

Chapter 6.0 – Consultation, Coordination, and Document Preparation

This EIS was conducted in accordance with NEPA requirements, CEQ regulations, and the U.S. Department of the Interior (DOI) and BLM policies and procedures implementing NEPA. NEPA and the associated laws, regulations, and policies require BLM to seek public involvement early in, and throughout, the planning process to develop a reasonable range of alternatives to the Artists' Proposed Action and prepare environmental documents that disclose the potential impacts of the Artists' Proposed Action and alternatives. Public involvement and agency consultation and coordination, which have been at the heart of the process leading to this draft EIS, were achieved through *Federal Register* notices, public and informal meetings, individual contacts, media releases, planning bulletins, and the project website.

From the initial proposal of the project, the public and agencies have been approached for input on the project scope and development, as discussed in Chapter 1.0. As the complexity of the project became apparent, requiring the involvement of more agencies, the NEPA process developed from an EA to an EIS. This chapter describes this public involvement process as well as other key consultation and coordination activities undertaken for the preparation of a comprehensive Draft EIS.

6.1 DESCRIPTION OF SPECIFIC ACTIONS TAKEN TO CONSULT AND COORDINATE

6.1.1 Public Consultation

In 1996, the applicant presented a verbal proposal to the BLM RGFO. Based on OTR's verbal proposal, BLM started conducting an EA and held public meetings between 1997 and 2000. Eight public meetings were held in communities within the proposed project area:

- April 18, 1997 – Salida
- April 20, 1997 – Cañon City
- December 2, 1997 – Salida
- December 3, 1997 – Cañon City
- December 4, 1997 – Cotopaxi
- October 24, 2000 – Cañon City
- October 25, 2000 – Cotopaxi
- October 26, 2000 – Salida

Additional EA-based scoping was held by BLM in 2006 at the following locations:

- January 17, 2006 – Cañon City
- January 18, 2006 – Cotopaxi
- January 19, 2006 – Salida

During the meetings, BLM took notes as the public provided oral comments. Written comments were also received during the scoping comment period. Based on the comments received during scoping, a specific request from the applicants, the increasing complexity of the project, the level of controversy related to

the project, and the level of involvement during scoping process, it was apparent the EA would not likely result in issuance of a Finding of No Significant Impact (FONSI). Therefore, BLM elevated the EA to an EIS-level analysis in March 2006, with the publication of an NOI to prepare an EIS for the Artists' Proposed Action in the *Federal Register* on June 19, 2006.

Concurrent with publication of the NOI to prepare an EIS for the Artists' Proposed Action in the *Federal Register*, a postcard about the OTR EIS status was mailed to the public, stakeholder, and agencies contact lists. Press releases were also provided to multiple media outlets, listed in Table 6-1.

Table 6-1. List of Media Outlets Receiving Various Press Releases

- Associated Press
- Cañon City Daily Record Newspaper
- Chaffee County Times
- Channel 2 News - WB
- Channel 4 News - CBS
- Channel 5 News - KOAA
- Channel 7 News - ABC
- Channel 9 News - KUSA
- Channel 11 News - KKTU
- Channel 13 News - KRDO
- Channel 31 Fox News
- Colorado Community Newspapers
- Colorado Public Radio
- Denver Post
- Florence Citizen Newspaper
- The Flume (online news source)
- Gazette Telegraph Newspaper
- KBVC FM radio
- KHEN FM radio
- KRCC FM radio
- KSBV FM radio
- KUNC FM radio
- Mountain Mail Newspaper
- Pueblo Chieftain Newspaper
- Rocky Mountain News
- Valley Currier (Alamosa News)
- Wet Mountain Tribune Newspaper

BLM continued to accept written comments throughout all stages of project development. Summaries of both written comments and those received at scoping meetings through July 2006 are included in the Scoping Report, available on the OTR web page (http://www.blm.gov/co/st/en/fo/rgfo/planning/otr/otr_eis_documents.html).

