

APPENDIX F

Public Comment Summaries and Responses

**Over The River™ Draft EIS
Public Comment Summaries and Responses**

Chapters 1, 2 & 5

#1

Resource	Comment Summary
<i>Cumulative</i>	The Cumulative Effects section of the EIS does not include a description of past, present or reasonably foreseeable projects that each resource discipline is required to address. The EIS does not summarize the cumulative impact of all potential impacts and proposed mitigation measures for the project, including environmental, economic, and social impacts.
Response: The analysis area for cumulative effects varies by resource. Refer to Sections 4.27.1 through 4.27.26 for discussion of other past, present, and reasonably foreseeable future actions considered in the cumulative effects analysis for each resource.	

#2

Resource	Comment Summary
<i>ACEC</i>	The EIS does not adequately address conformance of the proposed action and alternatives with the designation, purpose, and guidance for the Arkansas Canyonlands ACEC.
Response: FLPMA provides at 43 U.S.C. 1702(a) that ACECs are areas within the public lands where “special management attention is required ... to protect and prevent <i>irreparable damage</i> to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes...” (emphasis added). Additional discussion of impacts to ACEC resources and values has been added to Section 4.23 of the FEIS. Section 1.6.2 has been revised to reflect that based on the findings in the FEIS, BLM has determined that the applicants’ proposal is in conformance with the land use plan. This determination is based on the incorporation of additional mitigation measures since release of the DEIS and the elimination of any significant, adverse long-term impacts to all resources. Additional information on the basis for a determination of conformance with the RMP and ACEC will be presented in the Record of Decision.	

#3

Resource	Comment Summary
<i>ACEC</i>	The EIS does not propose adequate mitigation for impacts to the Arkansas Canyonlands ACEC values.
Response: Additional mitigation has been added to the FEIS to reduce impacts to bighorn sheep (Appendix G); avian wildlife and habitat (Chapter 5); threatened, endangered, and sensitive species (Chapter 5); and recreational resources (Chapter 5). Anchor locations were also adjusted to avoid cultural resources, as described in Section 2.6.2 of the FEIS.	

#4

Resource	Comment Summary
<i>ACEC</i>	The EIS does not provide adequate support for the conclusion that impacts to the Arkansas Canyonlands ACEC would be significant in table S-5.
Response: Impacts to the values of the ACEC, including wildlife, vegetation, scenic, historic, and archaeological values are discussed throughout Chapter 4, and summarized in Section 4.23. Short-term impacts to the values of the ACEC would range from negligible to significant, depending on the resource. Because significant short-term impacts to ACEC values are possible, the level of impact listed in Table S-5 is listed as significant.	

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#5

Resource	Comment Summary
<i>Alternatives</i>	Because each panel location was selected by the artists for a specific aesthetic purpose, eliminating panel sections would damage the integrity, balance, harmony, and intent of the project as a work of art. Alteration of the timeframe of the project would adversely impact the lighting and viewing conditions for the project. Alternative 1a should be identified as the only alternative that meets the goals of the artists.
Response: NEPA requires the consideration of a reasonable range of alternatives. Alternative 1a was identified as the Artists’ proposal and the artists’ vision and objectives were defined in Chapter 1. Whether Alternative 1a is the only alternative that would meet the goals of the artists is a subjective determination.	

#6

Resource	Comment Summary
<i>Alternatives</i>	Other locations should be analyzed as alternative locations for the project, including the Royal Gorge Bridge, another part of Fremont County, in Canon City, the Pueblo riverwalk, environmentally degraded areas, urban areas, national landmarks, other states, or other countries. The EIS does not analyze an adequate range of alternatives. The action alternatives presented are not sufficiently distinguishable from one another to represent a full range of alternatives and impacts. The EIS must include a greater range of alternatives including alternatives outside of Bighorn Sheep Canyon and the Arkansas River. The range of alternatives should also include reasonable alternatives not within the jurisdiction of the lead agency that meet the purpose and need for the action. In determining the scope of alternatives to be considered, the emphasis is on what is reasonable rather than whether the proponent or applicant likes or is itself capable of carrying out a particular alternative.
Response: Per Section 1.5.2, one of BLM’s purposes for pursuing this action includes advancing the objective of providing a broad range of recreational opportunities on the lands under their administration. Specifically, the Approved RMP states that various actions will occur to enhance recreation, emphasizing a balance between resource protection and tourism (BLM 1996). The BLM is responding to OTR’s application for a land use authorization in accordance with NEPA, analyzing and disclosing the environmental impacts of issuing the requested land use authorization. Alternatives outside BLM’s jurisdiction would not fulfill BLM’s stated purpose and need, and are therefore, outside the range of “reasonable alternatives”. Also, the artists made a comprehensive evaluation of alternative locations for the project and rejected them all in favor of the Arkansas River Canyon. An alternative in a location where neither the artists nor any known organization would pursue a project similar to the Over The River Project is not a reasonable alternative in the context of NEPA.	

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#7

Resource	Comment Summary
<i>Alternatives</i>	Concern that the DEIS does not identify a preferred alternative, and does not describe the process followed by the proponents and the BLM to develop Alternative 1a.
Response: BLM has no obligation to identify a preferred alternative at the DEIS stage and did not have a preferred alternative at the time the DEIS was released. Public comment and additional information obtained following release of the DEIS will assist BLM in making a determination of a preferred alternative, which is identified in the FEIS. Chapter 2 provides a detailed discussion of how each of the alternatives was developed, including Alternative 1a.	

#8

Resource	Comment Summary
<i>Alternatives</i>	Documentation of Alternative 1b is missing from the EIS.
Response: Alternative 1b included a transit component and was subsequently eliminated from further consideration due to a lack of demonstrated benefits to traffic flow. A description of Alternative 1b has been added to Section 2.13.2 of the FEIS.	

#9

Resource	Comment Summary
<i>Legal</i>	The EIS does not address whether the approval of the project would set a legal precedent for approval of other proposed actions on federal lands.
Response: NEPA regulations, at 40 CFR 1507.27(b)(7), provide guidance in determining whether an impact is “significant,” stating that a relevant consideration is “the degree to which the action may establish a precedent for future actions with significant effects.” While this may be a guideline for determining the significance of certain impacts, it is not required that every EIS make a finding on this issue, and indeed each future proposal would be evaluated by BLM on its own merits.	

#10

Resource	Comment Summary
<i>Time and Costs</i>	Request for a report of the time and costs expended by the BLM and Cooperating Agencies for the project to date be made publicly available. Concern that the applicant will not cover all costs to agencies, counties, law enforcement, and other groups involved in the project.
Response: BLM and other agencies have or will have a cost reimbursement agreement with the project proponent. There is no requirement under NEPA that an agency report or publicly disclose the time and costs expended by that agency and cooperating agencies for the preparation of an EIS.	

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#11

Resource	Comment Summary
<i>Event Management Plan</i>	The EIS does not provide adequate information about other plans that need to be developed, approved, and implemented for any action alternative to proceed, including an Event Management Plan.
Response: A framework for the Event Management Plan and a monitoring plan for bighorn sheep have been added to the FEIS in Chapter 5 and Appendix G, respectively. If an action alternative is approved, OTR would coordinate with state and local agencies to develop the Event Management Plan post-Record of Decision.	

#12

Resource	Comment Summary
<i>General</i>	Concern that the issues requiring additional analysis shown in Table S-1 have not been adequately addressed in the EIS. Concern that the purpose of the table is unclear.
Response: Table S-1 is the same as Table 6-2, which lists issues identified for further analysis through the EIS scoping process. This list does not represent issues that will require further analysis beyond the DEIS. The text preceding Table S-1 in the Summary has been revised for clarification as follows: “The following issues were identified for analysis in this EIS through the scoping process for the project. The issues presented in Table S-1 are not intended as a comprehensive list of all issues that are evaluated in the EIS; these issues simply represent the key concerns of the public, project team staff, and cooperators that were expressed during scoping.”	

#13

Resource	Comment Summary
<i>General</i>	The characterization of impacts as “moderate,” “significant,” “short-term” and “temporary” is inconsistent or unclear throughout Chapter 4 of the EIS. These terms should be more concretely defined and applied throughout Chapter 4.
Response: Impact ratings were reviewed for consistency for each resource and revised as appropriate in the FEIS.	

#14

Resource	Comment Summary
<i>General</i>	Concern that the public will not have the opportunity to comment on the FEIS, Event Management Plan, Mitigation and Monitoring Plan, and other plans developed after the release of the DEIS.
Response: Publication of the Notice of Availability for the FEIS in the <i>Federal Register</i> initiates a 30-day availability period, during which the FEIS will be available for public review. Although this is not a formal public comment period, BLM will review any comments received during the 30-day availability period. If new substantive issues are raised, these can be addressed in the Record of Decision. Text has been added to Chapter 6 of the FEIS describing the process for public review of the FEIS.	

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#15

Resource	Comment Summary
<i>General</i>	Request for more information on the criteria and process BLM will use to make a final decision on the proposed action.
Response: The basis of BLM’s decision and the criteria utilized in reaching the decision will be spelled out in the Record of Decision. The Record of Decision will be issued following distribution and public review of the FEIS.	

#16

Resource	Comment Summary
<i>General</i>	The EIS does not consider the recorded transcript of the Fremont County Sherriff who spoke before Front Range Resource Advisory Council on August 19, 2010.
Response: Testimony provided at the Front Range Resource Advisory Council meeting on August 19, 2010 was not submitted to BLM as a public comment on the DEIS. Attendees were advised that they needed to submit comments on the EIS in accordance with methods identified in the Notice of Availability (e.g. by website, e-mail, fax, or mail). Verbal testimony was also accepted at four public hearings held August 9-12, 2010. Fremont County is an official Cooperating Agency for this EIS, and the Fremont County representative has actively participated in its preparation.	

#17

Resource	Comment Summary
<i>General</i>	Request that the following statement be included in Chapter 1 of the EIS: “This EIS is intended to provide analysis to support decisions to be made by the BLM and, as appropriate, by other agencies with permitting authority over Over The River. The BLM decision will apply only to BLM administered lands. However, potential effects of implementing the Proposed Action and alternatives on lands and activities administered by other federal, state, and local entities are also disclosed in this document. Table 1 identifies agencies and permits or approvals that may be required for Over The River. This list is not exhaustive. It may be over or under inclusive. Other permits and approvals may be required or exemptions may apply. While the BLM assumes no responsibility for enforcing laws, regulations, or ordinances under the jurisdiction of other governmental agencies, BLM regulations require that permittees abide by applicable laws and conditions imposed by other jurisdictions. This list is intended to comply with NEP A disclosure requirements but is not intended to be a binding legal opinion.”
Response: This disclaimer was not included in the Administrative PDEIS or the DEIS, and has not been added to the FEIS.	

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#18

Resource	Comment Summary
<i>Plan Conformance, Purpose and Need</i>	Concern that the proposed action is not in conformance with the Royal Gorge RMP. Concern that an Amendment to the RMP for the proposed action is not being pursued. The EIS does not adequately describe how the proposed action conforms to the Royal Gorge RMP. Concern that OTR was not addressed in the Royal Gorge RMP or the Arkansas River Travel Management Plan. Concern that project activities, including the use of Klemm KR hydraulic drills, conflict with exclusions on surface occupancy in the project area or the Arkansas Canyonlands ACEC. Concern that as a result, the project is not in conformance with the RGFO RMP or other approved land use plans for the project area.
Response: Section 1.6.2 has been revised to reflect that based on the findings in the FEIS, BLM has determined that the applicants' proposal is in conformance with the land use plan. This determination is based on the incorporation of additional mitigation measures since release of the DEIS and the elimination of any significant, adverse long-term impacts to all resources. Additional information on the basis for a determination of conformance with the RMP and ACEC will be presented in the Record of Decision. With a determination of conformance, no amendment of the RMP is necessary.	

#19

Resource	Comment Summary
<i>Plan Conformance, Purpose and Need</i>	The EIS has not presented a concise, unambiguous, and specific purpose and need for the proposed action. The purpose and need statement must describe the BLM purpose and need, not the applicant's purpose and need.
Response: Section 1.5 of the DEIS clearly states that "the purpose and need statement for an externally generated proposal, such as Over The River™, must describe the BLM's purpose and need for action, not the applicant's." Sections 1.5.1 and 1.5.2 of the EIS were drafted to clearly define BLM's purpose and need, rather than OTR's. The DEIS defines BLM's purpose and need, which is two-fold. One element is a need to make a decision in response to an application for a land use authorization, including a determination of the project's conformance with applicable plans, policies and guidance as well as the conditions that would be placed on the project if approved. A second component is to advance the objective of providing a broad range of recreational opportunities on public lands, emphasizing a balance between resource protection and tourism and providing support to the local and regional economy.	

#20

Resource	Comment Summary
<i>Project Design</i>	Any references to steel anchors being left behind after the exhibition should be removed from the EIS, since anchors will be removed above the surface of the ground.
Response: Any references to anchors being left above the ground will be removed from the FEIS.	

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#21

Resource	Comment Summary
<i>Project Design</i>	The EIS should clarify that bare cables would only be present during 5 months of the 28 month installation period.
Response: Per the revised OTR cable installation schedule dated January 2011, the FEIS has been revised to reflect that cables would be in place for up to 6 months. Cables would be bare for this time, aside from during blossoming, exhibition, and the removal of fabric panels when fabric would cover the cables (approximately 6 weeks).	

#22

Resource	Comment Summary
<i>Project Design</i>	The engineering plans for OTR are inadequate and should be reviewed by an independent engineer.
Response: The following mitigation measure has been added to Chapter 5 of the FEIS: GENERAL-3: Engineering Design Review. Final engineering drawings for all structural project elements would be provided by OTR Corp prior to BLM issuance of a notice to proceed. Engineering drawings would include a certification by a State of Colorado licensed structural engineer that the project has been designed to withstand anticipated adverse weather conditions and other environmental factors.	

#23

Resource	Comment Summary
<i>Project Design</i>	Descriptions of how drill cuttings will be handled are inconsistent throughout the EIS. The EIS should clarify whether drill cutting will be disposed of or replaced during demobilization.
Response: Drill cuttings will be containerized and properly disposed of. Resource sections of the FEIS have been reviewed for consistency with this statement.	

#24

Resource	Comment Summary
<i>Project Design</i>	Updated description of the methodology and equipment used for the anchor drilling and ATF foundation installation provided by OTR Corp.
Response: An updated description of anchor drilling methods and equipment has been incorporated into Section 2.4.1.2 of the FEIS.	

#25

Resource	Comment Summary
<i>Project Design</i>	The EIS should address how the field testing of ground anchors will be conducted. Concern that ground anchors would loosen in adverse weather.
Response: A method of testing ground anchors was described in Section 2.4.1.3 of the DEIS and is included in the same section of the FEIS.	

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#26

Resource	Comment Summary
<i>Project Design</i>	Table 2-2 incorrectly refers to "Removal of majority of "below-ground anchors". The DEIS is accurate at 2-26 where it describes leaving the anchors in place. This should be resolved by indicating the anchors will be left in place.
Response: The bullet in Table 2-2 has been revised to read: <ul style="list-style-type: none"> • Removal of anchors above the ground surface (below-ground anchor portions greater than 12 inches deep would be left in place permanently) 	

#27

Resource	Comment Summary
<i>Project Design</i>	Concern that the timing of the exhibition is misstated in the DEIS, as proposed by OTR Corp.
Response: BLM's preferred alternative includes a two-week exhibition period in early August. This time period may not fully coincide with the timing of the exhibition proposed by OTR Corp.	

#28

Resource	Comment Summary
<i>Project Design</i>	Christo has decided to eliminate the proposed Parkdale viewing and parking area. The EIS should eliminate the Parkdale Viewing Area from the project description, and eliminate the associated impacts.
Response: The Parkdale Viewing Area, and associated temporary bridge and acceleration/deceleration lanes, has been eliminated from all alternative descriptions in Chapter 2.	

#29

Resource	Comment Summary
<i>Project Design</i>	References to nighttime construction and associated impacts should be removed from the EIS, since there will be no nighttime construction for any phase or component of the project.
Response: References to nighttime construction have been removed from the EIS. A design feature has been added to Table 2-13 (No. 36) stating that there will be no nighttime construction for any phase or component of the project.	

#30

Resource	Comment Summary
<i>Project Design</i>	The EIS should include a detailed construction plan and timeline for the project.
Response: A revised timeline for the project is included in Section 2.6.2.1 of the FEIS.	

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#31

Resource	Comment Summary
<i>Project Design</i>	The EIS does not provide details for an accelerated construction schedule.
Response: In the DEIS, Alternative 1d included a one-year construction schedule. As discussed in Section 2.13 of the FEIS, a one-year construction schedule for panel configurations of 5.9 miles was eliminated from further consideration due to logistic challenges and the need to incorporate additional “no construction” periods for the benefit of bighorn sheep, golden eagles, and bald eagles. In the FEIS, Alternative 1d assumes a two-year construction schedule.	

#32

Resource	Comment Summary
<i>Project Design</i>	Clarification from OTR Corp that the primary method of communication between agencies, event staff, and emergency personnel would be 800 megahertz digital radios (DTR), and VHF radio communications would act only as a secondary emergency communication system.
Response: This has been clarified in Section 2.4.2.4 of the FEIS.	

#33

Resource	Comment Summary
<i>Project Design</i>	Clarification from OTR Corp that pedestrian travel would not be allowed in and within ½ mile of the fabric panel areas. However, pedestrians would be allowed along US 50 at other locations in the same manner they are allowed today.
Response: Pedestrian restrictions would only apply within ½ mile of a panel area. This has been clarified in Table 2-2 and Section 2.4.2.1 of the FEIS.	

#34

Resource	Comment Summary
<i>Project Design</i>	Clarification from OTR Corp that the fueling of equipment will be done by pick-up from a closed lane. No workspace outside of the equipment edge will be required to complete construction. All transportation of equipment on the roadway will be self-propelled. All planned equipment is on rubber tires and will only travel in the closed lane during work.
Response: Clarification that refueling would occur within a closed lane has been added to Section 2.4.1.2 of the FEIS. The remaining clarifications were incorporated into Table 2-15.	

#35

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	The EIS does not address how any debris left in the river by a torn panel would be cleaned up.
Response: Information on incident response, including the response to a torn panel, will be included in the Event Management Plan.	

