

Appendix 4
DOT Section 4(f) Letter





U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Denver Airports District Office
26805 E 68th Ave, Suite 224
Denver, CO 80249-6361

August 15, 2017

Mr. Jon Peacock
Pitkin County Manager
530 East Main Street, #3
Aspen, CO 81611

Re: Draft Section 4(f) *de minimis* finding for the Proposed Improvement Projects at the Aspen/Pitkin County Airport

Dear Mr. Peacock:

The Aspen/Pitkin County Airport (ASE), in cooperation with the Federal Aviation Administration (FAA), is proposing various improvement projects. These improvements include the reconfiguration of Runway 15/33 and the construction of a new terminal building. Portions of the runway reconfiguration project will impact the Owl Creek Trail (Trail). The Trail has been identified as a Section 4(f) resource.

Section 4(f) of the US Department of Transportation (DOT) Act requires the DOT to make an effort to preserve public park and recreation lands, wildlife and waterfowl refuges, and historic sites. It also prohibits the use of Section 4(f) resources if a feasible and prudent alternative is available. In accordance with the requirements of Section 4(f), the FAA has issued the attached draft Section 4(f) *de minimis* finding for the proposed improvements at ASE.

The impacts of a project may be determined to be *de minimis* if:

1. The use of the Section 4(f) resource, together with any avoidance, minimization, and mitigation, does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f);
2. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, or attributes of the Section 4(f) resource; and
3. The official with jurisdiction over the resource, after being informed of the public comments and the FAA's intent to make the *de minimis* impact finding, concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

The FAA respectfully requests for you to review the draft finding. The draft Section 4(f) *de minimis* finding will be released for public review at the same time as the Draft EA for the proposed improvement projects. The public comment period will close on October 3, 2017. The FAA will ensure that you receive any comments that are submitted on the proposed impacts to the Trail. The FAA will then revise the finding based on comments and request, if still appropriate, that you provide written concurrence with the *de minimis* impact finding.

If you have any comments, questions, or concerns regarding the analyses used to determine the potential effects of the proposed project on Section 4(f) resources, or have any questions regarding the project, please do not hesitate to contact Kandice Krull at Kandice.krull@faa.gov or 303-342-1261.

Sincerely,

John P. Bauer, Manager
Denver Airports District Office
(303) 342-1259

Enclosure: Draft Section 4(f) *de minimis* finding

Cc: John Kinney, Aspen/Pitkin County Airport Manager
Mark Kuhn, City of Aspen Trails Manager
Mead & Hunt

**Department of Transportation
Federal Aviation Administration Denver Airports District Office
DRAFT SECTION 303(c)/4(f) DE MINIMIS FINDING
For the Aspen/Pitkin County Airport
City of Aspen, Pitkin County, Colorado**

I. Introduction - Section 4(f)

Section 4(f) was initially codified in Title 49 United States Code (USC) § 1653(f) (Section 4(f) of the USDOT Act of 1966). In 1983, § 1653(f) was reworded and recodified as Title 49 USC § 303 but is still commonly referred to as Section 4(f). Congress amended Section 4(f) in 2005 when the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted.

Section 4(f) declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” In addition:

Section 4(f) prohibits the use of land of significant publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and land of a historic site for transportation projects unless the Administration determines that there is no feasible and prudent avoidance alternative and that all possible planning to minimize harm has occurred.

De minimis impacts related to historic sites are defined as the determination of either “no adverse effect” or “no historic properties affected” in compliance with Section 106 of the National Historic Preservation Act. For publicly owned parks, recreation areas, and wildlife/waterfowl refuges, *de minimis* impacts are defined as those that do not “adversely affect the activities, features, and attributes” of the Section 4(f) resource. *De minimis* impact determinations are based on the degree of impact after the inclusion of any measure(s) to minimize harm.

II. Project Description

The Aspen/Pitkin County Airport (ASE) is located about three miles northwest of Aspen’s Central Business District. Pitkin County, as owner and operator of ASE, is proposing to reconfigure Runway 15/33 and improve the terminal building (Figure 1).

Pitkin County currently limits the size of aircraft that can operate at ASE through Section 10.12.030(C) of the Pitkin County Code. This section, adopted in 2001, prohibits the operation of aircraft with “a tip-to-tip wingspan of greater than 95 feet.” The wingspan restriction was required because ASE could not satisfy all of the applicable Federal Aviation Administration (FAA) design standards without significant improvements. Airlines are changing their aircraft fleet in response to air travel demand and it is expected that the aircraft serving ASE, which meet the County’s wingspan and weight limit, will eventually be withdrawn from service in favor of larger aircraft with greater wingspan and passenger seating. Unless the current wingspan policy is rescinded, ASE risks the loss/reduction of commercial passenger service. Before the County can rescind its current policy, FAA will require that the airfield be brought into compliance with current airfield design standards. The purpose of the runway reconfiguration is to enable ASE to accommodate anticipated aircraft in the future and bring the airfield into compliance with the FAA airfield design criteria, which provide for safe separation of aircraft movement on the airfield.