The issues presented in Table 6-2 are not intended as a comprehensive list of all issues to be evaluated in the EIS; these issues simply represent the key concerns of the public, project team staff, and cooperators.

Table 6-2. Summary of Issues Identified for Further Analysis

Resource	Installation and Removal Phases	Exhibition Window
Emergency Response	<ul style="list-style-type: none"> • Response to industrial accidents • Response to hazardous material spills • Response to recreational accidents (rafting, ATV use, hiking, fishing and climbing) • Search and rescue incidents • Motor vehicle and air craft accidents • Wildfire and stormwater events • Crime incidents • Accessibility for canyon resident health issues • Response times • Adequacy of resources to respond to incidents and existing capabilities of response teams • Accessibility to canyon and evacuation • Emergency coordination and communication issues • Weather and air travel constraints 	<ul style="list-style-type: none"> • Response to recreational accidents (rafting, ATV use, hiking, fishing and climbing, etc.) • Search and rescue incidents • Motor vehicle and air craft accidents • Wildfire and stormwater events • Crime incidents • Accessibility for canyon resident health issues • Response times • Accessibility to canyon and evacuation • Adequacy of resources to respond to incidents and existing capabilities of response teams • Emergency coordination and communication issues • Weather and air travel constraints
Engineering	<ul style="list-style-type: none"> • Glues and bonding chemicals used during installation • Anchor hole patching during removal 	<ul style="list-style-type: none"> • Artwork's durability for wind and hail • Geological hazard (fault impacts) • Adequacy of engineering assumptions
Natural and Cultural Resources (including soils, geology, noxious weeds, and wildland fire)	<ul style="list-style-type: none"> • Potential for erosion and river sedimentation • Potential for noxious weed infestation • Potential for rock instability • Assurance of adequate restoration • Stress on natural resources beyond typical current conditions in canyon • Potential damage to cultural resources 	<ul style="list-style-type: none"> • Shading effects on river ecology • Geological hazard from cable vibrations • Potential for erosion and river sedimentation • Potential for noxious weed infestation • Fire danger • Stress on natural resources beyond typical current conditions in canyon • Potential damage to cultural resources
Pollution and Sanitation	<ul style="list-style-type: none"> • Potential for river contamination and water quality • Site aesthetics • Noise and dust resulting from drilling • Potential for river contamination and water quality • Hazardous materials spills • Capacity of area for sanitation, toilet facilities, and trash removal/recycling 	<ul style="list-style-type: none"> • Debris if artwork collapsed • Potential for river contamination and water quality • Hazardous materials spills • Capacity of area for sanitation, toilet facilities, and trash removal/recycling

Resource	Installation and Removal Phases	Exhibition Window
Public Safety	<ul style="list-style-type: none"> • Insurance and liability issues • Accident potential during construction/removal • Public safety risks and dangers in relation to activity 	<ul style="list-style-type: none"> • Harm if artwork collapsed • Insurance and liability issues • General public safety • Potential for threat of terrorism • Considerations of public safety from operation planning
Recreation	<ul style="list-style-type: none"> • Economic impacts to recreation industries (fishing, rafting/kayaking) • Duration of installation and removal impacts on river and river access for recreation • Effects on natural canyon/river experience and natural beauty • Impacts on nearby area's bicycle and hiking trails and off-road use 	<ul style="list-style-type: none"> • Cable and fabric panel impacts on recreation, including fishing activities and rafting • Effects on natural canyon/river experience and natural beauty • River safety and conflicts with fabric panels • Exceeding visitor carrying capacity during the busy summer season • Impacts on nearby area's bicycle and hiking trails and off-road use • Recreation experience of viewing artwork • Attraction of new types of visitors to area • Railroad access and use potential
Socioeconomics	<ul style="list-style-type: none"> • Costs to area, including disruption of life, work, and recreation in canyon • Commercial traffic impacts • Potential for increased crime • Boost for local economy (visitor expenditures) 	<ul style="list-style-type: none"> • Exceeding visitor carrying capacity during the busy summer season • Commercial traffic impacts • Potential for increased crime • Effect on local economy (visitor expenditures) • Long-term social effect from work-of-art • Costs paid by artists • Costs to area, including disruption of life, work, and recreation in canyon
Transportation	<ul style="list-style-type: none"> • Narrow US 50 cross-section • Delays—increased travel times • Duration and lane closures • Local traffic congestion and access 	<ul style="list-style-type: none"> • Delays—increased travel times • Local traffic congestion and access • Temporary air pollution • Potential for increased crashes • Narrow US 50 cross-section and narrow canyon constraints • Lack of alternate routes • Traffic Management Plan • Drivers' unfamiliarity with environment • Alternate display locations and times • Decreased speed to possibly reduce accidents
Wildlife	<ul style="list-style-type: none"> • Noise and vibration impacts • Physical disturbance • Wildlife accustomed to human presence, cars, boats, and previously to trains • Habitat and water access limitations • Increased vehicular traffic 	<ul style="list-style-type: none"> • Potential cable and fabric hazards to wildlife • Increased vehicular traffic • Stress induced by visitor population • Shading effects of fabric panels on wildlife and river ecology • Habitat and water access limitations • Harm if artwork collapsed