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#36

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	Concern that the proposed mitigation measures do not allow for a complete stoppage of work if the project causes severe impacts to wildlife or natural resources.
<p>Response: Compliance with all mitigation measures included in the FEIS will be a condition of approval for the project. An active monitoring plan would be implemented to ensure compliance. Noncompliance to mitigation measures would be justification for the issuance of an order to stop work and take corrective action.</p>	

#37

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	The EIS should include a requirement that the applicant provide financial assurance for contingency funding in the event more significant impacts occur, such as impacts that could require long-term remediation and more significant funding. The EIS does not provide adequate information about bonding or cost recovery that would be required of the applicant, including the basis and calculation of the bond. An adequate contingency plan including bonding sufficient to deal with restoration from a catastrophic failure, not just anticipated baseline reclamation should be required.
<p>Response: This issue has been addressed by the inclusion of an additional mitigation measure: “GENERAL-2: Warranty. A performance bond would be required prior to issuance of the 2920 permit to assure compliance with the terms and conditions of the permit, including reclamation of disturbed lands in accordance with 43 C.F.R. 2920.7(3)(g). Once an acceptable bond is in place a Notice to Proceed may be approved by the authorized officer. Bonding would be required for all activities and resources necessary for the removal and reclamation of the project. Bonding would not be required for the completion of construction or display. OTR Corp would furnish a report to the BLM estimating all project costs broken into project categories and stages. This estimate report would be prepared by an independent Professional Engineer licensed in the State of Colorado and approved in advance by the authorizing officer. The report would include cost for removal and disposal of OTR Corp. materials, structures and facilities, rehabilitation and reclamation of all disturbed public lands or surface waters within the permit area. Also included in the estimate would be a 5% inflation rate for the term of the project (3 year minimum), an indirect administration cost of 17.1% (or as determined by the BLM Budget Officer’s most current Indirect Cost Rate Instruction Memorandum), the cost to prepare and administer contracts and such information including but not limited to Davis Bacon wages potentially incurred by the BLM. This estimate report would be the basis of the project bond. The project bond would remain in effect until such time that the authorized officer determines that conditions warrant a review of the bond. This bond may be periodically adjusted by the authorized officer, in his/her sole determination, as conditions warrant. The specific types of acceptable bonds and the criteria for these bonds would be more specially defined in the 2920 permit.”</p>	

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#38

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	The EIS does not provide information on how or when the BLM will determine that restoration of the project area is complete, following removal of the project.
Response: The process and criteria for determining when site restoration is complete will be specified in the terms and conditions of the land use authorization.	

#39

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	Concern that the mitigation measures in the EIS have not been committed to by the applicant, and the applicant’s accountability to these measures is not guaranteed.
Response: Compliance with all mitigation measures included in the FEIS will be a condition of approval for the project. An active monitoring plan would be implemented to ensure compliance. Noncompliance to mitigation measures would be justification for the issuance of an order to stop work and take corrective action.	

#40

Resource	Comment Summary
<i>Mitigation and Monitoring</i>	Concern about the impacts of anchor and ATF installation activities on Bighorn Sheep in the morning and evening hours.
Response: The following mitigation measure has been incorporated into Chapter 5 of the FEIS to address the comment: “WILDLIFE-4: Timing of project activities. Project activities throughout the canyon would begin no earlier than one hour after sunrise and conclude no later than one hour before sunset.”	

#41

Resource	Comment Summary
<i>Weather Conditions</i>	High wind conditions, microbursts, and the synergistic effects of hail, rain and wind speed on cables and fabric panels are not adequately addressed in the EIS. Wind speed and direction in the project area can be erratic, unpredictable, and highly variable, and testing of the project should occur for wind speeds greater than 42 mph. Impacts to public safety in the event of panel failure under high wind conditions have not been adequately addressed. The impacts of a static load event or hailstorm on the project have not been adequately addressed in the EIS. Design engineers should certify the adequacy of all manufactured components to include all expected adverse conditions. Final inspections by BLM engineers should assure the installed components meet or exceed the requirements for public safety.
Response: The following mitigation measure has been incorporated into Chapter 5 of the FEIS to address the comment: “GENERAL-3: Engineering Design Review. Final engineering drawings for all structural project elements would be provided by OTR Corp prior to BLM issuance of a notice to proceed. Engineering drawings would include a certification by a State of Colorado licensed structural engineer that the project has been designed to withstand anticipated adverse weather conditions and other environmental factors.”	

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#42

Resource	Comment Summary
<i>Weather Conditions</i>	Concern that risks from the movement of large volumes of sediment and high velocity flows associated with severe thunderstorms have not been adequately addressed.
Response: Potential impacts from weather, flooding, or channel and bank instabilities are examined in detail in section 4.10 of the EIS. Mitigation measures WATER-1 and WATER-6 further address issues related to stormwater, sedimentation and flooding.	

#43

Resource	Comment Summary
<i>Weather Conditions</i>	Concern that staging and visitor areas are located within a floodplain zone, and that impacts to these areas in the event of a severe storm have not been adequately addressed.
Response: The staging and visitor areas, including Texas Creek, will not be located within a 100-year floodplain. The visitor area at Parkdale has been eliminated. Mitigation measure WATER-4 would require the Construction Staging Area at Texas Creek to be located in conformance to Fremont County floodplain regulations, outside the delineated FEMA floodplain and on land surfaces at higher elevations, away from the active alluvial fan/ephemeral drainage setting.	

#44

Resource	Comment Summary
<i>Weather Conditions</i>	The EIS does not address whether the metal components used to construct the project will increase the risk of lightning striking in the project area. The EIS does not address increased risk of lightning strike in respect to cables and other project equipment during all phases of the project. The EIS does not address the effect of any increased lightning risk on the risk of electrocution for river users. The EIS does not address the effect of any increased lightning risk on ignition of fabric panels and wildfire danger. The EIS does not address the effect of any increased lightning risk on vehicles transporting flammable or other hazardous materials. Concern that the anchors, ATFs, and cables will not be adequately “grounded” in the event of a lightning strike.
Response: Cables and anchors would not add to the risk of lightning strikes in the canyon. Lightning is caused by a buildup of negative charges (electrons) in the bottom of the cloud that are attracted to the positive charges in the ground. The accumulation of electric charges has to be great enough to overcome the insulating properties of air. When this happens, a stream of negative charges pours down towards a high point where positive charges have clustered. If the charges can be bled off through a lightning rod, such as the cable and anchor system, there may not be a lightning strike, rather you just get weaker static discharges that may not be a “bolt” of lightning. Safety concerns related to lightning are addressed in the Public Health and Safety sections of the EIS. Incident Response will be addressed in the Event Management Plan.	

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#45

Resource	Comment Summary
<i>Liability</i>	Liability insurance requirements have not been adequately addressed in the EIS.
Response: Detailed Information about liability insurance for the private project proponent is not a standard topic of discussion in an EIS. However, as a condition of approval BLM will require adequate insurance is in place for the life of the project, and that the BLM is named as an additional insured on such insurance. The following mitigation measure was added in the FEIS: “Realty-5: Insurance Required. In order to protect Federal property and economic interests, OTR Corp would be required to provide insurance for the life of the project naming the United States Department of the Interior – BLM as an additional insured party. Insurance requirements will be based upon the BLM’s Special Recreation Permit General Guidelines for Minimum Insurance Requirements under the High Risk category and with additional specific requirements defined in the 2920 Permit. The insurance provider would be required to provide the BLM with 30-day advanced notification prior to cancellation.”	

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Wildlife and Threatened & Endangered Species

#1

Resource	Comment Summary
<i>Avian Wildlife</i>	Concerned that exposed cables or fabric panels, and other impacts are significant impact to raptors/bats/waterfowl/avian wildlife. Mitigation measures (preconstruction surveys) are insufficient. A raptor specialist needs to provide input.
<p>Response: The FEIS clarifies that bare cables would only be present during some of the overall project period (i.e., up to 6 months of the project period, excluding blossoming and exhibition). Impacts would be short term (1-5 years) and considered to be moderate. The following text has been added to Section 4.2.2.1(a): “Raptors have keen eyesight and are not typically at risk of collision (Hunting 2002). Although collision risk would be increased due to the number of consecutive cables at 30 ft. intervals in panel areas, flight diverters would help reduce the risk of collision.” Additional mitigation for impacts to avian wildlife has been included in Chapter 5 of the FEIS.</p>	

#2

Resource	Comment Summary
<i>Mitigation</i>	Concern that potential impacts from construction/visitation will be greater than expected, resulting in planned restoration being insufficient.
<p>Response: Section 2.4.3.1 (b) Reclamation states that anchor sites, numerous footpaths, vehicle paths, pathways, parking areas, and other project or visitor usage areas would be decompacted and seeded. This is not limited to a prediction of what will be disturbed, but what is actually disturbed.</p>	

#3

Resource	Comment Summary
<i>Wildlife - General</i>	Project is in conflict with CDOW mission statement, to "perpetuate the wildlife resources of the state and provide the people the opportunity to enjoy them." Project is in conflict with other conservation objectives (ESR-1 Specific Decisions, 1-16 and 1-30, RGRMP, AHRA management plan).
<p>Response: If the project draws people to the area, these visitors will likely encounter wildlife and therefore have an opportunity to enjoy wildlife and possibly develop a greater appreciation of nature. This fits within the mission statement of CDOW. The purpose of the EIS is to evaluate impacts of the project on all resources, and the ROD will determine whether the project is in conformance with the Royal Gorge Resource Management Plan and other guidance. Impacts to natural resources have been discussed in Chapters 3 & 4, and all RMP management guidance and specific decisions have been considered, but a final decision regarding conformance won't be made until the ROD.</p>	

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#4

Resource	Comment Summary
<i>Wildlife - General</i>	Page 1-17 1.6.2 Specific Conformance Review Findings. This section states that the project is potentially in conflict with the ESR-1 Specific Decisions, especially sections 1-16 and 1-30. Section 1-30 specifically states that special status animal species habitat will be protected through elimination of conflicting uses. The RMBS believes that the OTR project is a conflicting use and is not in compliance with resource management objectives.
Response: The purpose of the EIS is to evaluate impacts of the project on all resources, and the ROD will determine whether the project is in conformance with the Royal Gorge Resource Management Plan and other guidance. Impacts to natural resources have been discussed in Chapters 3 & 4, and all RMP management guidance and specific decisions have been considered, but that a final decision regarding conformance won't be made until the ROD.	

#5

Resource	Comment Summary
<i>General</i>	BLM's concerns are exaggerated. There are no inherent long-term dangers to human visitors, wildlife, or the environment associated with the completion of this work. Just as the project itself will be temporary, many of the effects of the natural resources will also be temporary.
Response: Comment noted. The impacts discussion in Chapter 4 accounts for both short- and long-term impacts to all resources as a result of the project.	

#6

Resource	Comment Summary
<i>T&E Species</i>	Rare plant discussion and avoidance is insufficient and will be overly impacted. Specialists should be consulted. Data does not support conclusions. Table 3-23 shows that many (well over 3,000) individual Arkansas Canyon Sickleleaf plants as well as some Fendler's false cloak fern are found with several proposed panel sections there are clearly very high risks to this rare species. Other species of rare plants are documented within the project area and at risk for trampling by construction crews, other project employees and visitors.
Response: Impacts to special status plant species are analyzed by alternative in section 4.8.2.	

#7

Resource	Comment Summary
<i>Avian Wildlife</i>	The DEIS only provides minimal mitigation for birds and bats. Concern about allowing construction during the avian breeding season with pre-construction breeding bird surveyor nest surveys. There is a lot of breeding behavior pre nest building that will not be mitigated by such construction pre surveys.
Response: Refer to Section 4.1 for discussion of effects on bats and migratory birds. Additional mitigation for impacts to avian and other wildlife is included in Chapter 5 of the FEIS.	

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#8

Resource	Comment Summary
<i>Wildlife-General</i>	Table 1.1. of the DEIS outlines the consultation process between BLM and U.S. Fish and Wildlife Service (USFWS) that is being conducted concurrent with the NEPA process. Recommendation that the FEIS include a more detailed description of this consultation process as well as the current status of the process for the project, including current findings, recommendations or documentation provided by USFWS. Given the potential impacts to bighorn sheep and other state species of concern, suggestion that a similar description be added to the FEIS to describe in more detail any coordination with the Colorado Division of Wildlife.
Response: The status of the consultation with the USFWS has been update in Table 1-2 and Section 6.1.4.3 of the FEIS.	

#9

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	The bats mentioned, i.e. Townsend's big-eared bat, are in the sensitive/species of concern category. They are not being observed in all aspects of their life cycle as it might relate to the Arkansas. Their ability to feed will be impaired where panels are put into place, or mortality may occur if they collide with cable or panel material. Noise and vibrations from drilling may affect roosting. It is difficult to view the bats while they are away from a roosting area and impacts will be difficult to document. The DEIS does not provide mitigation and monitoring for potential bat impacts.
Response: Impacts to bats are discussed in Sections 4.1.2.1 and 4.8.1.2. Text inserted to Section 4.8.1.2 “While the proposed project would be installed at lower heights than communication towers, powerlines, or wind turbines, installation, viewing, and demobilization activities would overlap with a period of bat migration. Not enough is known at this time to understand if the lower height would reduce potential likelihood of collision. However, it is reasonable to conclude that the presence of the panels, cables, and other associated equipment would lead to some degree of bat mortality. Impacts to big free-tailed bats are expected to be negligible or minor since they are relatively rare in Colorado and it is unlikely that this species would occur in the Project Area. ”	

#10

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern for impacts to Bighorn, construction equipment should be limited in size/noise/vibration. Need to have CDOW further consult on mitigation and actively monitor sites.
Response: Sensitive bighorn sheep lambing areas are well documented by CDOW and would be avoided during lambing periods. Further discussion of bighorn sheep and project impacts is provided in Section 3.1 and 4.1. In its role as a Cooperating Agency, CDOW has developed a mitigation and monitoring plan for bighorn sheep that is included as Appendix G of the FEIS.	

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#11

Resource	Comment Summary
<i>Wildlife - General</i>	In the event that wildlife are seriously affected, can the effect ever be reversed and who will assume the responsibility and cost of trying to reverse it?
<p>Response: This project would affect wildlife species as described in Chapter 4. Most of the effects would be short term (1-5 years) and would be minimized through adherence to the project design principles and mitigation measures. Biological monitors would be present at the time of construction and would identify any previously unidentified concerns or impacts. Impacts to wildlife would be avoid or minimized to the maximum extent practical by modifying activities or consulting with the appropriate agencies if new concerns should arise. This text has been added to Section 4.1.2.1. Chapter 5 describes measures for the prevention and mitigation of impacts to wildlife.</p>	

#12

Resource	Comment Summary
<i>Wildlife - General</i>	Concern for impacts to wildlife from unmitigated trash collection and removal.
<p>Response: As per mitigation measure WILDLIFE-2, all waste will be properly disposed of into bear/wildlife proof containers.</p>	

#13

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that steel wire cables, anchored on the upper part of the riverbanks, that extend over the river and serve as attachment for the fabric panels will be a genuine threat to birds such as eagles, magpies, hawks and other birds inhabiting and nesting in the canyon. There is a strong possibility that large birds will become confused and entangled in the fabric. This problem has not been adequately addressed in the Environmental Impact Statement.
<p>Response: The threat to each avian species varies based on species size, eyesight, etc. as discussed in Section 4.2. Additional mitigation for impacts to avian wildlife is included in Chapter 5 of the FEIS.</p>	

#14

Resource	Comment Summary
<i>Avian Wildlife</i>	There is no basis for the conclusion in Section 4.2.2.2 that the panels would potentially deter all avian species from using preferred habitat, particularly given the fact that avian species currently use the riparian habitat despite its close proximity to a highway. Conclusion is inconsistent with the DEIS's finding in section 4.3.2.2 that the cable structure system was designed to hold the fabric panels in place without extensive movements. Wind could result in the slight vibrations of the fabric material; however, the resulting noise level is expected to be at relatively low level. Any noise produced by the fabric vibrations would not be expected to disturb fish in the river.
<p>Response: The statement in this section is not based solely on noise and vibration. The physical presence of the panels alone may deter avian use in riparian areas, particularly areas below the fabric.</p>	

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#15

Resource	Comment Summary
<i>Avian Wildlife</i>	Conclusions of Table 4-3 are unsupported by data. BLM first extrapolated the density of avian species in the panel acreage based on general density in other riparian locations (not the Analysis Area) and then assumed that each and every bird would be displaced. BLM provides absolutely no data or scientific findings to support the assumption that all birds would be displaced.
Response: No data exists specific to the project area or to a project of this scale and type; therefore, professional biologists must make some assumptions by relying on training, years of experience, and sound judgment when determining the impacts to avian species within the project area. The best available science was used in determining effects to avian wildlife.	

#16

Resource	Comment Summary
<i>Wildlife - General</i>	Migratory Bird Treaty Act. Correction: The CDOW officers also have authority to enforce the provisions of this act.
Response: The US Fish and Wildlife Service, Office of Law Enforcement, has a Memorandum of Agreement (MOA) with the Colorado Division of Wildlife (CDOW) that allows CDOW officers credentialed through that MOA to enforce laws the US Fish and Wildlife enforces, such as the Migratory Bird Treaty Act (MBTA) (Per. Comm. Gordon 2010). This clarifying information has been added to Section 3.2.2.3.	

#17

Resource	Comment Summary
<i>Wildlife - General</i>	Concern that artwork installed could impede and alter animals natural pathways.
Response: Section 4.1.1.2 acknowledges that the artwork may temporarily displace wildlife such as sheep and bats.	

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#18

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	As the Townsend's Big-eared bat has two known roosts in the project area and is a Species of Concern in Colorado, mitigation strategies need to be devised to avoid collisions and entanglement these would likely be helpful to other species not only of bats but birds.
<p>Response: Inserted text to Section 4.8.1.2 “Townsend’s big-eared bats forage up to 6.5 miles from roost sites, but distances are generally substantially less. Fellers and Pierson (2002) found that female Townsend’s big-eared bats traveled average of 2.0 miles to forage from roost sites and males traveled an average of 0.8 miles. These bats are expected to forage in and near edge habitat, including along riparian zones and to engage in little if any of the open-air hawking that is characteristic of swift-flying bat species (Norberg and Rayner 1987). None of the roost sites would be directly disturbed by project activities. However, foraging and other activities are likely to occur at those panel areas in proximity of roost sites, and there is a potential for collisions with cables or other structures. It is not known whether this species would be able to detect the bare cables; however, Townsend’s big-eared bat have slow and agile flight behavior, similar to myotis species, and are expected to avoid collision if detected. Impacts to Townsend’s big-eared bat would be considered minor to moderate depending upon level of mortality. In addition, Townsend’s big-eared bats are susceptible to WNS and increased visitation are expected to only slightly elevate the risk of spread.” Mitigation measure TES-1 has been added for bats: Bat disturbance. Project activities throughout the canyon would begin no earlier than one hour after sunrise and conclude no later than one hour before sunset to minimize impacts to bat species, including Big free-tailed bat, fringed myotis, Towsend’s big-eared bat, and Yuma myotis.</p>	

#19

Resource	Comment Summary
<i>Avian Wildlife</i>	BLM’s description of the cable stringing process is unclear. Concern that the OTR wire structure is unlike any power and telephone line since miles of cable strung very close together. Concern that birds that fly beneath the panels will become trapped. Concern about the additional stress of escaping from beneath the panels.
<p>Response: As mentioned in Section 4.1: “In considering the impacts of this unique project, there are some unknowns. There are no wildlife studies that address or document the impacts from a temporary art installation, such as the OTR project. Therefore, drawing conclusions on the expected impacts must be based on research of projects with similar impact mechanisms. For example, comparisons between this art installation and other activities, such as active construction sites or powerlines, can be made. There would be both similarities and differences” The analysis does not assert that impacts will be the same as a powerline, rather that there may be similarities and differences. The concern of this comment is adequately addressed in the DEIS based on somewhat similar aspects of other projects. The DEIS also confirms that there will be avian mortality. Additional mitigation for impacts to avian wildlife is included in Chapter 5 of the FEIS.</p>	

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#20

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that Great Blue Heron heronry east of Parkdale Quarry will be adversely impacted by cables/fabric.
<p>Response: Inserted text to Section 3.2.1.3 “A previously undocumented great-blue heron rookery was recently reported located east of the Parkdale Quarry by Setta Moss of the Arkansas Valley Audubon Society. This heronry is reported to be relatively new and the BLM has no data regarding its existence as it is not located on BLM property.” Inserted text to Section 4.2.2.1c: “Of particular concern, the great blue heron rookery located east of the Parkdale Quarry could potentially be impacted by installation activities associated with the project. Great blue heron adults and fledglings are susceptible to and may be directly impacted by collisions with exposed cables.”</p>	

#21

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern that vehicular collision risk for wildlife, especially reptiles/amphibians, is insufficiently addressed.
<p>Response: The following text has been added to Section 4.1.2.1: “Although not officially tracked, it is likely that reptiles and amphibians are hit on this section of US 50. Records of herpetiles hit on the highway were recorded during field visits. Overall, the risk of AVCs would slightly increase during construction and installation. This would be a moderate and short-term direct impact from collision mortality. “ The impacts of AVCs to all species during exhibition is discussed in Section 4.1.2.2.b. In this section reptiles/amphibians are included to the category of ‘other species’ and not discussed separately because impacts from AVCs are likely to be similar to other terrestrial species.</p>	

#22

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the eagles in the project area are not protected from flyovers and other construction activities.
<p>Response: The golden eagle nests and bald eagle roosts and significant hunting perches are protected in accordance with CDOWs 2008 “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors.” The following text has been added to Section 4.8.1: “Hunting perches associated with important foraging areas should also be protected from human encroachment. Preferred perches may be at varying distances from encroachment and buffers will vary, therefore CDOW will be consulted on the avoidance of particular perches as recommended in CDOW’s 2008 Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors.”</p>	

#23

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that impacts to the swallow (various species) are not addressed in the EIS, despite the presence of swallows in the project area. They feed almost exclusively along the river, foraging for insects, similar to bats.
<p>Response: Species of swallows in the project area are discussed in this document in Section 3.2.1.2. Impacts to swallows are included in the passerine impacts discussion in Section 4.2.2. This section also discusses how many passerines are heavily dependent on the river and associated riparian habitat.</p>	

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#24

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern that the project's effects on wildlife are also unknown and cannot be accurately predicted.
Response: The DEIS discloses that some effects are largely unknown, as described in Section 4.1.	