The existing terminal and apron are unable to efficiently accommodate existing and forecasted passenger demand. The purpose and need for improvements to the passenger terminal are related to deficiencies in the current terminal, issues associated with the current roadway configuration and passenger parking, and deficiencies in the apron area.

The proposed projects include:

- Runway 15/33 Reconfiguration
 - Shift the runway 80 feet to the west;
 - Widen the runway from 100 feet to 150 feet;
 - Realign the perimeter road, Owl Creek Road, and Owl Creek Bike Path;
 - Relocate navigational aids (NAVAIDs) and runway/taxiway lighting;
 - Rescind Pitkin County's wingspan and aircraft weight restriction policy;
 - Piping of Owl Creek within ASE property; and
 - Amending flight procedures to accommodate shift in runway location.
- Terminal Improvements
 - Construction of replacement terminal and associated parking;
 - Re-configure the terminal roadway and recirculation roadway;
 - Integrate the new terminal with public transit;
 - Relocate ancillary facilities, such as rental car facilities;
 - Demolition of existing terminal;
 - Expanding the commercial aircraft apron; and
 - Construction of a noise barrier along the general aviation apron.

III. Description of Section 4(f) Resource and Potential Impacts

The Owl Creek Trail connects Aspen to Snowmass Village starting from Buttermilk Ski area and crossing the Owl Creek drainage to connect to the Snowmass trail system at the Owl Creek/Brush Creek divide. The Owl Creek Trail runs along Owl Creek Road on the western edge of ASE and crosses through ASE property on the south side. The path is owned and maintained by Pitkin County.

The runway reconfiguration requires the shifting of approximately 1,657 linear feet of Owl Creek Trail to the west. The total shift will be between 13 and 58 feet (Figure 2). During construction, there would be temporary access restrictions to Owl Creek Trail. It is anticipated that the bike path will be closed during construction of a retaining wall, but there is likely room in the right-of-way to either build a temporary bike path or allow users to use Owl Creek Road for a small section to minimize impacts to users. The exact method to minimize impacts will be determined during final design. Construction is estimated to be about 6-9 months but with phasing and temporary routing, the bike path and/or road will remain open during the majority of this time to minimize impacts. Adequate notice will be provided prior to any closure of the Owl Creek Trail.

The project will have a *de minimis* impact on the physical characteristics of the trail, and will not adversely affect the activities, features, and attributes that qualify the trail for protection under Section 4(f).

IV. Discussion of Coordination

The public will be offered an opportunity to comment on this Section 4(f) *de minimis* finding when the Draft EA is released for public comment. The public will have 30 days to comment on the proposed project, the potential impacts, and this finding.