An MOU between OTR and BLM was developed and signed for preparation of an EIS in May 2007. In 2007, OTR delivered a Design and Planning Report that included EIS-level alternatives. In April 2008, BLM received additional information with the required level of detail to move forward with the EIS. This led to the process of filing, upper-level agency review of, and publication of a NORA.

A NORA was filed in the *Federal Register* on October 31, 2008. In addition to publication in the *Federal Register*, a paid notice of this document and comment period was printed in The Daily Record. BLM accepted written comments at the RGFO through the official 45-day comment period that ended December 15, 2008. A total of 391 original letters were received during this comment period. Comments were categorized based on their association to affected resources; one comment could be associated with more than one resource. The distribution of concerns is summarized below.

Table 6-3. Summary of Comments Received During the NORA

Resource	Number of Comments Received Associated with Resource
Wildlife (including avian and fisheries)	120
Recreation	20
Public Safety	92
Traffic	102
Visual Resources	131
Physical	54
Ecosystem	51
Socioeconomics	108
Air Quality	15
Realty Authorizations	1
Range/Grazing	2
Noxious Weeds/Invasive Species	4
Trash/Hazardous Materials	10
Water Quality	8

Generally, these comments were associated with previously considered concerns with ACEC goals and objectives, and likely impacts to human and natural environment in the project area. Based on these comments, the BLM determined the realty action could proceed to be analyzed in an EIS and considered the comments received as part of the alternatives development. All public comments received on the NORA are available at the BLM RGFO.

6.1.2 Plan Distribution

Since initial scoping, BLM has maintained a mailing list of individuals, businesses, special interest groups, and federal, state, Tribal, and local government representatives interested in development of the OTR EIS. In an effort to reduce printing costs, unless recipients expressly requested receipt of a paper copy of this Draft EIS, they were directed to download the Draft EIS from the BLM's website.

Copies of the Draft EIS also are available for public inspection at the following locations:

- BLM RGFO
- BLM Colorado State Office
- Local libraries

The draft EIS is also available at the Over the River EIS website;

<http://www.blm.gov/co/st/en/fo/rgfo/planning/otr.html>.

Concurrent with the distribution of the Draft EIS, an NOA was published by the Environmental Protection Agency in the *Federal Register*, which marks the beginning of the 45-day review and comment period.

6.1.3 Agency Consultation

Federal laws require the BLM to consult with certain federal and State agencies and entities and Native American tribes, (40 Code of Federal Regulations [CFR] 1502.25) during the NEPA decision making process. BLM is also directed to integrate NEPA requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 CFR 1500.4-5). The following section discusses activities conducted during the NEPA process to meet these requirements.