#25

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern that increased road kill will attract increased scavenger activity, which will result in an increased chance of scavenger mortality due to road kill and increased scavenger activity feeding on dead scavengers.
Response: Increased AVCs would lead to increased scavenger activity and likely result in increased scavenger mortality from AVCs if they are feeding along the roadside. Scavenger based impacts could be experienced by bald and golden eagles, turkey vultures, corvids, coyotes, fox, bears and many insect/beetle species. This has been added to Section 4.2.	

#26

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that impacts to waterfowl nesting have been overlooked. Concern that the fact that disturbance of waterfowl nesting is a violation of Federal waterfowl laws has been omitted. This aspect should be investigated and reported upon by a qualified water fowl biologist and protective measures taken where necessary to be specified in the EIS for the information and compliance of the contractor personnel working in and installing or tearing down the project.
Response: Impacts to waterfowl are documented and discussed in Section 4.2.2.1 through 4.2.2.3. The impacts analysis describes that waterfowl may experience moderate to significant impacts because they are typically large and not agile. Waterfowl in addition to many other birds are covered by the Migratory Bird Treaty Act of 1918. Additional analysis of impacts to migratory birds, and proposed mitigation for those impacts, has been added to Section 4.2 and Chapter 5 of the FEIS.	

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#27

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	The DEIS states that the potential for take of a Golden Eagle, as described under the Bald and Golden Eagle Protection Act and the MBTA is a real possibility. DEIS, at 4.2.2.1. Further, the DEIS also states that Bald Eagle collisions with the proposed projects are a possibility and could be considered a take under the MBTA. While any take or potential for a take is unacceptable, more information is required to determine the full effect of the OTR proposal on these avian species. Other migratory birds that will be adversely affected, and potentially taken by this project include the Mexican spotted owl, peregrine falcon, Northern goshawk, Lewis' woodpecker, and Barrow's goldeneye.
<p>Response: The following text regarding the permitting process for a take under MBTA or BGEPA has been added to Section 4.2: "The BGEPA (as amended 1972) prohibits the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. (50 CFR 22). "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb (50 CFR 22.3). The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations (50CFR 10.13). If the project is determined to take or disturb bald or golden eagles, the USFWS will be consulted with to minimize impacts to these species. If impacts cannot be avoided it may become necessary to obtain a permit from the USFWS for a take under the BGEPA, MBTA, or both depending on the nature of impacts."</p>	

#28

Resource	Comment Summary
<i>Wildlife - General</i>	Concern that nighttime lighting for construction activity will impact wildlife and is insufficiently addressed. Though the DEIS mentions that construction activities would be limited to 8 to 5 pm of the river in order to minimize disturbance to wildlife (DEIS-section 5-Wildlife 4), it notes this can be adjusted and provides this mitigation only on construction on the north side of the river. This apparently leaves open the opportunity for night construction activities other than as restricted. There is no analysis of the impacts of night lighting during construction activities. Recent research has found that night lighting outside of natural sources (ie, moonlight) can have serious impacts on a number of wildlife species. A study in 2006 that was published in the prestigious journal of the Cooper Ornithological Society, The Condor, found that American Robins in areas where there was large amounts of artificial light frequently began their morning chorus during true night. (Miller,2006) In their chapter of the book Ecological Consequences of Artificial Night Lighting edited by Catherine Rich and Travis Longcore, a USGS scientist, Robert N. Fisher, and Gad Perry, an assistant professor at Texas Tech University note a concern that artificial night lighting is affecting wildlife and may even be contributing to the decline of some reptile species. (Rich and Longcore, 2006) If night time construction is to be allowed, there is a need for a proper analysis of the impacts of the artificial lighting on wildlife so that more adequate mitigation can be devised.
<p>Response: No nighttime construction would occur. Project activities throughout the canyon would begin no earlier than one hour after sunrise and conclude no later than one hour before sunset.</p>	

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#29

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern that the combined impact of white nose syndrome and OTR on bats will lead to extinction.
<p>Response: Inserted in Section 3.1.1 (f) “Since its discovery in Albany, New York in 2006, white nose syndrome (WNS) has killed over one million bats and spread to 11 states (USFWS 2010). WNS is a genus of common kinds of soil fungus, Geomyces, and named after the white fungus that is evident on bat’s muscle and wings. WNS is transmitted from bat to bat and inadvertently by humans. WNS has not yet reached Colorado, but signs have been reported as far west as Woodward County, Oklahoma (USFWS 2010). Little brown myotis is sustaining the largest numbers of deaths, but WNS is not limited to a single genus of bats (USFWS 2010).”</p> <p>Inserted in Section 4.1.2.1 “Bat populations may also be impacted by the increase of visitors to the area potentially carrying WNS spores. At this time WNS has not reached Colorado from the northeast. However, increased number of visitors from infected areas could potentially increase the natural rate of bat to bat spread of this fungus. This threat has lead authorities in Colorado to close over 30,000 caves and abandoned mines to visitors to help slow the spread of WNS. If increased visitation by humans from infected areas increases the rate of bat to bat WNS spread impacts would be significant.”</p>	

#30

Resource	Comment Summary
<i>Terrestrial Wildlife</i>	Concern that the bighorn sheep influence maps do not cover the south side of the river.
<p>Response: The majority of bighorn sheep observations are on the north side of the river, and the north-side herds are more likely to be affected by the project. Herds are buffered from project activities on the south-side by US 50.</p>	

#31

Resource	Comment Summary
<i>Avian Wildlife</i>	The statement at Section 4.2.2.1 that cables would be bare during the majority of the installation period is misleading. The installation period lasts 28 months long, but the cables will only be strung during the last 5 months of the installation period. Moreover, because the cable stringing process is time intensive, all of the cables will not be strung for the entire 5 month period.
<p>Response: Revised Section 4.2.2.1 to state that cables would be bare for up to 6 months over the length of the project (excluding blossoming and exhibition period), as described Chapter 2 of the DEIS.</p>	

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#32

Resource	Comment Summary
<i>Avian Wildlife</i>	Mitigation measure Avian-1 is inconsistent with CDOW Raptor Guidelines. Mitigation measure should be amended to stipulate that it only applies if the nest is active.
Response: Mitigation measure AVIAN-1 has been revised to reflect that the mitigation applies to active nests.	

#33

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the conclusion that cable installation would have the potential to impact raptors is not supported by sufficient data. Raptors are generally not considered a high risk for collisions due to keen eyesight and high maneuverability (see, PIRG, Cal. Energy Commission, A Roadmap for PIER Research on Avian Collisions with Power-Lines in California (2002) at 11). The affected environment data in Chapter 3 documents only one raptor nest within a half mile of the project area (i.e., within the distance that CDOW guidelines suggest may be relevant to raptor disturbance). The statement in Table 2-13 that flight diverters would be installed on all over-river cables to minimize the risk of avian collision is not accurate. OTR will take appropriate measures to address the potential for cable collision once project design plans are finalized, but no decision has been made yet regarding specific measures.
Response: OTR Corp has committed to all design features in Table 2-13 of the DEIS. Additional information regarding the potential for avian impacts has been added to section 4.2. Additional mitigation measures for avian impacts have been added to Chapter 5, and OTR Corp would be required to comply with all mitigation measures as a condition of approval. The project area is used for foraging and perching by numerous raptors even though only one raptor nest is documented within 0.5 miles of the project.	

#34

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the conclusion in Section 4.2.2.1 that ATF installation would impact raptors, particularly bald eagles is undocumented. Birds using habitat near existing roads in Colorado have habituated to activity on the roads; and as documented in Section 3.8.1.1, there are only 4-5 bald eagles that winter in the area.
Response: The document cites a moderate to significant short-term impact, depending on how raptors in the project vicinity respond to installation activities. Habituation to road activity is not sufficient reasoning to say there would be no impacts to raptors. Further, raptors are less likely to flush from an area from an approaching vehicle compared to pedestrians. ATF installation will include crew members outside of their vehicles which would result in a higher level of disturbance. In addition, the project will include installation of bare cables across the river during nesting season. As stated in Section 4.2.2.1 cable installation, beginning in June and lasting to the exhibition start, would have the potential to impact raptors directly by disturbing nests in proximity to installation sites and by increasing the potential for raptor collisions with the cables (Harness et al. 2003). Use of buffers and flight diverters combined with raptor's keen eyesight will help to lessen impacts, so there would not be a significant impact. However the disturbance would likely present moderate short-term impacts with the increased risk of collision during construction, and potential avoidance because of increased visitation (traffic, pedestrians) during exhibition.	

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#35

Resource	Comment Summary
<i>Avian Wildlife</i>	<p>Concern that the conclusion that impacts to raptors would be moderate to significant because of the potential for direct mortality or nest destruction and/or because of the potential that installation would disrupt nesting birds is not supported by data demonstrating likely impacts. The data in Chapter 3 (Map 3-17) documents only one raptor nest at Vallie Bridge within 0.5 miles of any proposed activity (i.e., within the distance that CDOW guidelines suggest are relevant to raptor disturbance). As documented in Section 3.2.1.1, that nest is high up on the cliffs and therefore not subject to nest destruction from OTR activities. Following CDOW raptor guidelines, and mitigation measure AVIAN-1, activities near the one known raptor nest within CDOW buffer zones would be avoided during sensitive nesting periods. BLM documented that raptor nesting activity has previously occurred in active mining and construction areas and thus concluded that even large scale mining activities would only minimally impact raptor nesting. See BLM, FEIS for Eagle Butte West Coal Lease Application (2007) at 3-121. US Fish & Wildlife Service has recognized that although eagles tend not to frequent areas where traffic volume is high, birds using habitat near existing roads in Colorado have habituated to activity on the roads. (See FWS, Central Shortgrass Prairie Programmatic Biological Opinion (2000) at 25).</p>
<p>Response: Reference to nest destruction has been removed from Section 4.2.2.1. Although the golden eagle nest is buffered according to guidelines, the project is located within foraging area of at least 4 golden eagle nests and a prairie falcon nest. Nest destruction is not what is driving the “moderate impact” rationale. Golden eagles may be tolerant of human activity; however, the increased potential for AVCs and scavenging mortality, some risk of collision, and localized impacts to forage species such as small mammals present the potential for short-term moderate impacts to golden eagles.</p>	

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#36

Resource	Comment Summary
<i>Avian Wildlife</i>	<p>Concern that the DEIS contains conclusions about the number of bald eagle roosts/perches that are internally inconsistent, and are not supported by the data depicted in maps 3-18 through 3-28. The chapter 3 maps depict only approximately 20 confirmed bald eagle roosts in the Analysis Area and only approximately 75 suitable perches, i.e. a total of 95 suitable perches and 19 confirmed roosts. The text in Chapters 3 and 4 however reference totally different numbers, e.g., 145 suitable perch trees (§ 4.8.1.2), 106 suitable perch trees (§ 4.8.1.2), 40 confirmed roosts (§ 3.2.2.2); a total of 21 confirmed roost trees (§ 3.2.1.1) and three roost sites in the Analysis Area (§ 3.8.1.1). Concern that DEIS uses outdated and non-Colorado guidance in Section 4.8.1.2 recommending 1,640' and 656' separation in lieu of the more up-to-date, and binding, CDOW raptor recommendations of ½ mile distances (i.e., 2,640 feet) and ¼ mile distances (i.e., 1320 feet). Concern that the references about distances between the ponderosa pine near the Tunnel panel section are inconsistent both internally in this paragraph and with prior discussion in Chapter 3. Is the pine tree perch within 1,640 feet (i.e., 0.3 miles, as cited in §4.8.1.2) or within 0.25 miles (CDOW guidance standard)? Or, is it within 0.2 miles (as described in Chapter 3.8.1.1)?</p>
<p>Response: Text clarified throughout: "In 2009, AECOM biologists conducted surveys to update existing BLM and CDOW suitable bald eagle perch data. A total of 39 confirmed perches and another 106 suitable perch trees were identified...Of the 145 suitable perch trees identified by the BLM, 41 are located within ¼ mile of the panel area, 34 are within 500 feet, and 21 are within 100 feet. One of the trees confirmed as an eagle perch is within 25 feet of the Tunnel panel location. This tree is ponderosa pine snag on the north side of the river."</p>	

#37

Resource	Comment Summary
<i>Avian Wildlife</i>	<p>In Section 3.2.2.2, the DEIS misstates the seasonal restriction for Golden Eagles. According to CDOW guidelines, the restriction should be from December 15 to July 15 (not from February 1 to July 15).</p>
<p>Response: Text in Section 3.2.2.2 revised to reflect that the restriction should be from December 15 to July 15 (not from February 1 to July 15).</p>	

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#38

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the conclusion in § 4.2.2.1(a) that anchor survey crews and drilling crews have the potential to impact nesting raptors by encroaching on territories for periods long enough to disrupt nesting is not supported by scientific data and not supported by the affected environment data from Chapter 3 which documents only one raptor nest within a half mile of the project area (i.e., within the distance that CDOW guidelines suggest are relevant to raptor disturbance). Concern that conclusion is inconsistent with the findings in other recent BLM FEISs about the impacts to raptors from human encroachments. For example, BLM documented that raptor nesting activity has previously occurred in active mining and construction areas and thus concluded that even large scale mining activities would only minimally impact raptor nesting. See BLM, FEIS for Eagle Butte West Coal Lease Application (2007) at 3-121. Similarly, US Fish & Wildlife Service has recognized that although eagles tend not to frequent areas where traffic volume is high, birds using habitat near existing roads in Colorado have habituated to activity on the roads. (See FWS, Central Shortgrass Prairie Programmatic Biological Opinion (2000) at 25).
<p>Response: The second and third paragraphs under Section 4.2.2.1(a) have been deleted. “disturbing nests in proximity to installation sites” has been deleted from the statement that “Cable installation, beginning in June and lasting to the exhibition start, would have the potential to impact raptors directly by disturbing nests in proximity to installation sites and by increasing the potential for raptor collisions with cables.” The following text has been added to Section 4.2.2.1(a): “CDOW recommended buffers will be implemented to avoid disturbing nesting raptors during project activities occurring during raptor nesting season. Increased human and vehicle traffic may also directly impact raptors and their prey species within the project area, resulting in short term avoidance of the immediate area.”</p>	

#39

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that impacts to raptors during fledging period that would impact the survival of nesting and the overall population increase or replaced for the entire year has not been adequately addressed.
<p>Response: Partially addressed by response to previous comment. The following text has been added to Section 4.2.2.1. a.: “Fledglings are not anticipated to have a significant risk of collision, as the golden eagle nest is the only nest identified in proximity to the project, and this species does not typically forage at surface waters where the cables will be located.”</p> <p>As stated in Section 4.1, “In considering the impacts of this unique project, there are some unknowns. There are no wildlife studies that address or document the impacts from a temporary art installation, such as the OTR project. Therefore, drawing conclusions on the expected impacts must be based on research of projects with similar impact mechanisms.” Based on research and recommended guidelines, a moderate, short term impact to raptors is the best estimate of impacts at this time.</p>	

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#40

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the raptors mentioned in the DEIS will all be subject to significant levels of disturbance. Other than nesting buffers for eagles, there appears to be no consideration for how these birds will be able to have continued use (without interference) of the river for their survival needs. Concern that osprey were not mentioned, but have been observed hunting the Arkansas River.
Response: Osprey are documented in Section 3.2.1.1 and in Table 3.3. Most species of raptors that forage at the river will avoid foraging at construction areas, as they will select an area with less construction equipment, noise, and human activity. Sections of the project will be constructed at different times, therefore foraging raptors will not have to avoid all sections at the same time. In addition, the project would not preclude all sections of the river from foraging.	

#41

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that the statement in Section 4.2.2.1 about four documented golden eagle nests in the Analysis Area is not consistent with the data in Chapter 3 (Map 3-17), which documents only one golden eagle nest at Vallie Bridge within 0.5 miles of any proposed activity (i.e., within the distance that CDOW guidelines suggest are relevant to raptor disturbance).
Response: Text in Section 3.2.1.1 has been revised to state that there is one documented golden eagle nest in the Analysis Area. Three additional nests have been identified in the vicinity of the project; however, they are outside the analysis area and beyond any recommended buffers.	

#42

Resource	Comment Summary
<i>Avian Wildlife</i>	Concern that there is no data to support the conclusion in Section 4.2.2.1 that the impacts of new noises from the temporary art installation would generate moderate to significant impacts to golden eagles, which already exist in proximity to a significant amount of current disturbances. Concern that this conclusion is inconsistent with BLM's actions in other EISs; for example, in the FEIS for the Eagle Butte West Coal Lease Application (2007), BLM concluded that new mining activity near raptor territories (including golden eagle nests) would only minimally impact the species.
Response: The statement in Section 4.2.2.1 states that the moderate to significant impact conclusion is based on new noises in combination with a potential for fledgling collision, changes to forage/forage species and scavenging/AVC collisions. Eagles may be habituated to some traffic noise, but not to the construction and fabric panel noises, additionally fledglings will not be habituated to the sounds. A comparison to a mining EIS is not sufficient to base impacts of this project on.	