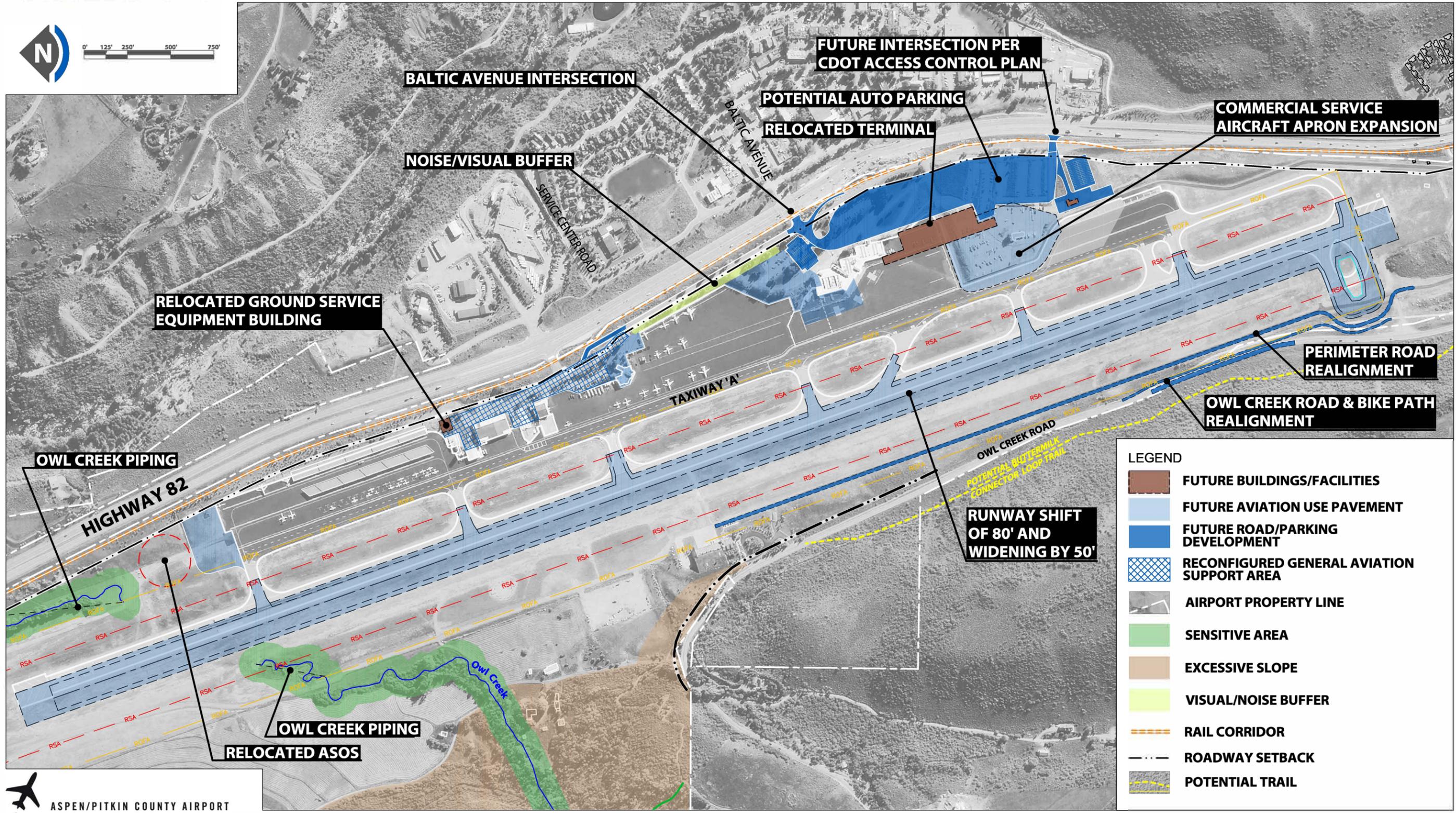
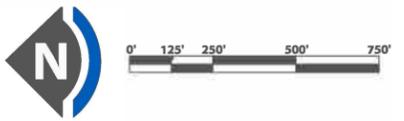
After the comment period is complete, the FAA will make a final decision based on the information provided above, any public comments received, and in coordination with Pitkin County as to whether the effects of the proposed project on the Owl Creek Trail constitute a *de minimis* Section 4(f) impact.

V. Preliminary Finding

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with Title 49 USC § 303 and other applicable environmental requirements. The proposed Federal action will not significantly affect the pedestrian/bike trail and constitutes a *de minimis* Section 4(f) impact.

John Bauer, Manager
Federal Aviation Administration
Denver Airport District Office