6.1.3.1 Cooperating Agencies

With the publication of the NOI to prepare an EIS for the Artists' Proposed Action, a series of briefings to elected officials, meetings with the Cooperating Agencies and Other Agencies were held to:

- Reintroduce the project and describe the proposed project.
- Describe the project schedule, process, key milestones, and opportunities for public involvement.
- Provide project information and answer frequently asked questions.
- Demonstrate an understanding of the concerns and issues expressed by all interested parties.
- Ensure that we have reached the key stakeholders and obtained their perspectives.

Since the publication of the NORA in the *Federal Register* on October 31, 2008, a series of meetings have occurred with agencies to help BLM in development of this EIS:

- March 24 2009 – BLM and All Cooperating Agencies (CDNR, CDOT, CSP, Chaffee County, and Fremont County)
- April 13 2009 – BLM and CDOT
- April 28 2009 – BLM and CSP
- April 30 2009 – BLM and CDOT
- May 7 2009 – BLM and Chaffee County
- May 7 2009 – BLM, Cañon City, and Fremont County
- May 7 2009 – BLM and UPRR
- May 7 2009 – BLM and CDOW

- May 15 2009 – BLM, Salida, and State Parks
- May 19 2009 – BLM and CDOW District Wildlife Managers
- May 28 2009 – BLM and All Cooperating Agencies (CDNR, CDOT, CSP, Chaffee County, and Fremont County)
- June 3, 2009 – BLM and State Parks Board
- June 18 2009 – BLM and State Parks Board
- November 20 2009 – BLM and All Cooperating Agencies (CDNR, CDOT, CSP, Chaffee County, and Fremont County)
- November 3 2009 – Fremont County, CDOT, BLM, and OTR Corp
- February 18 2010 – BLM and All Cooperating Agencies (CDNR, CDOT, CSP, Chaffee County, and Fremont County)

6.1.3.2 Tribal Consultation

Federal agencies are directed by the NHPA to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Tribal consultation is a government-to-government relationship. The BLM is responsible for this and will initiate Tribal Consultation regarding the OTR project as required by law. Tribal consultation is the active, affirmative process of (1) identifying and seeking input from appropriate American Indian governing bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the BLM's decision making process. The aim of consultation is to involve affected American Indian groups in the identification of issues and the definition of the range of acceptable management options.

Under the auspices of the American Indian Religious Freedom Act of 1978, Executive Order 13007, the Native American Graves Protection and Repatriation Act of 1990, and the National Historic Preservation Act of 1966, as amended, the BLM must take into account the effects of land use decisions on places (i.e., physical locations) of cultural value to American Indian groups. The BLM works in cooperation with American Indian tribes to coordinate and consult before making decisions or approving actions that could result in changes in land use, physical changes to lands or resources, changes in access, or alienation of lands. Federal programs are required to be carried out in a manner sensitive to American Indian concerns and tribal government planning and resource management programs.

Because Native American consultation has not yet been completed, tribal concerns have not been identified. However, BLM will work with tribal representatives to identify impacts and design mitigation measures that address impacts, pursuant to NHPA and other relevant historic preservation laws and regulations, along with the American Indian Religious Freedom Act and Executive Order 13007 (entitled "Indian Sacred Sites").

6.1.3.3 Fish and Wildlife Consultation

To comply with Section 7(c) of the ESA of 1973, BLM is consulting with the USFWS to develop the Draft Biological Assessment, which will be published concurrently with the Final EIS.

6.2 LIST OF PREPARERS

As required by NEPA regulations (40 CFR § 1502.17), Table 6-5 lists the people responsible for preparing this Draft EIS. The BLM RGFO has retained EDAW/AECOM as a third-party consultant to assist with the preparation of this EIS. EDAW/AECOM was selected by the lead agency in cooperation with the Cooperating Agencies to avoid any conflict of interest. EDAW/AECOM has certified that it does not have any financial or other interest in the decisions to be made pursuant to this EIS.