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#43

Resource	Comment Summary
<i>T&E Species</i>	Concern that no mitigation measures have been identified to mitigate impacts to Threatened, Endangered, and Sensitive species in the project area.
<p>Response: The following mitigation measures have been added to Chapter 5 to mitigate impacts to threatened and endangered species:</p> <p>TES-1: Bat disturbance. Project activities throughout the canyon would begin no earlier than one hour after sunrise and conclude no later than one hour before sunset to minimize impacts to bat species, including Big free-tailed bat, fringed myotis, Townsend’s big-eared bat, and Yuma myotis.</p> <p>TES-2: Bald eagle winter night roosts, no direct line of sight. No human encroachment, with the exception of the hours from 10 a.m. to 2 p.m., from November 15 through March 15 within 0.25-mile radius of an active bald eagle winter night roost if there is no direct line of sight between the roost and the encroachment activities.</p> <p>TES-3: Bald eagle winter night roosts, direct line of sight. No human encroachment, with the exception of the hours from 10 a.m. to 2 p.m., from November 15 through March 15 within 0.5-mile radius of an active bald eagle winter night roost if there is a direct line of sight between the roost and the encroachment activities.</p>	

#44

Resource	Comment Summary
<i>T&E Species</i>	Concern that the Gunnison’s prairie dog should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Concern that statements in Table 3-18 regarding habitat are not supported by any data or depicted on any maps.
<p>Response: All species should be analyzed if their overall range falls within the project area and if suitable habitat is present. Not being previously documented in the project area does not exclude this species from further analysis.</p>	

#45

Resource	Comment Summary
<i>T&E Species</i>	The statement in Table 3-18 regarding the fact that habitat could occur in project area should be modified to be consistent with identification of known population in Table 3-23. Statement in Table 3-18 that habitat could occur in the project area should be modified to be consistent with findings in the Sato Report that there is a known population within 0.25 miles south of the river between mileposts 259 and 260. Also, known population should be depicted on Map 3-53.
<p>Response: Table 3–18 does not document presence, it simply describes habitat notes and if the species is retained for further analysis. Tables 3-18 and 3-23 are for different purposes and present different information. Location of Arkansas stickleaf and Fendler’s false cloak fern populations as documented by CNHP are not public knowledge and are withheld to protect them from collection or disturbance.</p>	

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#46

Resource	Comment Summary
<i>T&E Species</i>	The DEIS improperly assesses impacts to Fender’s False Cloak Fern in Chapter 4 when it did not carry the species forward from Chapter 3.
Response: Section 3.8.1.2 has been revised to reflect that Fender’s false cloak fern was carried forward for analysis.	

#47

Resource	Comment Summary
<i>Wildlife – General</i>	Concern that the impact of noise from wind moving the panels on wildlife has not been addressed.
Response: Although the panel structure system was designed to hold the fabric panels in place without extensive noise and movement, some noise and movement may occur particularly during high winds. The additional noise may deter some avian species from using this preferred habitat, although noise impacts on avian species are anticipated to be minor considering that many birds likely habituated to vehicle noise from US 50. In addition, many bird species are less likely to use habitat for forage during inclement weather or when wind speeds are high and when noise impacts would be the greatest.	

#48

Resource	Comment Summary
<i>T&E Species</i>	Concern that the project is located inside the critical habitat of the Mexican Spotted Owl. Concern that OTR is inconsistent with the recovery plan for Mexican Spotted Owl in both the construction and display phases.
Response: Please refer to Figure 3-53; the project is not located within Mexican Spotted Owl critical habitat, rather it is more than 6 miles outside the nearest critical habitat for this species. Source: http://criticalhabitat.fws.gov/	

#49

Resource	Comment Summary
<i>T&E Species</i>	Concern that the big free-tailed bat should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Section 3.8.1.1 text states that there are no documented occurrences of species in the Project Area. Given the lack of documented occurrence of species in the Analysis Area, the conclusion that installation impacts may be minor to moderate and exhibition impacts may be significant is not warranted.
Response: This species should be retained for further analysis because the project is within suitable habitat and range of the big free-tailed bat. However impacts could be minor to moderate based on lack of known occurrences in Colorado. Text has been added to Section 3.8.1.1 “The big free-tailed bat occurs mainly in southern California, Arizona, New Mexico, Texas and Mexico. Only a few have been documented in Colorado, on both sides of the Continental Divide and as high as Gunnison (at 7,700 feet) (CDOW 2010).” Text was revised in Section 4.8.1 as follows: “Impacts to big free-tailed bats are expected to be negligible or minor since they are relatively rare in Colorado and it is unlikely that this species would occur in the Project Area. As of 2010, there have not been any reported cases of WNS in big free-tailed bats and this species has a lower susceptibility due to its lack of hibernating behavior (Cryan 2010).”	

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#50

Resource	Comment Summary
<i>T&E Species</i>	Concern that the fringed myotis should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. The conclusion that installation impacts may be minor to moderate and exhibition impacts may be significant is not warranted.
<p>Response: The fringed myotis is retained for further analysis because the project is within the species range and suitable habitat. Furthermore, this species is “likely to occur in Chaffee, Fremont, and Saguache Counties” (NDIS 2010). Text was revised in Section 4.8.1 to state: “The effects to fringed myotis would be the potential for collision to the bare cables during the 6 months that cables would be present in the project area. Although the fringed myotis has slow and agile flight behavior (Keinath 2003), it is not known whether this bat species would be able to detect the bare cables either through echolocation or by sight. The cables would be a potential collision hazard at the various panel site for up to 6 months, including during the fall breeding season and when the pups begin to fly in July. Although fringed myotis have not yet been affected by WNS, this species is considered susceptible because of its migration and hibernating behavior. The potential spread of WNS to Colorado is likely and has led officials to close over 30,000 caves and mines to visitors. Increased visitation by people from infected areas may slightly increase the risk of spread of WNS, but probably not appreciably more than the natural rate of spread. Impacts to fringed myotis are expected to be minor to moderate.”</p>	

#51

Resource	Comment Summary
<i>T&E Species</i>	Concern that the river otter should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Section 3.8.1.1 text states that the species is not known to be present in the area. Reference in Table 3-18 (Habitat Notes column) regarding sightings of river otter is not documented anywhere and is inconsistent with text at Section 3.8.1.1 stating that river otters are not known to be present within the Arkansas River Drainage. Given that there is no data in the DEIS indicating that this species even exists in the Analysis Area. As a result, the conclusion that impacts may be minor or moderate is clearly overstated.
<p>Response: Table 3-18 clarifies “river otter scat” was observed, and this is not inconsistent with any other statements. Also, the river otter is retained for further analysis because the project is within the species range and suitable habitat.</p>	

#52

Resource	Comment Summary
<i>T&E Species</i>	Concern that the Gunnison’s prairie dog should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. As a result, the conclusion that installation impacts may be minor to moderate and exhibition impacts may be significant is not warranted.
<p>Response: The Gunnison’s prairie dog is retained for further analysis because the project is within the species range and suitable habitat.</p>	

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#53

Resource	Comment Summary
<i>T&E Species</i>	Concern that conclusions in Table 3-18 and § 4.8.1.2 regarding common and regular winter occurrence of bald eagles in Project Area are inconsistent with text at Section 3.8.1.1 (referencing winter use by only 4 or 5 eagles). The DEIS discussion of landscape-scale mortalities to Bald Eagles and the ensuing conclusion that these would create significant impacts is unjustified given that the data demonstrates that there are a limited number of eagles in the Analysis Area. The DEIS has no basis for concluding in Section 4.8.1.5 that the removal of panels west of Texas Creek would nearly eliminate impacts to winter roosts when the majority of known and potential winter roost sites depicted in Maps 3-19 through 3-28 are east of Texas Creek.
Response: Text in Section 4.8.1.5 has been revised to state that: “By removing all panels and installation activities west of Texas Creek, the potential for impacts to known winter roost sites is nearly eliminated west of Texas Creek and reduced throughout the Project Area with this alternative”.	

#54

Resource	Comment Summary
<i>T&E Species</i>	Concern that Barrow’s goldeneye should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. The DEIS has inconsistent conclusions about the location of this species. (Compare Table 3-18 to Section 3.8.1.1) Given that there is no data in the DEIS indicating that this species even exists in the Analysis Area, the conclusion that installation impacts may be moderate and exhibition impacts may be minor is overstated.
Response: The Barrow’s Goldeneye was retained for further analysis because the project is within the species range and suitable habitat.	

#55

Resource	Comment Summary
<i>T&E Species</i>	Concern that given that there is only one nest in the Analysis Area, the conclusion that impacts to the Lewis’ woodpecker would be moderate is overstated. Given that only one nest is identified in the Analysis Area, there is no documented basis for concluding that mortality due to collision or entanglement cause a moderate impact.
Response: The Lewis’ woodpecker is retained for further analysis because the project is within the species range and suitable habitat. Text was revised in Section 4.8.1.2 “Although this species is known to nest in the Analysis Area, within 1 mile of the Vallie Bridge panel area, Lewis’ woodpeckers forages for insects like a flycatcher and foraging almost always occurs within 328 ft (100m) of their nest/storage tree (Vierling 1997). Foraging activity for this nesting pair is not expected to occur within a panel area. There is a minor potential for collision into the cables by this species from migrating or dispersing young; however, unlikely due to its flycatcher like agility. Installation activities during the breeding season would have the potential to result in short-term impacts to nesting activities. If one of the few known breeding locations in the area is abandoned, the impact would be considered moderate.”	

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#56

Resource	Comment Summary
<i>T&E Species</i>	<p>Concern that the Mexican spotted owl should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Specifically, text elsewhere in the DEIS indicates that breeding areas are well outside the Analysis Area and there is no data indicating that the species are present in the Analysis Area. Given the heavy bird watching activity in the US-50 corridor, the fact that no Mexican Spotted Owls have been reported in the Analysis Area is very telling. The fact that habitat for the species occurs on the periphery of the Project Area is not relevant. The issue for Affected Environment is whether the species occur in the Analysis Area, not the Project Area (as defined at P. 3-1). Given the lack of data in the DEIS indicating that this species even exists in the Analysis Area, the conclusion that there would be installation impacts (even minor impacts) is not substantiated. The DEIS has no basis for concluding that indirect human disturbance over the three year installation period identified as a minor impact whereas indirect human disturbance over the two week exhibition period is identified as a moderate impact (particularly where BLM cites the same evidence in both cases: i.e., that when disturbed, owls returned to pre disturbance behavior within 10 to 15 minutes). There is no documented basis for concluding that any mortality due to collision or entanglement would be significant (particularly when there are no species documented in the Analysis Area). BLM cannot make an ESA determination in advance of finding the species in the Analysis Area. It is only if BLM has evidence that the species does exist in the Analysis Area, that an ESA determination is warranted as to whether a biological opinion and ESA consultation are needed. Based on the existing facts in the Record, however, no such steps are required under ESA.</p>
<p>Response: Given that designated critical habitat is in proximity, the Mexican spotted owl is likely nearby and may forage within the Analysis Area. Furthermore, birdwatching does not necessarily correspond with notifying agencies of observations. Identified impacts are reasonable given the potential for this species to occur in the Analysis Area. This species was considered in the Biological Assessment prepared to support the ESA Section 7 consultation.</p>	

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#57

Resource	Comment Summary
<i>T&E Species</i>	<p>Concern that Table 3-18 and Section 3.2.1.1 provide inconsistent conclusions regarding the location of the peregrine falcon in the Analysis Area. There is no basis for concluding that mortality to the peregrine falcon would be moderate to significant as compared to the conclusion that mortality to Barrow’s goldeneye would be just moderate. There is no basis provided to support the conclusion that increased human activity during exhibition would cause only minor, short-term impacts, but that indirect impacts from camping and hiking in the adjacent cliff area would cause moderate impacts.</p>
	<p>Response: Text was revised in Section 3.2.1.1: “Other peregrine falcon nests in the region occur between Cañon City and Parkdale and near the Royal Gorge, 4.7 miles from the Parkdale panel area and 1.8 miles away from the Project Area.”</p> <p>Text was revised in Section 3.8.1: “One peregrine falcon nest is located approximately 4.7 miles from the Parkdale panel area at the Royal Gorge (Brekke 2010). This pair of falcons nesting in the Royal Gorge has successfully fledged up to four offspring in a given year and has successfully fledged young most years, probably due to the high quality of the surrounding habitat for peregrines (Bibles 2006 as cited in J.F. Sato 2007). The Project Area is within suitable habitat and hunting range of the peregrine nest sites, and the Spikebuck and Parkdale panel areas occur within the 10 mile foraging range of their nest site (Craig 1999 as cited in J.F. Sato 2007).”</p> <p>Text was added in Section 4.8.1.2: “During 2009 summer field surveys, a peregrine falcon was observed perched on the cliffs opposite the Parkdale panel area and later soaring over the water just upstream of this location. Although no nests are within the CDOW suggested 0.5 mile seasonal buffer, two of the panel areas (Spikebuck and Parkdale) are within the 10 mile foraging range of the Royal Gorge nest. It is known that this species uses the river corridor for hunting, and that many of its prey species are also dependent on the river for hunting and foraging.</p> <p>Due to this species good eye sight and agile flight, the likelihood of collision during the 6 months that the bare cables are in place (aside from blossoming, exhibition, and fabric panel removal) are expected to be relatively low. Impacts to this species from collision risk and habitat displacement are expected to be minor, similar to those described for the bald eagle and passerine species. However, cable collisions or panel entanglement could be considered a “taking” under the MBTA. Any mortality to this species from collision would be a moderate to significant impact to the species, which has limited numbers in the state.”</p>

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#58

Resource	Comment Summary
<i>T&E Species</i>	Concern that the flathead chub should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area.
Response: Since the upper basin does have backwaters, off channel ponds, private waters and tributaries, the flathead chub is retained for further analysis because the project is within the species range and suitable habitat is present.	

#59

Resource	Comment Summary
<i>T&E Species</i>	Concern that the DEIS provides conflicting, and unsupported data regarding possible presence of this species in the analysis area. It is unclear whether the species is just adjacent to the project area (See Table 3-18) or if it is within the Analysis Area (See Section 3.8.1.1). If BLM has data supporting the existence of the species in the analysis area, it should provide supporting data (e.g., when was the species identified, exactly where, etc.) The conclusion in Section 3.8.1.1 that occurrence approximately 5.0 miles south of Coaldale (i.e., not on the main stem of the river) is within the Analysis Area is inconsistent with Section 3.3 (p. 3-21). Section 3.3 provides that the resource study area for fish is the Arkansas River (i.e., the mainstem). It does not appear that there is any documented evidence that the historic range of the species occurs within the resource study area. The ESA determination is inconsistent with the earlier conclusions in Section 4.8.1.2 that: It is unlikely that greenback cutthroat trout occupy this section of river. The nearest known occurrence of greenback cutthroat trout is in Hayden Creek (CDOW, personal communication 2010). No direct or indirect effects to this species or its habitat are anticipated as a result of installation activities. (see p. 4-56). To that end, no biological opinion, or ESA consultation is required.
Response: The greenback cutthroat trout is retained for further analysis because the project is within the species range and suitable habitat is present. This species was considered in the Biological Assessment prepared to support the ESA Section 7 consultation.	

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#60

Resource	Comment Summary
<i>T&E Species</i>	Concern that the southern redbelly dace should not be retained for further analysis because the DEIS contains no data or maps that document existence of species in Analysis Area. In fact, the habitat notes in Table 3-18 note that last known sighting in the region was 20 miles from the Project Area and more than 45 years ago; and Section 3.8.1.1 concludes that occurrence in the analysis area would be considered rare.
Response: Text was revised in Section 3.8.1.1: “The preferred southern redbelly dace habitat of cool springs or seeps with undercut banks, heavy cover, and clear water do not occur within the project area. However, the southern redbelly dace is retained for further analysis because the project is within the species historic range. Although flooding and periods of high water are the prime dispersal agents, carrying fish, especially young fish, to downstream areas (Bertrand and Gido 2004), adult fish in streams probably move upstream (Stasiak 2007). Because this species is an r-selected species, one capable of rapid recolonization when conditions are suitable (Stasiak 2007), it is difficult to rule out. Historic populations within the Arkansas River have been documented at Canon City and Pueblo.”	

#61

Resource	Comment Summary
<i>T&E Species</i>	Concern that the northern leopard frog should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Statement in Table 3-18 and 3.8.1.1 regarding known breeding is not supported by text or data at section 3.1.1.1 or 3.3.1.5; if supportable, the personal observation should be documented and depicted on Map 3-53. There is no documented basis for concluding moderate or even minor impacts given that the species has not been documented within the Analysis Area and in fact the only data (and unsupported data at that) demonstrates only breeding activity occurring outside the Analysis Area.
Response: Leopard frogs are retained for analysis because there is suitable habitat in the project area and within this species range. The following text has been added to Section 3.8.1.1 d Amphibians: “Although observations of northern leopard frogs have not been documented within the Analysis Area, suitable habitat exists within the Project Area and known breeding occurs within 2.0 miles of the Analysis Area in Salida (personal observation).”	

#62

Resource	Comment Summary
<i>T&E Species</i>	Concern that the Colorado checkered whiptail should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. The DEIS should provide sources for the statements in Section 4.8.1.2 (It is documented that the [species] occupy the Analysis Area.) If the data is supported, it should also be depicted on Map 3-53. If, as the DEIS states in Section 4.8.1.2(b), the potential for impacts during exhibition is limited, then there is no basis for the DEIS to conclude that impacts would be moderate.
Response: The Colorado checkered whiptail is retained for analysis because there is suitable habitat in the project area and within this species range. The text states that this species occupies the analysis area.	

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#63

Resource	Comment Summary
<i>T&E Species</i>	Concern that Botta's pocket gopher should not be retained for further analysis in Chapter 4 because there is no documented existence of species in Analysis Area. Section 3.8.1.1 text states that there are no documented occurrences of species in the Project Area. As a result, the conclusion that there would be impacts (even minor impacts) is overstated.
Response: The project falls within the Botta's pocket gopher overall range and suitable habitat is present.	

#64

Resource	Comment Summary
<i>T&E Species</i>	Concern that the DEIS states (p 4-54), "During the installation period, bald eagle strikes on bare wire would be unlikely if cable installation begins in June and cables are removed before the eagles return in November." Though the majority of Bald Eagles are present in the project area only during the November to March time frame, a pair of Bald Eagles has nested only 8 miles from the project area (Four Mile Creek nest location which is noted in the DEIS) for many years including recently. This pair and their offspring are seen occasionally during the summer to fall months in the project area and thus would be at risk for striking bare wire during the installation period. Since a 'take' of this species is very serious and as noted on in the DEIS (p 4-55) individual permits do not authorize landscape-scale mortalities and injuries. Consideration of permitting this proposed project needs to be preceded by an effective strategy to reduce collision by a Bald Eagle with bare wire.
Response: Risk of collision is low with the installation of flight diverters on the bare cables.	