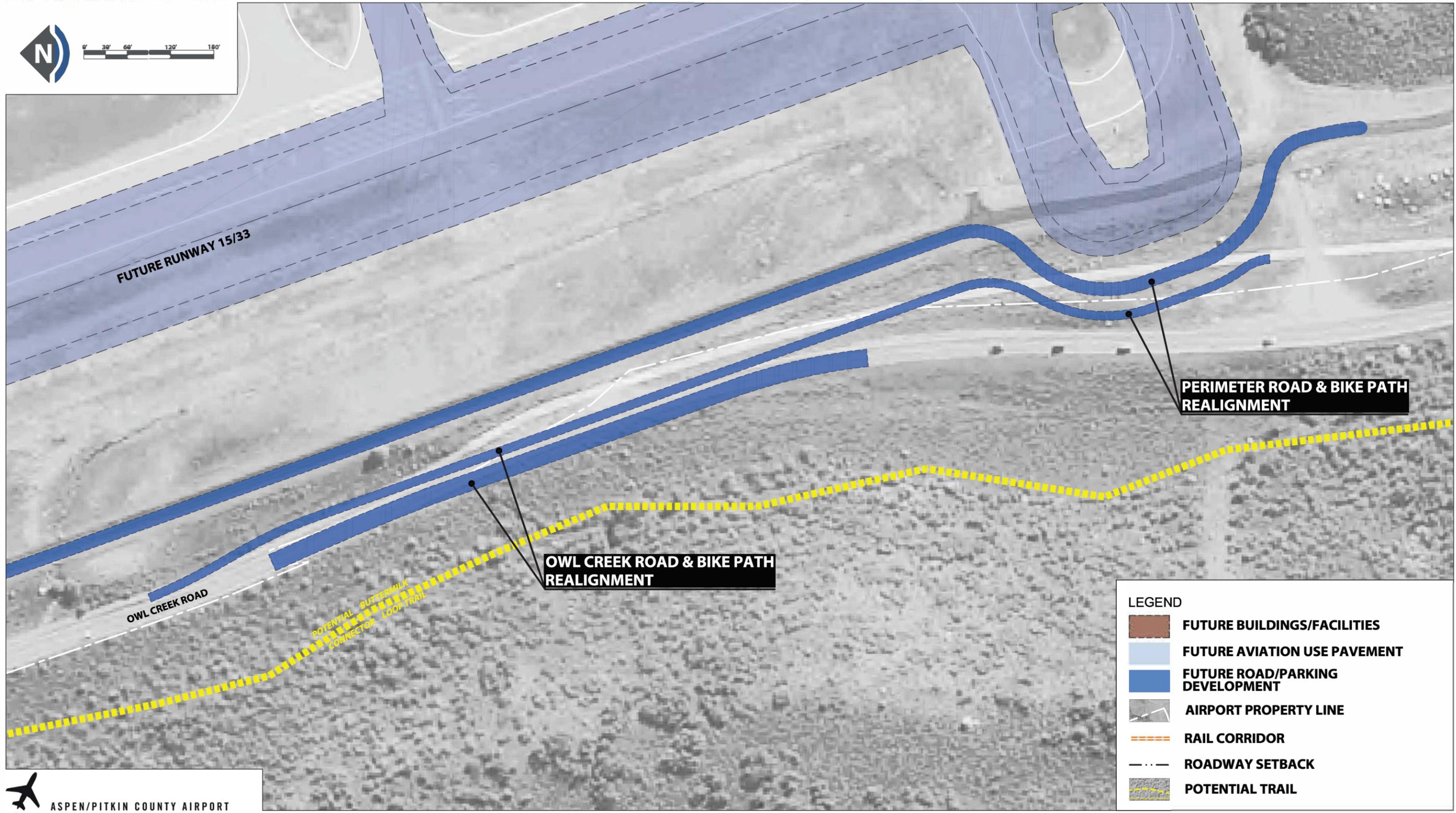
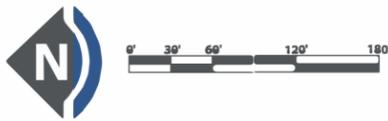
Date



LEGEND

	FUTURE BUILDINGS/FACILITIES
	FUTURE AVIATION USE PAVEMENT
	FUTURE ROAD/PARKING DEVELOPMENT
	RECONFIGURED GENERAL AVIATION SUPPORT AREA
	AIRPORT PROPERTY LINE
	SENSITIVE AREA
	EXCESSIVE SLOPE
	VISUAL/NOISE BUFFER
	RAIL CORRIDOR
	ROADWAY SETBACK
	POTENTIAL TRAIL

Figure 1 Proposed Projects



LEGEND

	FUTURE BUILDINGS/FACILITIES
	FUTURE AVIATION USE PAVEMENT
	FUTURE ROAD/PARKING DEVELOPMENT
	AIRPORT PROPERTY LINE
	RAIL CORRIDOR
	ROADWAY SETBACK
	POTENTIAL TRAIL

Figure 2 **Bike Path and Owl Creek Road Relocation**



BOARD OF COUNTY COMMISSIONERS

530 E. Main Street, 3rd Floor
Aspen, Colorado 81611
phone (970) 920-5200
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July 18, 2016

Ms. Kandice Krull
Environmental Specialist, FAA
Denver Airports District Office
26805 E. 68th Avenue, Suite 224
Denver, Colorado 80249

Dear Ms. Krull:

This letter is to confirm that Pitkin County is the owner of and has jurisdiction over the bike path that traverses a portion of the Aspen/Pitkin County Airport. The County has reviewed the plans for the proposed runway relocation and has been extensively involved in the overall planning of that relocation. As a result, we have reviewed the relocation plans for the bike path as well, have offered our input and are satisfied with the proposed plans to relocate the path. The County recognizes the need to relocate a portion of the bike path to accommodate the proposed runway relocation and does not consider the relocation a significant impacts as it will result in minimal impairment to the continued use of the bike path.

The County has determined that the bike path is used solely for recreational purposes which will be fully mitigated by the planned relocation, that the portion of the bike path that will be relocated does not have local significance and that the relocation will not adversely affect any feature, attributes or activities of the bike path or the users of the bike path.

Thank you very much for the opportunity to present this information to you and please do not hesitate to call if you have additional questions. The County looks forward to working with the Airport and the FAA on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Peacock".

Jon Peacock
Pitkin County Manager