Table 6-4. Preparers and Reviewers

Name	Company	Responsibilities	Education and Experience
Bureau of Land Management			
Greg Shoop	BLM Front Range District	Front Range District Manager	
Keith Berger	BLM RGFO	Field Office Manager	B.S. Range Ecology 20 years experience
Linda McGlothlen	BLM RGFO	Formerly Acting Field Office Manager	37 years experience
Vincent Hooper	BLM RGFO	EIS Project Manager	B.S. Parks and Outdoor Recreation 25 years experience
Joe Vieira	BLM SLVPLC	Former EIS Project Manager	M.S. Forest Science 18 years experience
Martin Weimer	BLM RGFO	Project NEPA Lead	M.S. Biology 25 years experience
Angela Glenn	BLM State Office	State Office Planning & Environmental Coordinator	
Erik Brekke	BLM RGFO	IDT Lead/Biologist - Terrestrial/Avian Wildlife and Habitat; Threatened and Endangered Species	B.S. Wildlife Biology 34 years experience
Jim Backstrand	BLM RGFO	Terrestrial/Avian Wildlife and Habitat; Threatened and Endangered Species	
Debbie Bellew	BLM RGFO	Lands and Realty Specialist	
Cass Cairns	BLM RGFO	Public Affairs Officer	23 years experience
Stephanie Carter	BLM RGFO	Geologist	B.A. Geology 14 years experience
Mike Cassell	BLM RGFO	Retired ;Soil Resources, Geologic Substrate and Terrain; Noxious Weeds and Invasive Species	
Dave Gilbert	BLM RGFO	Biologist - Aquatic Wildlife and Habitat; Wetlands, Floodplains, and Riparian Habitat	M.S. Wildlife Biology 27 years experience
Gene Hunt	BLM RGFO	Hazardous Materials; Waste (Nonhazardous)	
Vera Matthews	BLM RGFO	Realty Specialist	

Name	Company	Responsibilities	Education and Experience
John Nahomenuk	BLM RGFO	Realty Authorizations and Land Use; Visual/Aesthetic Resources; Wild and Scenic Rivers	B.S. Natural Resources 21 years experience
Leslie Peterson	BLM RGFO	Petroleum Engineer	B.S. Petroleum Engineering 22 years experience
Jeanette Pranzo	BLM RGFO	Socioeconomics	M.A. Economics 38 Years experience
Leah Quesenberry	BLM RGFO	Realty Authorizations and Land Use; Wild and Scenic Rivers; Wilderness and Special Management Areas	M.S. Natural Resources 20 years experience
Ken Reed	BLM RGFO	Forestry	B.S. Forest Management 25 years experience
Ed Skerjanec	BLM RGFO	Fire Management Officer, Public Safety	B.S. Communications 24 Years experience
John Smeins	BLM RGFO	Water Resources	B.S. Watershed Science 10 years experience
Melissa Smeins	BLM RGFO	Soil Resources, Geologic Substrate and Terrain; Paleontological Resources	M.S. Geology 5 years experience
Monica Weimer	BLM RGFO	Cultural, Historic, and Paleontological Resources and Native American Cultural Concerns	M.A. Anthropology 33 years experience
Jeff Williams	BLM RGFO	Range Resources; Vegetation and Plant Communities; Farmlands	B.S. Natural Resource Management 9 years experience
John Lamman	BLM RGFO	Range Resources	M.S. Range Science 10 years experience
Hugh Wolfe	BLM RGFO	Realty Specialist	30 years experience
Aaron Worstell	BLM RGFO	Atmosphere, Air Resources, and Air Quality	
AECOM/Subcontractor			
Tom Keith	EDAW/AECOM	Principal-in-Charge	M.S. Natural Resources 30 years experience
Molly Cobbs-Lozon	EDAW/AECOM	Co-Project Manager	B.S. Environmental Studies B.A. Political Science 8 years experience
Melanie Martin	AECOM Environment	Co-Project Manager	M.S. Natural Resources Management B.S. Agriculture 12 years experience
Kyle Arndt	AECOM Environment	Project Research and Support	B.S. Natural Resources Management 3 years experience
Bill Berg	AECOM Environment	Paleontological Resources	M.S. Geology 23 years experience
Rebecca Brofft	EDAW/AECOM	Recreation Resources	B.S. Natural Resources 1 year experience
Jim Burrell	AECOM Environment	Water Resources	M.S. Civil Engineering B.S. Forest Management 31 years experience