#65

Resource	Comment Summary
<i>T&E Species</i>	The Barrow's Golden eye is found in good numbers at the Pueblo Reservoir during the winter. This species has also been seen along the Arkansas River just east of Canon City. It is most likely that these birds utilize the Arkansas River to move from areas in the upper portions including Leadville and Salida. This puts this BLM Sensitive Species at risk for collision with exposed cables during the installation as noted in the DEIS and some mitigation needs to be formulated to avoid this risk.
Response: Avian flight diverters will be used to avoid impacts to this species as stated in Chapter 2, Design Features and avian mitigation measures in Chapter 5.	

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#66

Resource	Comment Summary
<i>Wildlife - General</i>	Recommendation that the FEIS include analysis of using "avoidance zones" similar to the description outlined in the "Wetland and Riparian ... Vegetation" paragraph above to further mitigate impacts to wildlife. It is also recommended the FEIS evaluate the use of specialized staff or specialized government scientists to monitor potential impacts or changes to threatened and endangered species or other sensitive wildlife throughout the project. Further, such personnel could conduct appropriate reporting if there is a "take" or other issue.
Response: Avoidance areas include wetland/riparian habitats as well as active nests. If additional sensitive resources are identified, they will be buffered as well. Environmental monitoring is planned for all phases of the project as outlined in Chapter 5, Mitigation and Monitoring. Monitors will be knowledgeable of threatened and endangered species and impacts and will be qualified to recognize a "take" under ESA, MBTA, or BGEPA.	

#67

Resource	Comment Summary
<i>T&E Species</i>	As noted in the DEIS peregrine falcon have been observed in the project area and can be expected to hunt in this area due to its proximity to Peregrine Falcon nests. This species is just recovering from near extinction and only recently removed from the Endangered Species List. It is imperative that mitigations strategies be devised to avoid collisions with exposed cables or becoming entangled in panels before consideration of permitting this proposed project.
Response: This species occurs in the project analysis area. The nest has been identified as 1 mile outside the analysis area, this is greater than the CDOW recommended 0.50 mile buffer. Also, the use of flight diverters will minimize the collision risk for this species.	

#68

Resource	Comment Summary
<i>T&E Species</i>	Concern that the DEIS does not include or make reference to a biological opinion or consultation with the USFWS.
Response: Based on USFWS consultation a Biological Assessment has been prepared to address potential impacts to Mexican spotted owl, Gunnison's prairie dog, and greenback cutthroat trout. The status of the consultation with the USFWS has been update in Table 1-2 and Section 6.1.4.3 of the FEIS.	

#69

Resource	Comment Summary
<i>T&E Species</i>	Concern that the DEIS does not discuss Brandegee wild buckwheat and Fendler's false cloak fern in both Chapters 3 and 4.
Response: Chapters 3 and 4 were revised to include discussion regarding baseline conditions and potential effects to Brandegee wild buckwheat and Fendler's false cloak fern.	

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Aquatic Wildlife and Habitat

#1

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern that the alternatives do not meet the RMP management objectives regarding fisheries and aquatic habitat. The management direction indicates that the BLM must resolve conflicting usage proposals in favor of fisheries.
Response: The main impact issue with moderate level impacts for the alternatives would be increased visitors and rafting during the exhibition period, with the duration of impacts potentially ranging from several weeks up to several years depending on whether trout spawning and recruitment are affected. These impacts would be considered short-term in duration. These predicted impacts would not conflict with the management objectives for fisheries, since they do not affect habitat or fish species on a long-term basis.	

#2

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding the toxicity of polypropylene fabric on aquatic life.
Response: There is no information in the literature indicating that polypropylene fabric would result in toxicity effects on aquatic species.	

#3

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding effects of fabric structure failure and collapse on aquatic habitat and fisheries.
Response: This issue is discussed in Section 4.3.2.2.e.	

#4

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding the lack of mitigation for moderate level impacts.
Response: The BLM NEPA Handbook does not specify that a certain impact magnitude must be mitigated for an environmental resource impact issue. In this EIS, impact magnitude was estimated using relative terminology such as negligible, low, moderate, and high. As indicated in the introduction section of the impact analysis (Section 4.3), if moderate or high level impacts remain after applying BLM BMP and applicant-committed protection measures, mitigation was considered to further reduce impacts. In some instances, no reasonable mitigation measures were identified for some impact issues (e.g., increased visitation and rafting during the exhibition period).	

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#5

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern over potential cumulative effects of project on aquatic habitat.
Response: The cumulative impact discussion (Section 4.27.3) was revised to include the incremental effects of the exhibition phase of this project in combination with other cumulative actions.	

#6

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding project effects on macroinvertebrate ecology and life history and ecological processes in the river.
Response: Effects of panels on photosynthesis, macroinvertebrate emergence, and river ecology are discussed in Section 4.3.2.2.	

#7

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding direct effects on brown trout spawning during the construction and demolition phases of the project.
Response: There would be no direct effects to brown trout spawning. There would be no in-water project activities. Best management practices for erosion control would be implemented in accordance with the conditions of the Stormwater Management Plan to minimize indirect effects of sedimentation on aquatic habitat and species.	

#8

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding noise effects on fisheries.
Response: Construction-related noise effects on fisheries are discussed in Section 4.3.2.1.	

#9

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	EIS should acknowledge improved habitat conditions and changes in fish populations.
Response: The Current Conditions and Trends section in Chapter 3 was revised to indicate that water quality conditions and trends are discussed in Water Resources, Section 3.3.	

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#10

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern over project effects on introduced rainbow trout variety and CDOW's investment in their fish management plans involving this species.
Response: Based on feedback from CDOW, stocked rainbow trout (Hofer x Tasmanian strain) could possibly spawn in the spring of 2011. No project activities are planned for the spring when this species could spawn. This statement was added to the impact discussion in section 4.3.	

#11

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Concern regarding the effects of increased visitation and rafting for the various project alternatives.
Response: This impact issue is addressed in the impact discussion for the exhibition phase of the project alternatives in section 4.3.	

#12

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Mitigation measure AQ-2 (restoration of habitat alterations due to potential runoff from panels) should be deleted.
Response: This measure was proposed to reduce the potential effects of concentrated rain or hail runoff from the panels on adversely altering aquatic habitat. Consultants for the applicant conducted test with a 4-foot square and observed that water freely drained through the panel openings. However, under natural conditions with wind and a large panel, rain or hail could be concentrated as the panel tilts. Restoration of disturbed habitat would be required, as described in various mitigation measures presented in Chapter 5.0 of the FEIS.	

#13

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Effects of overhanging panels on emerging insect mating.
Response: The effects of the panels on invertebrate emergence are discussed in Section 4.3.2.2.b. There is no evidence in the literature that insects need a certain vertical distance above a river for mating. It is assumed that a distance of 8 to 25 feet (panel height) is sufficient for mating.	

#14

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Effects of shading or decreased water temperatures in the river on fish.
Response: The effects of the panels on water temperature are discussed in Section 4.3.2.2.d. Additional text was added to discuss effects of the panels on shading and fish in Section 4.3.2.2.	

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#15

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Effects of panels on fish composition by allowing predator species to increase in numbers.
Response: Due to the short-term duration of predicted impacts, no change in fish composition is expected for the exhibition phase of the project.	

#16

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Effects of panel vibration, panel runoff, and noise and human presence on fish during exhibition.
Response: Effects of panel vibration, panel runoff, and noise and human presence on fish during exhibition are discussed in Section 4.3.2.2. Due to the short-term duration of predicted impacts, no change in fish composition is expected for the construction, exhibition, or demolition phases of the project.	

#17

Resource	Comment Summary
<i>Aquatic Wildlife and Habitat</i>	Suggestion to add rainbow-cutthroat hybrid to the affected environment section.
Response: Based on information provided by CDOW, rainbow-cutthroat hybrids do not occur in the Arkansas River. Some of the rainbow trout are the Tasmanian variety, which exhibit some cutthroat trout characteristics; however, CDOW does not consider these fish as true cutthroat trout.	

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Wetlands/Riparian, Vegetation, Noxious Weeds & Range

#1

Resource	Comment Summary
<i>Mitigation</i>	Concerned potential impacts from construction/visitation will be greater than expected, resulting in planned restoration being insufficient.
<p>Response: Language in Section 2.4.3.1 (b) Reclamation and Table 2-15 has been revised to clarify that in addition to areas disturbed by construction, if areas are impacted by visitation or viewing they will be restored by the same methodology. Loss of habitat and the spread of invasive species would be prevented as a result of restoration and weed management project design features and mitigation measures. “User created routes” would be expected to be minimal because of the lack of pedestrian access to panels. Because of the design criteria regarding demobilization, habitat will be restored in approximately 3-5 years.</p>	

#2

Resource	Comment Summary
<i>Vegetation</i>	Project BMPs are insufficient to mitigate impacts of construction, especially boring activity and the associated disturbance.
<p>Response: Design criteria and BMPs would restore the vegetation at disturbed areas to mitigate temporary disturbances. In addition, a bond will be posted to ensure that restoration efforts would continue until success is achieved at mitigating impacts to the vegetation associated with project and visitation disturbances. See Chapter 5 for additional information about mitigation.</p>	

#3

Resource	Comment Summary
<i>Vegetation</i>	Concern about the impacts of tree removal on wintering habitat for raptors.
<p>Response: Disturbance to trees will be avoided to the extent practical and the removal of trees is not expected. The following mitigation measure has been incorporated into Chapter 5: VEG-1: Tree removal and avoidance. The applicant has committed to no tree removal for the project. All tree damage would be reported immediately to the BLM authorized official. If excessive tree damage is occurring then it may result in a modification to the approved action or result in a modification to the panel location. If a tree is accidentally removed then replacement tree(s) would be planted at the site or at a nearby suitable location. The species, number, size and location would be determined by the BLM authorized official. Any accidentally removed tree would be disposed of in a method determined by the BLM authorized official. The most likely methods of disposal are transport off site which may require a fuelwood permit, lop and scatter, or chip and scatter.</p>	

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#4

Resource	Comment Summary
<i>Vegetation</i>	Section 4.5 states the effects of OTR construction will disturb vegetation in more than 60 acres in the high alpine desert ecosystem. Concern that this type of ecosystem is very slow to recover from such disturbances, and will show the effects of the proposed construction activities from 5 to 8 years after, as is evidenced by the revegetation timeline in the DEIS. This will not only impact the VRM of the area for much more than a short time, it will introduce the likelihood of noxious weeds, many of which are already present in the canyon, despite a best effort by the various managing agencies to control the spread of same. Question about what assurances has OTR given that they can better manage the revegetation and stop the spread of noxious weeds. The DEIS does not reflect that a plan, past something that is to be developed in the future, is present to examine.
<p>Response: The project is located below 7,000 ft in elevation in the foothills ecosystem, consisting primarily of piñon juniper vegetation community. Alpine communities generally start at 10,000 ft in elevation. Foothill communities are capable of revegetating much more quickly than the high alpine desert ecosystem noted. Revegetation of herbaceous species is projected at 3-5 years as discussed in Chapter 4. OTR Corp will develop and implement an integrated weed management plan, which will provide additional detail on noxious weed prevention and control. Proposed mitigation has been modified to reference standard operating procedures and guidelines for management of noxious weeds on BLM lands. In response to public comments, mitigation measures have been added to ensure noxious weed management is clearly addressed in the FEIS. Maintenance and monitoring will continue until impacted sites are fully restored.</p>	

#5

Resource	Comment Summary
<i>Range Resources</i>	Land Health Standards and Guidelines (LHS & Gs) were first defined by the BLM Front Range Resource Advisory Council (FRRAC) and adopted in the 1995- 96/97 time frame for grazing resources. They speak to analysis of vegetation, water quality, wetland riparian systems, soils and wildlife (T&E species, species of concern and those of high economic value). They are to be used as a "measuring stick" for determining the land health condition for grazing. Later, they were adopted with recreation specific guidelines for BLM lands in Colorado, and thus apply to Bighorn Sheep Canyon and to AHRA. These are not mentioned in the DEIS, but are part of the AHRA mission statement referred to as "land health".
<p>Response: The Colorado Public Land Health Standards and Guidelines have been added to the list of major applicable laws and regulations listed in Section 1.8. It is the intent of this document to identify natural resource impacts, and therefore a conclusion of conflict with natural resource interests may be premature. A final decision regarding conformance with all applicable plans and guidance will be made in the ROD. Section 3.7.1 and 4.7.2 were revised to incorporate discussion of LHS & Gs, including the five standards and eight guidelines.</p>	

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#6

Resource	Comment Summary
<i>Noxious Weeds</i>	Mitigation Measure NOX-1 is unclear. While the mitigation measure references required weeds treatments, the impacts analysis describes a somewhat different approach, namely development and implementation of an integrated weed management plan, which is already a design feature described in Chapter 2. To that end, mitigation measure NOX-1 is either redundant, or, at a minimum, should be revised to be consistent with the plan described in Chapter 2 (which requires OTR to develop and implement a management plan).
Response: OTR Corp will develop and implement an integrated weed management plan. Proposed mitigation has been modified to reference standard operating procedures and guidelines for management of noxious weeds on BLM lands. In response to public comments, mitigation measures have been added to ensure noxious weed management is clearly addressed in the FEIS.	

#7

Resource	Comment Summary
<i>Noxious Weeds</i>	Current noxious weed plan is insufficient and needs clarification. All sites potentially disturbed should be photo documented and sites with noxious weeds should be mechanically managed (not chemically) and re-vegetated. Noxious weed management plans for Fremont County, AHRA, BLM, Chaffee County and any other involved parties should be consulted and followed. A comprehensive multi-year monitoring plan specific to OTR should be created by all involved parties and must be rigorously followed.
Response: Comments will be considered in the development of the restoration and integrated weed management plan, which would be developed after the ROD if the project is approved. This restoration and integrated weed management plan would provide more details on the approach and methods for restoration and management of weeds. Additional mitigation has been added to reference standard operating procedures and guidelines for management of noxious weeds on BLM lands.	

#8

Resource	Comment Summary
<i>Noxious Weeds</i>	Describe what noxious weed treatments would be used, whether treatments would involve chemicals, how leaching of herbicides into the river would be prevented, how slopes would be stabilized where weeds are treated, and when weed treatments would be completed.
Response: Comment noted and will be considered in the development of the restoration and integrated weed management plan, which would be developed after the ROD if the project is approved. This restoration and integrated weed management plan would provide more details on the approach and methods for restoration and management of weeds. Any use of chemical herbicides adjacent to aquatic sites will comply with the manufacturer's label and EPA standards. Additional mitigation has been added to reference standard operating procedures and guidelines for management of noxious weeds on BLM lands.	

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#9

Resource	Comment Summary
<i>Noxious Weeds</i>	Concern that noxious weeds will increase fuel for wildfires.
Response: Comment noted and will be considered in the development of the restoration and integrated weed management plan that will be developed if the project is approved. Noxious weeds would be treated as part of the implementation of this plan. Although some species of noxious weeds may change the fire regime in terms of fire frequency and intensity, not all noxious weeds would pose an increased risk for wildfires.	

#10

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	This project cannot be constructed without the use of large cranes on either side of the river to hold the bolts of fabric as they are rolled out as well as posts that will need to have foundations of significant depth. Those cranes will damage the banks of the river.
Response: Cranes would be used as described in Sections 2.4.1.2 and 2.4.1.4. Crane usage would follow BMPs intended to minimize the impact of heavy equipment. In many situations, cranes would either be mounted on a rail car or operate from the edge of the highway. Implementation of BMPs would be monitored and inspected as stated in Section 5.10. After the exhibition period, the site would be restored and revegetated as described in Table 2-15 and mitigation measures VEG-6 and VEG-7.	

#11

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	Acreage figures seem inconsistent for lay down area (Wetlands section) vs vegetation removed (Range resources section).
Response: Section 4.7.2.1 has been revised to: "Activities at the Texas Creek Staging Area would render approximately 56 acres of vegetation in the Big Hole allotment unusable for the duration of the project until vegetation is restored."	

#12

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	Proposed mitigation measure WETLAND-2 is redundant and/or unnecessary because of general monitoring requirements in place.
Response: Following additional review, WETLAND-2 from the DEIS has been deleted in the FEIS.	

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#13

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	The DEIS outlines several mitigation efforts to reduce potential impacts associated with aquatic habitat, wetland and riparian areas. Suggestion that the FEIS discuss additional mitigation opportunities such as requiring the applicant to implement "avoidance zones" in areas where wetland or sensitive vegetation populations have been identified. These areas should be identified and demarcated prior to initiation of the project and avoided by workers and visitors and/or equipment. Suggestion that additional discussion be included in the FEIS describing how matting and other best management practices will be used and managed to further mitigate effects of trampling on wetlands or sensitive vegetation.
Response: The proposed project would avoid and minimize impacts to wetlands and riparian vegetation to the extent practical, resulting in mostly minor trimming of vegetation to provide necessary clearance for project features. However, the vegetation roots as well as the wetland and riparian soil would not be impacted. Wetlands and riparian vegetation are expected to fully recover naturally through regeneration of vegetation. Monitors will guide visitors away from sensitive sites and prevent commercial boaters from beaching their boats and letting passengers off at panel locations.	

#14

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	Concern that sensitive wetland and riparian habitat will not be avoided adequately. USFS and State Forest Service identify no-impact zones along riparian areas usually 300 feet or so away from any riparian area. Suggestion that the BLM do the same for this project.
Response: Comment noted. The project will avoid impacting riparian vegetation, except where minor trimming is necessary for clearance. Anchors will all be installed in upland areas and BMPs will be used to protect aquatic habitat, wetlands, and riparian communities.	

#15

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	BLM makes conclusions in various sections of the DEIS that restoration of riparian habitat may take more than 5 years. These conclusions are not supported by the findings in Section 4.4 (impact analysis for riparian habitat). Riparian habitat is resilient to disturbance and most riparian habitat would recover in the short term. Also, no trees are expected to be removed as part of this project.
Response: Statements regarding the timeline for riparian restoration have been revised to be clear and consistent. All discussions confirm that no tree removal is anticipated, herbaceous vegetation is expected to recover in the short term (3 to 5 years) and any woody shrubs would likely take longer to recover (5 to 8 years). Construction in riparian areas would be avoided to the extent practical.	

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#16

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	Wetlands mitigation does not mention restoration.
Response: Minor trimming of wetland vegetation would not require any restoration. Wetland vegetation is adapted to endure the natural flood scour regime of the river and is expected to grow back within 2-3 years following the impact. No filling or permanent loss of wetlands is planned.	

#17

Resource	Comment Summary
<i>Wetlands and Riparian Areas</i>	There is little mention of consultation with USACOE and the assumption is that no permit under the CWA Section 404 is needed. It is unlikely that the thousands of drill holes along the river side of Hwy. 50 will not result in significant damage to wetland vegetation and without a lot of fill material entering the river. A Nationwide Permit should be required. Each drill hole site or other point of impact to wetland vegetation, and where fill to the river may occur, should be photo documented and quantified as to impacts (plants, soils, etc.). The individual and cumulative impacts in both regards should be documented so appropriate mitigation and monitoring can be determined.
Response: Comment noted. A 404 permit is required for fill in waters of the U.S. Although the river and associated wetlands are considered to be waters of the U.S., no fill activity associated with this project is anticipated. Cutting or trimming of jurisdictional wetlands does not require a permit through the U.S. Army Corps of Engineers.	

