Powers Boulevard on-ramp to receive the two-lane left-turn movement from Voyager Parkway and possibly a wider bridge structure to accommodate the eight-lane Voyager Parkway cross section.

16. Will the merging of vehicles on the Powers Boulevard on-ramps from two lanes to one lane as a result of the dual left-turn lanes happen far enough from the merge point to provide an adequate acceleration length? If the northbound Powers on-ramp needs to be lengthened, the weaving section discussed above, will be shortened.

17. Finally, Picolan wonders whether queuing and stacking at the Powers Boulevard off-ramp traffic signals will leave enough deceleration length on the off-ramp to provide a safe environment for exiting vehicles? If the southbound Powers off-ramp needs to be lengthened, the weaving section for southbound I-25 to southbound Powers Boulevard to southbound Voyager Parkway will be shortened.

Conclusion

As described above, the Draft EA is inadequate for NEPA compliance for this Project. Because the Project involves construction of a new freeway, myriad unanalyzed health, safety, economic, natural resource, cumulative effects, and other environmental issues, as well as only cursory alternatives analyses, an EIS must be prepared. In order to ensure that the most complete array of alternatives are considered and analyzed in an EIS, Picolan intends to actively participate in the NEPA process. Picolan in no way concedes, and in fact disputes, that the alignment for the Powers Interchange proposed as the preferred alternative in the Draft EA is consistent with the MOU or the IGA and reserves all rights as to remedies. Finally, Picolan respectfully requests that the undersigned be added to your distribution lists to receive all future notices and correspondence regarding this project.

RESPONSE

Lines 1–10: The proposed cross-sections for Powers and Voyager are adequate to handle projected traffic volumes for the year 2025. The southbound Voyager Parkway left turn to the eastbound Powers Boulevard on-ramp has a projected peak volume of 995 vehicles per hour (in two lanes) during the morning. For this movement, CDOT determined that the intersection would operate at Level of Service A with negligible queues. For the northbound Voyager Parkway left turn to the westbound Powers on-ramp, the highest volume is 45 vehicles per hour during the morning peak. For this movement as well, CDOT determined that the intersection would operate at Level of Service A with negligible queues.

Lines 12–16: The proposed geometry would not result in any operational or safety concerns for future traffic conditions. Dual left turn lanes for the southbound Voyager Parkway left turn to the eastbound Powers Boulevard on-ramp would taper down to form one lane on the eastbound on-ramp to Powers Boulevard. This taper point would have adequate spacing from the intersection to allow for satisfactory merging from two lanes to one while providing adequate acceleration distance for vehicles entering Powers Boulevard. CDOT has determined that queuing and stacking would not be not issues on the ramp, the intersection, or the merge point with Powers Boulevard. The westbound Powers on-ramp would receive traffic from a single northbound left-turn lane and provides adequate acceleration distance for vehicles merging onto westbound Powers Boulevard.

Lines 18–22: CDOT has evaluated the weave section and the off-ramp length on southbound Powers west of Voyager and has determined that the proposed design is adequate. The length of the southbound off-ramp to Voyager is sufficient to handle the projected low volumes and would not result in lengthy queues. This would not result in any operational or safety concerns for future traffic conditions.

Lines 26-36: The Federal Highway Administration has determined that sufficient studies have been prepared to assess the direct, indirect and cumulative impacts of the Proposed Action. After a thorough, comprehensive and independent review of the EA, its associated studies and documentation, and all comments received during the 45-day public review period, FHWA has determined that there are no significant impacts associated with the implementation of the Proposed Action. FHWA has concluded that the EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

PICOLAN – NORTHGATE CORPORATE VILLAGE

1 Thank you for the opportunity to provide comments on the Draft EA.
2 Again, in general, Picolan supports the Project and we look forward to working with
3 CDOT and the City to resolve Picolan's objections to the proposed action at the
4 Powers Interchange in a manner consistent with prior agreements as the NEPA
5 process continues.

Very sincerely yours,

HOGAN & HARTSON L.L.P.

John W. Cook

Cc: Steve Sharkey, Picolan, Inc.
Filippo Pola, Picolan, Inc.
Thomas L. Strickland (of the firm)
Andy Spielman (of the firm)
Terry Schooler, Colorado Transportation Commission
Robert D. Torres, CDOT Region 2
Dave Poling, CDOT Region 2
Wynetta P. Massey, Esq., City of Colorado Springs/VIA HAND DELIVERY

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RESPONSE

Lines 1-5: No response required.