Name	Company	Responsibilities	Education and Experience
Jeremy Call	EDAW/AECOM	Visual Resources	M.A. Landscape Architecture B.A. Humanities 6 years experience
Rollin Daggett	AECOM Environment	Aquatic Wildlife and Habitat	M.S. Aquatic Ecology B.S. Zoology 35 years of experience
Alan Eckman	AECOM Transportation	Transportation and Traffic	M.B.A. Business Administration B.S. Civil Engineering 11 years experience
Erik Gantt	Centennial Archaeology	Cultural, and Historic Resources and Native American Cultural Concerns	M.A. Anthropology 13 years experience
Chris Gaughan	EDAW/AECOM	Terrestrial/Avian Wildlife and Habitat; Threatened, Endangered, and Sensitive Species	M.S. Wildlife Conservation B.S. Earth Science/Geography 7 years experience
Steve Graber	AECOM Environment	Public Safety	B.S. Natural Resource Management B.A. Economics 6 years experience
Ed Harvey	Harvey Economics	Socioeconomics, Social Impacts	M.S.B.A. Economics B.A. Economics 37 years experience
Michael Heugh	AECOM Transportation	Transportation and Traffic	M.E. Transportation Engineering B.S. Mathematical Sciences 5 years experience
Don Holloway	AECOM Transportation	Transportation and Traffic	B.S. Civil Engineering 23 years experience
Len Joeris	AECOM Environment	Hazardous Materials; Waste (Nonhazardous)	B.S. Social Science 34 years experience
Kimberly Karish	EDAW/AECOM	GIS Specialist and Data Manager	Ph.D. Environmental Planning and Design M.S. Fisheries and Wildlife Ecology B.S. Ecology, Behavior and Evolution 5 years experience
Brian Kennedy	AECOM Transportation	Transportation and Traffic	B.A. Environmental Planning and Design 27 years experience
John Ko	EDAW/AECOM	Wetlands, Floodplains, and Riparian Habitat; Vegetation and Plant Communities; Threatened, Endangered, and Sensitive Species; Range Resources; Noxious Weeds and Invasive Species	B.S. Natural Resources Planning and Interpretation 17 years experience
Dustin Krajewski	AECOM Environment	Hazardous Materials; Waste (Nonhazardous)	M.B.A. Business Administration B.S. Mechanical Engineering 9 years experience
Bruce Meighen	EDAW/AECOM	Public Involvement Lead	M.S. City Planning B.A. Geography Urban Systems 15 years experience
Ben Norman	Harvey Economics	Socioeconomics, Social Impacts	M.S. Agribusiness B.S. Agricultural Economics 5 years experience

Name	Company	Responsibilities	Education and Experience
Melinda Ogle	Harvey Economics	Socioeconomics, Social Impacts	B.A. Economics 11 years experience
Chad Schneckenburger	EDAW/AECOM	Recreation Resources; Wild and Scenic Rivers; Wilderness and Special Management Areas	M.S. Recreation Resources B.S. Political Science 6 years experience
Melissa Sherburne	EDAW/AECOM	Realty Authorizations and Land Use	M.E.M. Environmental Management B.A. Environmental Studies 7 years experience
Heidi Tillquist	AECOM Environment	Public Safety	M.S. Environmental Toxicology B.S. Fishery and Wildlife Biology 22 years experience
Susan Walker	Harvey Economics	Socioeconomics, Social Impacts	M.S. Forest Economics B.S. Forest Management 9 years experience
Doug Yadon	AECOM Environment	Soil Resources, Geologic Substrate and Terrain; Farmlands	M.S. Civil Engineering (Geotechnical) B.S. General Engineering, Geology 34 years experience
Christian J. Zier	Centennial Archaeology	Cultural, and Historic Resources and Native American Cultural Concerns	Ph.D. Anthropology 35 years experience