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Air and Sound Resources

#1

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concern that increased noise, sound and artificial light impacts to wildlife due to activities like drilling, increased vehicle traffic, visitation, security, monitoring, etc., need to be more fully analyzed. These analyses should include the GIS model that EPA created for prediction of acoustic disability (SPrEAD), and incorporated the Wilderness Society's scientists' adaptations to the original SPrEAD models in relation to the proposal.
Response: Noise impacts to people and wildlife are discussed at length in the EIS. Mitigation of noise impacts from drills would be to drill vertically, since the noise study indicates that the horizontal drilling operation is typically 5-10 dB(A) louder than the vertical drilling.	

#2

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concern that valley inversion will trap pollutants; show exhaust criteria pollutants calculations within the document.
Response: There would be impacts to air quality and the issue as discussed in the EIS, section 4.9. In general, valley inversions contribute to higher levels of pollutants near the valley floor. Air flow through the Arkansas gorge tends to be high enough during all seasons that inversions tend to be less persistent than east facing valleys. The average westerly air flow documented in the on-site data indicates that the ventilation of the valley would reduce the likelihood of high concentrations of air pollutants during the peak viewing period. There would be minor emission increases including criteria pollutants such as CO, NOx, PM2.5, and PM10 as well as other air toxics are expected to be minor and short term. Air pollutants would be dispersed by up-valley and down-valley winds that occur in the project corridor during the summer, thereby reducing the potential for buildup of levels greater than the NAAQS.	

#3

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concerns over increased GHG from traffic, and that the new ozone standard will be exceeded by project activities. The EIS should disclose and analyze the fuels used, the air emission from, and incremental increase in greenhouse gases from the equipment and activities. Additionally, the DEIS did not disclose any data related to the supposed alternative routes around the display, and what they would add to the estimated 3100 tons of greenhouse gas emitted during the display.
Response: Impacts to air quality and this issue are discussed in the EIS section 4.9. Impacts to air quality due to traffic are addressed in the DEIS chapter 4.9.2. Emissions of GHG during construction would be much less than emissions during the viewing period, since the number of vehicles and other fuel burning equipment used during this phase is far less than the expected traffic during the viewing period. The new ozone standard has not been promulgated by USEPA. As the comment notes, the standard is likely to be in a range of 60 and 70 ppb and will likely be published in October or November 2010; nevertheless, it would be speculative to anticipate new standards before the publish date.	

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#4

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concern over climate change impacts from other forms of transportation and construction, as well as how the project complies with Governor Ritter's climate action plan and include regional cumulative effect analysis for climate change.
Response: The project does not have a direct impact on the use of planes, trains and buses except as discussed in the text. Construction emissions of GHG would result from a small number of vehicles (5 trucks, 2 vans, one rail vehicle, drills, and boats), and the estimated emissions in the DEIS of less than 5,000 tons is accurate. While the EIS does not specifically address Governor Ritter's climate action plan, climate impacts are discussed in the EIS, section 4.9.	

#5

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concern over impacts of noise on humans. It is anticipated that maximum permissible levels would be exceeded and that a special construction permit for this purpose will be required.
Response: As stated in Section 4.24.2.1, Colorado law specifies that noise levels in industrial areas are limited to 80 dB(A) during the hours 7:00 am to 7:00 pm, and 75 dB(A) during the hours 7:00 pm to the next 7:00 am. The law provides for construction projects to exceed maximum permissible noise levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project. (CRS 25-12-103)	

#6

Resource	Comment Summary
<i>Air and Sound Resources</i>	Concern that the DEIS did not disclose adverse effects of the 3100 tons of emissions on the crops that are grown in the valley, and the resultant effects on the humans and animals that consume these crops.
Response: Comment noted. This type of analysis is not required by the NEPA process.	

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Water Resources

#1

Resource	Comment Summary
<i>Water Resources</i>	Concern that flooding could cause structural failure of the display or inundate the facilities at Texas Creek and jeopardize public safety.
Response: Flooding incidents are discussed in Section 4.10 of the DEIS. As stated, flooding risks do exist but are considered to be low. Recommended mitigation measures would avoid or mitigate these potential impacts. The EIS text in Section 4.10 has been expanded to further consider flood potential and related impacts.	

#2

Resource	Comment Summary
<i>Water Resources</i>	Concern that fisheries and rafting safety could be affected if heavy rain or hail causes the displays to sag into the river or come apart and block the flow.
Response: The potential for these incidents is discussed in Section 4.10. As stated, the risk of these weather events occurring during the exhibition exists but is considered to be low. The EIS text in Section 4.10 has been reviewed for consistency with the Aquatic Wildlife and Habitat section in terms of storm event extent, severity, and duration.	

#3

Resource	Comment Summary
<i>Water Resources</i>	Concern the need for a USACE Section 404 permit and an accompanying state Section 401 water quality certification has not been addressed.
Response: Based on communication with USACE (Josh Carpenter, Pueblo USACE, 08/20/2009) it is not anticipated that a Section 404 permit would be required. No filling or dredging of Waters of the U.S. is proposed by the project. Therefore, since the Section 404 permit would not be required, its supporting state Section 401 water quality certification would not be required. This is clarified in the FEIS, including a discussion of which parts of Section 404 may apply and the applicability of the CDPHE Construction Stormwater Permit requirements.	

#4

Resource	Comment Summary
<i>Water Resources</i>	Concern that drilling into a geologic fault could cause water to be lost if it seeps down through the fault.
Response: Fault occurrences are limited within drilling areas and drilling would be shallow and largely above the waterline. Boreholes would be small and any losses of water, especially from the river, would be insignificant.	

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#5

Resource	Comment Summary
<i>Water Resources</i>	The adequacy of the proposed project plan and compliance with applicable permit requirements would eliminate the need for additional mitigation measures.
Response: Potential mitigation measures have been further reviewed and a discussion is included in Chapter 5 of the FEIS to improve the clarity with respect to the need, extent and implementation of mitigation measures.	

#6

Resource	Comment Summary
<i>Water Resources</i>	Concern over the statement that OTR has committed that equipment would be stored overnight at the work areas but would be moved 100 feet or more away from any water or wetlands if at all possible conflicts with another statement that OTR intends to park drilling rigs overnight at the pull-outs closest to the site. In some cases the pullouts may not be more than 100 feet away from the river itself. Mitigation measure WATER-3 should be modified to recognize that where feasible, OTR will keep equipment overnight more than 100 feet or more than 6 feet above the river.
Response: Mitigation measure WATER-3 from the DEIS has been removed from the FEIS as a result of the addition of new mitigation measures and the development of the Event Management Plan. The Event Management Plan will provide additional details about the parking and storage of project equipment in relation to water and wetlands.	

#7

Resource	Comment Summary
<i>Water Resources</i>	Concern that the DEIS fails to address BLM's oversight role for floodplains issues, and the EIS should address this issue. For example, in the Army Corps of Engineers, Rueter-Hess Reservoir Expansion Project SEIS (Nov. 2007), the Corps included the following finding: "For the 2003 Final EIS, Federal Emergency Management Agency (FEMA) reported that with proper reservoir design (including facilities that allow water to be safely released in the event of a flood), construction of the originally permitted reservoir would not affect FEMA's delineated flood hazard areas."
Response: Certainty with respect to floods is unachievable; as a result, prudent siting and engineering practices would avoid obvious related risks. The EIS text has been modified to clarify these concerns and related potential impacts.	

#8

Resource	Comment Summary
<i>Water Resources</i>	Second-to-Last Bullet Point on Page, Page 4-77. OTR clarified that any contaminated soil would be removed from the site and disposed of properly, and area would be reclaimed to original condition using topsoil, reseeding, and any other work necessary to restore area to native condition.
Response: The following text has been added to the referenced bullet: "any contaminated soil would be removed from the site and properly disposed of, and the area would be restored to its original condition." The second bullet is redundant and has been deleted.	

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#9

Resource	Comment Summary
<i>Water Resources</i>	12th Bullet Point, Page 4-78. OTR clarified that special treads or tracks would likely not be used.
Response: Bullet point deleted as a result of OTR Corp clarification.	

#10

Resource	Comment Summary
<i>Water Resources</i>	15th Bullet Point, Page 4-78. OTR clarified that water and/or drilling fluid would not be used for any drilling on the project. Air would be utilized as the only drilling fluid on the project.
Response: Bullet point deleted as a result of OTR Corp clarification.	

#11

Resource	Comment Summary
<i>Water Resources</i>	16th Bullet Point, Page 4-78. OTR clarified that Hayward Baker crews would be trained in spill response and that a spill response team consisting of Hayward Baker crews would also be trained and present during the work. The spill response team would perform typical work duties through the project and will only be “activated” during a spill incident.
Response: OTR commitments to provide staff trained in spill response are described in Chapter 2.	

#12

Resource	Comment Summary
<i>Water Resources</i>	1st Bullet Point, Page 4-79. OTR clarified that dewatering operations will not be required at any point during the work, and thus this bullet point should be removed from the text.
Response: This bullet and the following bullet have been deleted as a result of OTR Corp clarification.	

#13

Resource	Comment Summary
<i>Water Resources</i>	Paragraph 3, Page 4-80. OTR clarified that because each individual hole volume is very small (approximately 2 CF), and grout will be mixed as required per ATF location, any potential spill would be very small in nature and would likely not result in any noticeable plume in the river.
Response: The following text has been added to the end of the referenced paragraph: “Because the volume of individual anchor holes is relatively small (approximately 2 cubic feet), and grout would be mixed as required per ATF location, any potential spill of grout would likely be small in size”.	

#14

Resource	Comment Summary
<i>Water Resources</i>	Paragraph 3, Sentence 3, Page 4-8. OTR clarified that pits would be lined in all cases and no exceptions would be made.
Response: OTR subsequently clarified that no storage pits would be used at Texas Creek; references to storage pits have been deleted from the FEIS.	

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#15

Resource	Comment Summary
<i>Water Resources</i>	Concern the mitigation procedures in Chapter 5 are vague and non specific, and the mitigation programs/procedures are not yet developed. Also, the DEIS does not discuss a need for an Army Corps 404 permit.
Response: Please see Section 4.4.2, explaining that no filling or dredging of Waters of the U.S. is proposed by the project. Therefore, a Section 404 permit is not required. Since the Section 404 permit is not required, supporting state Section 401 water quality certification is not required. Section 4.10 has been reworded to clarify which parts of Section 404 do apply, and on the applicability of the CDPHE Construction Stormwater Permit requirements. Chapter 5 of the FEIS presents revised and additional mitigation measures that would prevent or minimize impacts to water resources.	

#16

Resource	Comment Summary
<i>Water Resources</i>	The Water Resources section should indicate that any contaminated soil will be removed from the site and disposed of properly, and the area will be fully reclaimed to the original condition using topsoil, reseeding, and any other work necessary to restore area to native condition.
Response: The bullet has been revised to reflect the modifications to Chapter 2 regarding soil collection and disposal.	

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Soil Resources

#1

Resource	Comment Summary
<i>Soil Resources</i>	The Soil Resources section limits rutting to two inches; suggestion that four to six inches is more reasonable. The section also says that spin lock anchors will be removed from bedrock and only a small wedge will remain in the hole; however, micropiles (2 front "anchors") will not be completely removed, and will be grouted in.
Response: On BLM lands there are commonly rutting restrictions placed on industry to prevent the mixing of topsoil with subsoil. Because thin topsoils were noted in the project area, excess rutting deeper than 2 inches would mix topsoil with subsoil thereby reducing soil productivity. Although OTR proposes to return the area to the original condition, you can't mitigate soil mixing unless the topsoil is removed. The design criteria have been expanded to explain where topsoil has been removed and stockpiled this restriction is not applicable.	

#2

Resource	Comment Summary
<i>Soil Resources</i>	The conditions in Mitigation Measure SOIL-4 regarding coordination with placer claim owners are overbroad; states that making the BLM permit subject to valid existing rights for excavated materials is the customary way to deal with this issue.
Response: The BLM does not want to create any undue problems between the active mining claimants and the OTR proponents. Therefore, mitigation is provided that ensures the project proponent coordinates with the claimants individually to ensure that there will be no injury to mineral rights. Although there are no current locatable mineral large scale mining operations on public lands in the Arkansas River Corridor, the claimants are entitled to the mineral right. The land use permit regulations give the BLM broad authority to include terms and conditions in land use permits to protect resources and other public uses. Therefore, the required mitigation stands. With regards to claim status and what would be considered "valid" in the sense that the claim is actively being maintained, this information can be obtained from the Colorado State BLM office in order to pursue coordination efforts. All claims recognized as having an active status at the onset of this project within the selected alternative project footprint would require coordination. In addition, as outlined in the mitigation, this coordination with claimants with an active claim status will need to take place throughout the duration of the project. As these minerals have not been segregated to accommodate this permit action, new claims may be filed at any time.	

#3

Resource	Comment Summary
<i>Soil Resources</i>	Believes the document underestimates direct and indirect impacts to soils from of drill holes, including; destabilization, slope drainage, and weed control.
Response: Mitigation for noxious weed control is proposed in Chapter 5. Additional mitigation presented in the FEIS, including the requirement to develop a Stormwater Management Plan (SWMP) would reduce the impacts of loose soils generated during the drilling process. Please see Chapter 5 for further information.	

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#4

Resource	Comment Summary
<i>Soil Resources</i>	The Soil Resources section mentions that soil will be disposed of, while other EIS text says it will be stock piled and replaced.
Response: Chapter 2 has been revised to clarify that soil will be collected and disposed of, and this revision has been carried through the FEIS.	

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Geologic Substrate and Terrain

#1

Resource	Comment Summary
<i>Geologic Substrate and Terrain</i>	Concern about physical disturbance of bedrock as a result of anchor drilling. The disturbances envisioned include: leaving permanent holes in the rock at anchor sites; opening of faults due to drilling activities with consequential loss of river water into the fault openings; and destabilization of slopes by formation of a continuous fracture or fault line connecting adjacent anchor holes.
<p>Response: No permanent holes will be left at the anchor locations; all but the upper approximately 12 inches of the anchors will be left in the anchor hole and the upper approximately 12 inches of the anchor holes will be appropriately reclaimed as described in Chapter 2. No anchor holes will be drilled along any known active or potentially active fault(s). Given the very minor and very localized effects of the proposed drilling as described in Chapter 2 and evaluated in Chapter 4, drilling of anchor holes will not cause opening of existing faults or creation of new faults into which surface water flows of the Arkansas River or its tributaries could be lost to groundwater, or which would result in an unstable slope along the canyon walls. Mitigation and monitoring requirements related to geologic hazards have been added to Chapter 5 of the FEIS, and are described in the response to Comment #2 below.</p>	

#2

Resource	Comment Summary
<i>Geologic Substrate and Terrain</i>	Concern about the implications of potential rockfalls relative to damage to the fabric panels, cables, and/or anchor systems, and the safety of the public during viewing.
<p>Response: The following mitigation and monitoring requirements have been added to Chapter 5 of the FEIS to reduce the potential for adverse effects related to geologic hazards:</p> <p>WATER-5: Assessment of slope stability. Each anchor site would be assessed visually by a certified engineer for slope instability where applicable. The engineer inspecting the anchor sites would be trained and licensed in Civil/Geotechnical Engineering, and would be further trained to look for signs and evidence of slope instability. If areas of instability are identified, the area would be avoided or a special design would be implemented to avoid disturbance.</p> <p>Monitoring: Geologic Hazards. OTR Corp would have a qualified specialist conduct monitoring for direct impacts in high hazard geologic areas, due to OTR Corp activities that involve ground vibration or other similar effect that could affect formation stability. This monitoring would occur before, during and after the activity. The monitoring would take place in already identified areas that are considered high hazard for rockfalls and rockslides. Results of this monitoring would be communicated to the BLM authorizing officer immediately, if there are any potential hazards. OTR Corp would be responsible for any geologic hazard damages resulting from construction activities.</p>	

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#3

Resource	Comment Summary
<i>Geologic Substrate and Terrain</i>	Concern about legal requirements related to access to and potential disturbance of existing mining claims during construction.
<p>Response: Requirements for coordination with mining claimants have been added as mitigation measure GEO-2: Mineral Interests. Prior to work being initiated in an area of the project, OTR would determine if active mining claims are present in any of the work areas, including any new claims not included in the BLM GIS referenced in Chapter 3.0. If work on active claims is required, OTR would contact the claimant to negotiate terms of any agreement required by the claimant regarding disturbance to the mineral resource (including removal or covering of native materials) and/or mining operations (including interference with access and noise), and reclamation of disturbed areas. OTR would determine if access or haulage impacts may occur to BLM mineral materials contract holders in the vicinity of the project. If impacts are possible, OTR would coordinate with the contract holders to avoid or minimize the impacts to the extent possible.</p>	

#4

Resource	Comment Summary
<i>Geologic Substrate and Terrain</i>	Conclusion that the project will involve “activity common to mining or mineral development” and thus not be allowed pursuant to the Arkansas Canyonlands ACEC.
<p>Response: The activities required to install the project components, including the drilling of anchor holes, are construction activities and are not related to mining or mineral development in any manner. The stipulations in the ACEC regarding mining or mineral development are not relevant to the installation of the OTR project components.</p>	

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Socioeconomics

#1

Resource	Comment Summary
<i>Socioeconomics</i>	Request for the inclusion of an analysis of the cultural, social, aesthetic and other benefits of art, especially public art. Discussion requested concerning the value (non-monetary) of public art.
<p>Response: This topic of public art in general was not addressed in the DEIS, but is addressed in the FEIS. The merits of the OTR installation are beyond the scope of review in this EIS. However, a discussion of the social impacts (positive and negative) of installation art in general is included in Section 4.14 of the FEIS as part of the Social Setting discussion. The qualitative discussion focuses on data and information found in published reports and studies that address the overall social benefits of art, but does not attempt to define art or make a determination as to whether OTR should be considered art or not. Regardless of whether people consider OTR as art or not, there will be associated social impacts related to the project; in some cases these may be considerable.</p>	

#2

Resource	Comment Summary
<i>Socioeconomics</i>	Concern about the impacts/ costs of travel delays to residents living along Highway 50 and adjacent roads. Resident concerns include delays in getting to/ from work, errands (groceries, post office) and medical facilities.
<p>Response: Preliminary delay estimates provided the basis for the socioeconomic analysis included in the DEIS. Impacts upon residents in the rural areas between Canon City and Salida pertaining to final delay estimates have been evaluated. Given new information about the removal of the Parkdale Viewing Center, the delay estimates have been refined. An expanded qualitative or quantitative discussion of the socioeconomic impacts related to traffic delays has been included in Section 4.14 under Demographic Effects to more fully address the specific concerns of residents in terms of the impacts of delays at various times of the day or week.</p>	

#3

Resource	Comment Summary
<i>Socioeconomics</i>	Concern about the impacts/ costs of travel delays to commercial business operations (including agricultural operations) that use Highway 50 for transportation. Concerns include travel delay impacts to service industry businesses that must travel to perform work in the area (i.e. plumbers, electricians) or are driving through the area to other destinations, as well as impacts to agricultural operations that transport cattle or other perishable items.
<p>Response: Preliminary delay estimates provided the basis for the socioeconomic analysis included in the DEIS. Impacts of final delay estimates have been evaluated and the resulting impacts to businesses along Highway 50 have been re-analyzed for the FEIS. The qualitative or quantitative discussion of socioeconomic impacts related to traffic delays has been included in Section 4.14 under Economic Output, Employment and Income. The FEIS analysis and discussion more fully addresses the potential for revenue losses due to travel delays .</p>	

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#4

Resource	Comment Summary
<i>Socioeconomics</i>	Concern about the impact of the project to local residents' mental health, especially the mental health of children, due to the stresses associated with the event, such as travel time delays. One commenter noted that the number of children living in the local area was not included in the Protection of Children section.
Response: Additional text specifically addressing mental health issues has been added to Section 4.14 as part of the Quality of Life discussion and to Section 4.13 as part of the analysis of Protection of Children. The Protection of Children section in the DEIS addressed the physical health and safety of children, but did not address any mental health issues.	

#5

Resource	Comment Summary
<i>Socioeconomics</i>	Concern that there is no discussion of economic mitigation to address the costs borne by residents and business owners due to travel time delays. Concern that there is no discussion of economic mitigation to address the losses to the fishing industry.
Response: No socioeconomic mitigation measures were identified in Section 5.14 of the DEIS; and no additions have been made in the FEIS. Economic impacts will be positive for certain groups and negative for others, but the aggregate impact will still be positive.	

#6

Resource	Comment Summary
<i>Socioeconomics</i>	Several comments reflected thoughts that the visitation estimates were too low overall.
Response: The Visitation Projections Report found in Appendix C provides a detailed description of the methodologies utilized to make the visitation estimates for OTR, while also acknowledging the difficulties in making such estimates. The three approaches used by Harvey Economics incorporate information from previous Christo and Jeanne Claude installations; other comparable events; and a market penetration analysis. The final visitation estimates are reasonable numbers, given the use of the available data and information.	

#7

Resource	Comment Summary
<i>Socioeconomics</i>	One commenter was wary of the HE visitation estimates since previous estimates have been much higher.
Response: The visitor estimates produced by J.F. Sato and Associates (the applicant's consultant) were fully evaluated and found to be useful in part. Any previous visitation estimates were undocumented and unsubstantiated and therefore not considered in this EIS. The Sato estimates are discussed in the Visitation Projections Report found in Appendix C, including a description of the methodologies used and an evaluation of those estimates. The EIS Visitation Projections Report found in Appendix C provides a detailed description of the methodologies utilized to make the visitation estimates for OTR, while also acknowledging the difficulties in making such estimates. The three approaches used by Harvey Economics incorporate information from previous Christo and Jeanne Claude installations; other comparable events; and a market penetration analysis. The final visitation estimates are reasonable numbers, given the use of the available data and information.	

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#8

Resource	Comment Summary
<i>Socioeconomics</i>	One commenter thought that the Rifle Gap installation (Valley Curtain) should have been used as a comparable event in the estimation of visitor projections for OTR.
Response: Valley Curtain could not be used as a comparable event for several reasons. First, Harvey Economics was unable to obtain reliable visitor estimates for that event. The curtains came down prematurely only 28 hours after final installation activities, due to wind, and Valley Curtain was located in a much more rural area than OTR. Exhibit 7 in the Visitor Projections Report found in Appendix C shows the criteria for determining comparability of previous Christo and Jeanne Claude events; Valley Curtain would not be considered a comparable event.	

#9

Resource	Comment Summary
<i>Socioeconomics</i>	Several commenters were not convinced that smaller installations, especially under Alternative 4, would result in such a drastic decrease in visitation compared to Alternatives 1a-d and did not believe that there was support for that assumption; one commenter thought that more people might be willing to visit an installation with a smaller environmental impact, as in Alternative 4.
Response: The Visitation Projections Report found in Appendix C provides a discussion of the basis and assumptions related to the visitation estimates of smaller installations. No change in visitation is anticipated for Alternative 2 as a result of reduced panel length and a small decrease in visitation is anticipated under Alternative 3. The largest decrease was estimated for Alternative 4 due to both the reduced number of panels, as well as the location of those panels. The Report explains that the artistic draw of the installation compared with the Artist’s intent would be compromised, causing a decline in interest.	

#10

Resource	Comment Summary
<i>Socioeconomics</i>	One commenter suggested discussing the uncertainties surrounding the visitation estimates.
Response: Although the Visitation Projections Report found in Appendix C does discuss the specific challenges surrounding the estimation of visitation to the OTR event, additional text has been added to the report to further address the uncertainty surrounding the final estimates.	

#11

Resource	Comment Summary
<i>Socioeconomics</i>	One commenter thought the analysis of peak day visitation was too rudimentary, especially given the importance of the work to traffic impacts and mitigations.
Response: The Visitor Projections Report found in Appendix C discusses the assumptions and basis for peak day visitor estimates, including information from local visitors bureaus and the Colorado Department of Transportation. Estimates of peak day visitation were based on the best available information regarding travel and visitation patterns for the area.	

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#12

Resource	Comment Summary
<i>Socioeconomics</i>	Several comments were made questioning the description of the fishing industry, in terms of employees and trip prices.
<p>Response: Additional information has been added to Section 3.14 of the FEIS to address the comment regarding the number of employees included in the fishing industry. Table 3-65 indicates the number of jobs supported by the angler spending in Chaffee and Fremont Counties, which includes guides and outfitter shop employees as well as employees of other businesses that cater to anglers (such as restaurants, hotels, other retail shops, gas stations). These jobs also include those supported by the re-spending of revenues from those businesses. The range of trip prices cited in Section 3.14 was based on information obtained from the websites of several outfitters, as noted in the DEIS. Trip prices have been confirmed for the FEIS.</p>	

#13

Resource	Comment Summary
<i>Socioeconomics</i>	Several commentors thought the impacts to the fishing industry were overstated since the panels would be dispersed throughout the entire stretch of river and would not cover the entire 42 mile stretch. They thought this was especially true for alternatives with reduced panel length, especially Alternative 4.
<p>Response: Impacts to the fishing industry have been re-evaluated for the FEIS based on additional detailed data on the number of anglers by date and by river section that has become available since the preparation of the DEIS; the text of Section 4.14 has been updated based on the results of new analysis. The newly available data allows for a more detailed spatial and temporal analysis of fishing impacts that can be combined with alternative specific information to provide an analysis of impacts that more fully reflect the details of each alternative.</p>	

#14

Resource	Comment Summary
<i>Socioeconomics</i>	Many comments suggested that the impacts to the fishing industry and to guides were considerably understated. For example, low seasonal earnings of individual guides would result in a substantial percentage of revenue lost for those employees. Additionally, several commenters focused on the potential long-term negative impact to the fishing industry from negative public perceptions and the idea that the DEIS did not take these seriously.
<p>Response: Impacts to the fishing industry have been re-evaluated for the FEIS based on additional data on the number of anglers by date and by river section that has become available since the preparation of the DEIS; the text of Section 4.14 has been updated based on the results of any new analysis. Additional text has also been added to that section to discuss any long-term implications for the overall local fishing industry and to more fully address the impacts to guides and outfitters. Information on guide wages has been added to Section 3.14, as available, as part of the discussion on Arkansas River Fly Fishing Activity to provide a clearer picture of the existing economic conditions for guides.</p>	

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#15

Resource	Comment Summary
<i>Socioeconomics</i>	Potential negative impacts to the rafting industry are not addressed, including the idea that potential rafters may be deterred by thoughts of lane closures and construction activities during installation and demobilization; difficulty finding lodging due to construction worker housing during installation and demobilization; and traffic delays during all phases of the event.
Response: The text addressing impacts to the rafting industry in Section 4.14 has been expanded to address any potential negative impacts to the industry; negative impacts have been put in context of the benefits described. Construction activities and delays are more fully described in the FEIS to provide a clearer picture of what would occur during installation and demobilization and to provide more of a basis for the impact conclusions.	

#16

Resource	Comment Summary
<i>Socioeconomics</i>	Several comments suggested that the economic impacts to the hunting industry are overstated, especially due to the spacing and timing of construction activities and the location of the event along a highway in which CDOW already restricts shooting activity.
Response: Impacts to the hunting industry have been reviewed and updated as appropriate for the FEIS in Section 4.14. Construction activities have been more closely reviewed in context of hunting activity during installation and demobilization; the assumptions behind the socioeconomic impact conclusions for hunting have also been reviewed.	

#17

Resource	Comment Summary
<i>Socioeconomics</i>	Several comments focused on the potential long-term negative impact to the hunting industry from negative public perceptions.
Response: Impacts to the hunting industry have been reviewed and updated as appropriate for the FEIS in Section 4.14. Additional text has been added to discuss any long-term implications for the overall local hunting industry.	

#18

Resource	Comment Summary
<i>Socioeconomics</i>	Several comments suggested that the estimated economic benefits of the project are overstated.
Response: The calculation of economic benefits resulting from installation, exhibition and demobilization activities are based on numerous inputs, including visitation estimates, employment and wage estimates, published research on visitor and business spending patterns and assumptions of available accommodations and displaced visitors. The methodologies used to estimate benefits resulting from visitor and employee activities and spending are included in Section 4.14 as part of the discussion on Methodology and Assumptions. Estimates of economic benefits are based on the best available information and standard economic measures and calculations. No changes in benefit estimates to the text of the FEIS will be made as a result of these comments.	

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#19

Resource	Comment Summary
<i>Socioeconomics</i>	There should be more emphasis on the negative aspects related to the quality of life of residents as a result of the project. These comments generally relate to the stresses of traffic delays and the overall thought that residents just do not want the project and its associated hassles in their neighborhood.
Response: The discussion on the impacts to the quality of life for local residents has been expanded in Section 4.14 of the FEIS to address any potential or perceived negative aspects resulting from the project. An overview of the general concerns of local residents is provided in the FEIS.	

#20

Resource	Comment Summary
<i>Socioeconomics</i>	Comments citing concerns about increased crime during the exhibition when there are lots of people gathered in one general location
Response: Estimates of increased vandalism and criminal activity during the exhibition period are discussed as part of the Incident Frequency Study in Appendix E. However, as the Public Facilities and Services portion of Section 4.14 states, “law enforcement personnel would be staged in pullouts near each panel location and at several other locations throughout the corridor.” Additionally, Section 4.15 notes that monitors would be stationed throughout the corridor and at the visitor centers; monitors are intended to maintain surveillance and communicate with supervisors in the event of emergencies. These measures would likely somewhat mitigate increased crime during the exhibition period. The text in Section 4.14 of the FEIS has been briefly expanded to address public safety concerns related to criminal activity and the capabilities of law enforcement to meet any additional demands.	

#21

Resource	Comment Summary
<i>Socioeconomics</i>	Comments citing concerns about increased crime during installation and demobilization associated with the influx of construction workers.
Response: The Incident Frequency Study included in Appendix E addresses the potential for vandalism and criminal activity during the installation and demobilization periods, stating that the occurrence of these activities would not be significantly different than under the No Action alternative and that the associated risks are low. About 25 workers or less, depending on the alternative, would be on site at any one time during the installation period and about 190 or less would be hired for the demobilization period of three months. About 80 percent of these workers are anticipated to be hired from local communities, El Paso or Pueblo Counties. Given this information, the likelihood of noticeably increased crime due to the influx of construction workers is low. The text in Section 4.14 of the FEIS has been briefly expanded to address public safety concerns related to criminal activity during installation and demobilization and the capabilities of law enforcement to meet any additional demands.	

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#22

Resource	Comment Summary
<i>Socioeconomics</i>	Concern about who would be responsible for potential road maintenance costs if repairs were needed after the fact due to high traffic volumes and construction traffic.
Response: Road maintenance issues are generally created over a long period of time or as a result of a large volume of heavy truck traffic. The short-term nature of the exhibition period is not expected to result in any road maintenance needs on Highway 50, local county roads, or other roads; additionally, the volume of construction traffic estimated for the installation and demobilization periods is not anticipated to have an impact on overall road conditions.	

#23

Resource	Comment Summary
<i>Socioeconomics</i>	Wildlife viewing provides a considerable economic benefit to Colorado, which is not addressed in the DEIS.
Response: The economic benefits of wildlife viewing were not included in the DEIS. A short section has been added to Section 3.14 of the FEIS to describe the economic benefits associated with current wildlife viewing activity in Colorado and in the local area, similar to what was done to describe the fishing and hunting industries. A discussion of the impacts to wildlife viewing activity and associated economic activity has been included in Section 4.14 of the FEIS.	

#24

Resource	Comment Summary
<i>Socioeconomics</i>	Concerns that residents of the canyon, who are possibly lower income people, are disproportionately bearing the costs of the project, in terms of traffic delays, crime or other impacts, while others reap the benefits?
Response: Section 3.13 describes poverty and income levels in the Primary Analysis Area (Fremont and Chafee Counties) and the Secondary Analysis Area (El Paso and Pueblo Counties). In terms of both poverty levels and median household income, residents of Fremont County are similar to those in Pueblo County and worse off than residents of El Paso County. However, as described in Section 4.14, a greater amount of economic activity, employment and personal income would occur within the SAA, while residents of the PAA would experience greater project related impacts, such as traffic delays.	

#25

Resource	Comment Summary
<i>Socioeconomics</i>	One commenter stated that the costs of potential environmental disasters, such drilling induced earthquakes or water pollution, that could result from project activities should be addressed in the EIS.
Response: The likelihood that any project activity would cause an environmental disaster such as an earthquake is extremely remote; the effort to gather the necessary data and estimate the costs associated with these extremely low probability events would far outweigh the benefits of that knowledge. That effort is out of the scope of the socioeconomic analysis of the EIS; no changes to the FEIS text have been made as a result of this comment.	

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Public Health and Safety

#1

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that the visitation and traffic numbers presented in section 4.15.2.2 are inconsistent with other sections of the EIS, and should be updated. The assumption of number of people per car in section 4.15.2.2 is inconsistent with the transportation section.
Response: Section 4.15.2.2 has been updated with current visitation and traffic data that is consistent with the Socioeconomics and Transportation sections of the EIS.	

#2

Resource	Comment Summary
<i>Public Health and Safety</i>	The term “construction area” and the specific timeframe of restriction (i.e. during active cable stringing times) need to be more specifically defined so users know when and where activities will be restricted.
Response: Text has been added to Chapter 5 explaining that construction areas would be clearly marked and delineated, and that river spotters and construction personnel would restrict rafters from entering construction areas when construction activity was deemed unsafe. See Chapter 2, Section 2.4.1 for the time of day of cable string activities.	

#3

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS did not consider all county roads in the Project Area that could serve as evacuation routes in section 4.15.2.2. The statement that agencies may not be able to provide adequate equipment and personnel to efficiently respond to emergencies is incorrect.
Response: The Event Management Plan (EMP) would include more detailed information for evacuation. Text has been modified to explain that the EMP would include more detailed evacuation information, and that County Road 1A would be used as an evacuation route. The ability of agencies to provide adequate equipment and personnel to efficiently respond to emergencies would also be addressed in the EMP. This statement has been removed from the text.	

#4

Resource	Comment Summary
<i>Public Health and Safety</i>	Pedestrian travel constraints during the exhibition period need to be more clearly outlined in Section 4.15.
Response: Section 4.15, bullet five, has been modified to specify that pedestrians would not be allowed along US 50 within ½ mile of the display during the exhibition period. This has been added as a mitigation measure in Chapter 5. Also, text has been modified to remove Parkdale Viewing Center from bullet five, Section 4.15 since the Parkdale Viewing Center is no longer included in the alternatives.	

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#5

Resource	Comment Summary
<i>Public Health and Safety</i>	Commitment to the use of VMS signs in five locations, as outlined in Section 4.15, should be modified to detail their use in a minimum of five locations.
Response: Section 4.15, bullet four, has been modified to state that the number of portable VMS signs will not be limited to only five strategic locations.	

#6

Resource	Comment Summary
<i>Public Health and Safety</i>	Text in Section 4.15 regarding “temporary speed limit reductions” should be amended to read “temporary maximum speed limit reductions.” Temporary maximum speed limit reductions should remain in place through the exhibition period until the fabric panels are removed.
Response: Section 4.15, third bullet, has been modified to read “Temporary maximum speed limit reductions.” Temporary maximum speed limit reductions would be in place during daylight hours to coincide with hours of maximum viewing and vehicular traffic.	

#7

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that the text in the third paragraph of Section 4.15.2.2 regarding the potential of the capacity of US 50 to be compromised by a slight increase in visitor numbers is misleading. A significant increase in visitation would need to occur for this to take place. This paragraph should be deleted from the section.
Response: Peak projected westbound traffic during the exhibition viewing period has been estimated at nearly 1,300 vehicles. Therefore, in light of the single direction 1,700 vehicles per hour capacity of US 50, it would not take a significant amount of vehicles to push to or beyond the highway capacity. This scenario, however unlikely, is a potential risk. The project area may already be congested with visitors, validating the claim that any natural disturbance would bring increased congestion.	

#8

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that law enforcement agencies have submitted comments which did not appear to have been recorded. Their comments and concerns need to be documented and incorporated into the DEIS.
Response: Applicable law enforcement agencies are Cooperating Agencies and have been present at all Cooperating Agency meetings, providing review and comments on the EIS. Input from several (if not all) of the law enforcement and emergency response services would be needed prior to the Installation Phase and in the development of the EMP. Cooperating Agencies are detailed in Chapter 1, Section 1.4.2.	

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#9

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS does not address the means by which unwary visitors from across the U. S. or the world, would be warned of the dangers they could (probably would) face here.
Response: This comment is out of the scope of the DEIS. No change will be necessary in the FEIS.	

#10

Resource	Comment Summary
<i>Public Health and Safety</i>	Concerned that the potential for an increase in boating accidents due to the proposed project is overstated in the risk assessment/hazard analysis, and is unsupported by statistical data analysis. Any potential causal relationship between the proposed project and increased boating accidents would be tied to the increase in boater numbers, not to the fabric panels and cables, and should note that whitewater boating on the Arkansas in this stretch of the river is an inherently high risk dangerous activity, with or without the proposed action.
Response: The text of the risk assessment has been adjusted so it does not imply a greater level of precision than possible. The text will continue to indicate that there would be an increased expectation of boating accidents based on the results of the analysis, due to both the number of boats and to the proximity of fabric and cables which could attract mischievous behavior. Additionally, the text of the risk assessment has been revised to place greater emphasis on the availability of emergency procedures and services and the ability to respond to high numbers of boating accidents.	

#11

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 3.15.1 includes details of natural weather events in the project area, however, a discussion of the frequency of these events is lacking in the text. Furthermore, how will fire data in Section 3.15.1 be affected if railroad caused fires are removed?
Response: A review of the second paragraph in Section 3.15.1 gives a discussion about the historic frequency of flood events, additionally; the fourth paragraph gives a discussion regarding the frequency of high wind events in the project area. Detailed climatic data can also be found by reviewing Section 3.9. There is no distinction between railroad caused fires and other types of human caused fires.	

#12

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 4.15 should be amended to read “exhibition period” instead of “viewing period.”
Response: Section 4.15, seventh bullet, has been modified to read “exhibition period”, instead of “viewing period”.	

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#13

Resource	Comment Summary
<i>Public Health and Safety</i>	Alternative 1b should be discussed in Section 4.15.2. Additionally, Section 4.15.2.3 Demobilization should not reference Section 4.15.2.1 Installation to detail demobilization impacts.
Response: Alternative 1b is no longer being considered, therefore there is no analysis of the alternative in the text. Both Installation and Demobilization, as outlined Section 4.15.2, are similar in nature and result in comparable impacts. For this reason Section 4.15.2.3 Demobilization refers to Section 4.15.2.1 Installation.	

#14

Resource	Comment Summary
<i>Public Health and Safety</i>	The current text in Section 4.15.2.1 concerning the capacity of US 50 is inconsistent with the traffic analysis and should be changed to state “US 50 should be able accommodate projected traffic levels.”
Response: The current language in Section 4.15.2.1 allows for a degree of uncertainty regarding the visitation numbers that have been used, which are estimates. Any unforeseen variation in visitation numbers may have an impact which would be inconsistent with the suggested wording for the text.	

#15

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 4.15.2.1 lacks statistical evidence and analysis in relation to risks construction workers would face. Applicable text should be deleted.
Response: Section 4.15.2.1 contains specific reasonably anticipated risks to construction crews, namely rockfall and stringing cables with the line gun. The identification of risks come from a study of the hazards already present in the project area (e.g. rockfall), as well specific construction risks associated with installation of the project (e.g. line gun).	

#16

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 4.15.2.2 overemphasizes the risk of heat related illness, as pedestrian travel will be restricted.
Response: Section 4.15.2.2 covers a wide range of reasonably anticipated risks, including heat related illness. Additionally, this risk is worth discussing given that a limited number of viewing areas will be accessible to pedestrians and the project will coincide with warm summer temperatures.	

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#17

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that claims of increased risks, including the impact panels would have on river flow, presented in section 4.15.2.2 are lacking supporting data and are speculative in nature.
Response: As this project would be the first of its kind, there is no direct data available from a previous similar display, therefore, in Section 4.15.2.2, reasonably anticipated risks are analyzed and based upon the estimated number of visitors and associated dangers, as well as the inherent risks of hanging a display over a body of water that is often used for recreational purposes.	

#18

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS did not go into sufficient detail to explain the installation process to the public and the subsequent minimization of risk. Example text has been provided. The statement in section 4.15.2.1 concerning the dangers of installation is not sustained with statistical evidence and should be removed.
Response: (A) Section 2.4 contains a detailed installation plan; this section has been updated with more detailed information regarding cable installation. (B) Section 4.15.2.1 contains specific risks to construction crews, namely rockfall and stringing cables with the line gun. The identification of reasonably anticipated risks come from a study of the hazards already present in the project area (e.g. rockfall), as well specific construction risks associated with the project (e.g. line gun).	

#19

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 2.1- Table 1 and 2- these tables present risk information as if it were statistically valid when it is not. It isn't clear where the OSHA data and the natural hazard occurrence data are derived from.
Response: The text of the risk assessment has been adjusted so it does not imply a greater level of precision than possible; where needed, references have been added to indicate data sources for the analysis.	

#20

Resource	Comment Summary
<i>Public Health and Safety</i>	Concerned that statements of risk for construction workers are not constant with the total number of hours worked for each alternative.
Response: Revised text discussing risk to construction workers based on analysis based on numbers vs. anticipated hours worked.	

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#21

Resource	Comment Summary
<i>Public Health and Safety</i>	Text in section 2.3 should read “baseline data,” not “baseline date.”
Response: Edit will be incorporated in Section 2.3, changing “baseline date” to “baseline data”. No response necessary in FEIS.	

#22

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern the provided information on probability for increase in boating accidents and on a relationship between the reduction of construction hazards and reduction in project length implies a level of accuracy and reliability that the analysis methodology does not support.
Response: Revised text shows relative differences without emphasis on numerical precision.	

#23

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that Section 8.0 contains no conclusions about the incident frequency study or the results presented in Appendix E.
Response: Actual analysis with conclusions (e.g. probability risk) can be found in Tables 1-12 of Appendix E. No text changes needed.	

#24

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern about reimbursement and liability for auto accidents that occur during the project, particularly for service trucks and other employees required to drive through the project area.
Response: This comment is out of the scope of the DEIS. No response will be included in the Final EIS.	

#25

Resource	Comment Summary
<i>Public Health and Safety</i>	Concerns regarding compensation to local residents and visitors from OTR in the event of vandalism, injury, robbery, flood damage, fire, and disabled communications resulting from lightning.
Response: Section 4.15.2 has been updated to reflect that in the case of a wildland fire that is started intentionally, the suspect, if found guilty, would face criminal prosecution which may include imprisonment, financial restitution or both. An arson conviction proves criminal intent which can be prosecuted under federal and state laws.	

#26

Resource	Comment Summary
<i>Public Health and Safety</i>	Mitigation against terrorist threats needs to be addressed.
Response: This topic would be addressed in the Event Management Plan that would be prepared if the project moves forward.	

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#27

Resource	Comment Summary
<i>Public Health and Safety</i>	The frequency of severe hydrologic events was lacking in Section 4.15.4.2. The assumption that holding the exhibition period in September would eliminate the risk from summer storms isn't validated.
Response: Sections 3.10.1.1 and 4.10.1.1 contain more specific hydrologic data regarding frequency and severity of storms. Section 4.10.1.1 was modified to clarify that the September exhibition period would not completely avoid severe summer storms.	

#28

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern the methods used for developing a risk scale based on frequency times and project duration does not result in an accurate representation of relative risks. Example is that the risk from lightning is overstated during the exhibition period.
Response: The best available information was utilized to provide a general or relative indication of potential risks that should be considered in planning for the event.	

#29

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that over weighted and/or tearing fabric from rain and hail may impact river recreation safety.
Response: Text has been added to Section 4.15.2 to indicate that the fabric is made of porous material which is designed to let the water drain instead of puddle.	

#30

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern over the electromagnetic effect of a cable strike on the rafts or kayaks, as well as the ability of the oars to conduct current.
Response: The cables will not be electrified. Please see responses to comments about the potential of the cables to attract lightning.	

#31

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS did not adequately consider impacts from and mitigation for vandalism resulting from the controversial nature of the project. Despite the presence of security, vandalism, especially the potential burning of the display, would be very difficult to mitigate. Tests should be conducted to test the flame retardant properties of the fabric.
Response: In addition to the presence of law enforcement, OTR would provide patrols and monitoring by a private security team to deter vandalism.	

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#32

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS did not adequately consider the effects of fire on the fabric panels, as well as the potential impacts and mitigation should the display ignite.
Response: Protocols for incident response would be developed in the EMP that would be prepared if the project moves ahead.	

#33

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS incorrectly stated in Section 3.15.1.3 that water tanker service is not available. In actuality, there is multiple water hauling services available. Additionally, the statement regarding coverage gaps in VHF radio and Digital Trunk Radio is over exaggerated and needs to be updated. Also, assumption about future potential budget cuts and shortages in staffing at law enforcements agencies is speculative in nature and should not be presented in the DEIS. Lastly, 800 MHz radio and Digital Trunk Radio are both the same type of radio. Only one terminology should be used so as not to confuse the reader.
Response: Section 3.15.1.3 has been updated to indicate tanker service is available for residents. Additionally, Digital Trunk Radio (DTR) coverage has been reviewed. Section 3.15.1.3 has been modified per the results. The basis for the concern of staffing and future budgetary issues in Section 3.15.1.3 came directly from conversations with county authorities. While it is possible that potential budgetary concerns may not come to fruition, a real impact may occur if the budgetary situation declines. Section 3.15.1.3 has been modified to use only DTR terminology instead of 800 MHz and DTR interchangeably.	

#34

Resource	Comment Summary
<i>Public Health and Safety</i>	Who assembles and pays for the Emergency Response plan referenced in Section 4.15, and what is the time frame for its completion?
Response: Section 4.15 Assumptions has been updated to detail that OTR Corp would coordinate with local agencies to obtain information for the development of the EMP. This effort would be paid for by OTR Corp.	

#35

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that the provision of ambulances and emergency personnel for the project may divert resources typically used for communities in the project area.
Response: The provision of the ambulances, as well as details regarding law enforcement, EMS, and fire personnel have not been determined at this time. The EMP would include more details about emergency response.	

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#36

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS does not address the difficulty of a river rescue. The fabric may be too close to the water to perform specific types of river rescue. The inability to perform rescues may result in the loss of life.
Response: Text has been modified to include more discussion regarding the difficulty of river rescue under the fabric panels.	

#37

Resource	Comment Summary
<i>Public Health and Safety</i>	The project will be in fire districts that are all volunteer with minimal training.
Response: Section 3.15.1 has been updated to show that volunteer fire departments which were not within the project area were included as potential resources, in the event that more directly affected agencies needed assistance. Section 3.15 also details emergency response capabilities of volunteer fire departments.	

#38

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that OTR monitors would not be able to visually observe all portions of the corridor simultaneously. In addition to being within viewing distance of each other, monitors and law enforcement should be in place from sunrise to sundown.
Response: Monitors would work with the law enforcement and security officers to consistently observe as much of the corridor as possible. Monitors are currently planned to be employed during the more heavily trafficked viewing times.	

#39

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern regarding the fire, first aid, and hazardous materials training of OTR personnel, as well as the need for emergency crews and vehicles to be available. First aid stations and a defibrillator should be at public access locations.
Response: Future management planning documents would include details regarding emergency response, including response to wildfire and vehicle accidents. First aid stations would be located at each limited rest stop and would be staffed by trained paramedics from 8am to 8pm during the exhibition period.	

#40

Resource	Comment Summary
<i>Public Health and Safety</i>	Concerned the potential need for emergency response using a helicopter in the canyon during difficult weather conditions is an unreliable alternative to ambulance response. Concerned that any helicopter response would have restricted landing opportunities due to traffic congestion and the potential that elements of the proposed display would potentially cause helicopter mishaps.
Response: Comment noted. Emergency response considerations would be further considered in the EMP.	

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#41

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS did not address if visitation estimates are drastically wrong and a significantly greater amount of visitors come to the project area. Residents living in the project area may not be protected in this potential scenario.
Response: All reasonably anticipated risks in the project area have been planned for. Law enforcement, as described in Section 4.15.2, would work with OTR officials to ensure a quick response to emergencies, as well as facilitate a consistent flow of traffic through the project area. The EMP would include details regarding law enforcement and emergency response.	

#42

Resource	Comment Summary
<i>Public Health and Safety</i>	It is expected that the aging population in the project will have medical emergencies during the project period.
Response: Measures outlined in Section 4.15.2 have been taken to facilitate a smooth flow of visitors through the viewing area to ensure an appropriate response time to emergencies both inside and outside the project area. Furthermore, the EMP would include details regarding emergency response in the Project Area.	

#43

Resource	Comment Summary
<i>Public Health and Safety</i>	The DEIS does not address how poor radio communication and a lack of repeaters and other communication constraints in the project area will be mitigated.
Response: Section 4.15 explains that law enforcement would be equipped with Digital Trunk Radios (DTR) in existing riverside pullouts in each fabric panel area and at Five Points, Salt Lick, Pinnacle Rock, Texas Creek, and Lone Pine. DTR would provide coverage for the majority of the project area. This would be discussed further in the EMP. Mitigation has been added in Chapter 5 stating that both law enforcement and non-law enforcement personnel may need access to additional Digital Trunked Radios (DTR) during the length of the project.	

#44

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 3.15.1.1 of the DEIS does not correctly portray the number of volunteer fire departments, including Howard, Deer Mountain, and Tallahassee volunteer fire agencies.
Response: Text has been added to Section 3.15.1.1 detailing that the Howard, Deer Mountain, and Tallahassee fire departments are volunteer. More information on emergency response would be provided in the EMP.	

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#45

Resource	Comment Summary
<i>Public Health and Safety</i>	Section 4.15.2.2 should include information from the Event Management Plan pertaining to OTR monitors, event management/command post staffing, the staging of ambulances, first aid stations, medical helicopter, law enforcement, and fire equipment, a corridor evacuation plan, and the location of water supplies.
<p>Response: Section 4.15 has been modified to include (1) Monitors and Supervisors would be equipped with communication devices (2) An event management center/command post would be located at the Texas Creek staging area and would be staffed with CSP, CDOT, Colorado State Parks, Sheriffs and traffic maintenance representatives (3) An ambulance would be staged at Texas Creek to reduce emergency response times (4) Information centers would be staffed with paramedics and be equipped with first aid stations (5) Texas Creek would be the staging area for a medical helicopter (6) 21 law enforcement personnel would be staged at Parkdale, Five Points, Salt Lick, Pinnacle Rock, Texas Creek, and Lone Pine, as well as at existing river side pullouts in each panel area (7) Firefighting equipment would be staged at Texas Creek. Small caches of equipment would be located at Vallie Bridge (8) Local agencies and emergency management staff would develop a corridor evacuation plan, and (9) Supplies of water would be located at each information center.</p>	

#46

Resource	Comment Summary
<i>Public Health and Safety</i>	The significant presence of safety equipment and personnel ensures that the project area and surrounding areas will be safer during the exhibition period than they are currently.
<p>Response: This comment is out of the scope of the DEIS. No response necessary in the FEIS.</p>	

#47

Resource	Comment Summary
<i>Public Health and Safety</i>	In light of a medical helicopter and paramedics staged in the project area, response times will be much shorter than current response times.
<p>Response: Measures outlined in the DEIS have been taken to facilitate a smooth flow of visitors through the viewing area to ensure an appropriate response time to emergencies both inside and outside the project area. Furthermore, the EMP would include details regarding emergency response.</p>	

#48

Resource	Comment Summary
<i>Public Health and Safety</i>	With law enforcement agencies operating at capacity, citizens not attending the project may be put in danger.
<p>Response: As noted in Chapter 1 Section 1.4.2, local law enforcement agencies are Cooperating Agencies with OTR. This ensures their input will go into planning documents, such as the EMP, in order to facilitate the agency's ability to meet the needs of the local population, while simultaneously maintaining a safe environment during the exhibition viewing period. Additional law enforcement may be brought in from outside the project area to address safety concerns.</p>	

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#49

Resource	Comment Summary
<i>Public Health and Safety</i>	The EIS should evaluate, with law enforcement input, the ability of law enforcement agencies to effectively safeguard both the project and local communities, the lack of radio communications in the project area, and the mitigation of terrorist threats.
Response: As detailed in Section 4.15, law enforcement would be equipped with Digital Trunk Radios (DTR), which would have communication ability throughout most of the project area. More detailed mitigation and discussion regarding terrorist threats would be included in the project's EMP. Cooperating Agencies and local law enforcement would provide critical information as the EMP is developed and updated.	

#50

Resource	Comment Summary
<i>Public Health and Safety</i>	The BLM should use this project as an opportunity to work with local companies to educate the public about the Arkansas River corridor. The DEIS text should be updated to reflect education regarding the river environment.
Response: The text has been modified to show that the BLM and Colorado State Parks would both work with the public to ensure greater public education regarding the Arkansas River corridor.	

#51

Resource	Comment Summary
<i>Public Health and Safety</i>	Concern that increased congestion and inadequate emergency resources, as well as difficult flying conditions for a medical helicopter, would result in fatal emergencies.
Response: These concerns were considered in the DEIS. More detailed mitigation and discussion regarding emergency response would be provided in the EMP.	

#52

Resource	Comment Summary
<i>Public Health and Safety</i>	The project would compromise river recreation safety by interfering with agencies ability to address emergency river rescue situations. This places an unneeded burden on emergency personnel.
Response: Safety and response to river emergencies could be impacted by the presence of the panels, as described in section 4.15. Emergency response and protection of river safety would be further detailed in the EMP.	

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Transportation and Traffic

#1

Resource	Comment Summary
<p>Primary Assumptions, Analysis Methods, and Findings: VISSIM Model and Highway Capacity Manual Calculations</p> <p>Line Item:</p> <p>91 = 93, 98, 112, 124, 126, 127, 135, 139, 142, 147, 149, 153, 177, 178 = 205, 179, 195, 208, 221</p> <p>Inherent Extra Travel Time</p>	<p>Section 4.16.2.2- Travel Time Delay: US 50 Local Traffic- reducing the speed limits and utilizing a lower average travel speed in the VISSIM model than the posted speed limit results in inherent extra travel time in the system regardless of vehicle volumes. This should be spelled out more clearly to show the relative effect in time (minutes) of each component.</p>
<p>Response: There would be extra travel time during the event regardless of vehicle volumes because of decreased speeds in fabric panel areas and because of traffic management measures and traffic controls during Exhibition. Section 4.16 of the FEIS was revised to clarify this point and to address other comments pertaining to delay.</p>	

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#2

Resource	Comment Summary
Incident Delay	The DEIS states that there are a wide range of incident possibilities that could add to the delay associated with increased vehicle volume and that there could be instances where delay is beyond what has been estimated using the VISSIM model. This would seem to hold true for all exhibition days, not just peak times on peak days.
Response: The DEIS discussion reflects that incident delay would apply at any time.	

#3

Resource	Comment Summary
Delay from Church Trips	On Sunday, churches in the project area will generate local traffic. This traffic will include trips entering and exiting church parking lots or access roads in both directions. This local traffic, minor as it may seem, will make additional turns traveling home or to other destinations such as restaurants, then home. Each turn adds a delay.
Response: Turning movements are included in background travel assumptions used in the analysis. Temporary and isolated increases in turning movements at churches and other large gatherings would occur. Left turns onto US 50 from these sources may be delayed. Delays of this type are discussed in the DEIS. Delay on US 50 from left turns entering US 50 are included in overall delay estimates. Refer to driveway delay in Section 4.16.2.2 Travel Time Delays: US 50 Background Traffic (Left-turns and U-turns at intersections).	

#4

Resource	Comment Summary
Minimum Speeds	5.16.2 A 35 mph minimum speed is too high for this corridor with the special event conditions and is unenforceable. The modeling of traffic assumed a 25 mph speed in the fabric panel areas. Given that the highway is open to all traffic (including farm vehicles or other types of vehicles that cannot achieve 35 mph) a minimum speed limit does not seem necessary or warranted.
Response: Minimum speed signs would be posted in fabric panel areas to make sure motorists slow down in areas where driver distractions are present. The minimum speed would be signed for 35 mph. Minimum speeds and stopping in or adjacent to traffic lanes in panel areas would be enforced by the Colorado State Patrol with support from event staff and monitors. Exhibition visitors may travel below this speed. Delay calculations used a speed of 25 mph within fabric panel areas.	

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#5

Resource	Comment Summary
Traffic Volume Increases 2008 to 2013	Traffic data from 2008 to 2013 shows an increase of approximately 30%, which is a significant amount.
Response: Traffic is not shown to be growing 30% based on CDOT data.	

#6

Resource	Comment Summary
Traffic Waves	Traffic waves are common. The average vehicle speed within wide moving jams is much lower than the average speed in free flow. The Draft EIS analysis inappropriately applies a free flow model.
Response: The methodology used for analysis applied a VISSIM model, which appropriately includes the phenomenon of traffic waves.	

#7

Resource	Comment Summary
<i>Directional Analysis</i>	Vol. 3 of 4, App. D, pgs. 12 & 13 indicate the use of 'HCM analysis' for capacity and LOS determination. CDOT recommended the use of the 'directional analysis' method. Is there a conflict?
Response: No conflicts exist in relation to the two methods. It is not believed that directional analysis needs to be used for existing conditions on US 50 since the directional traffic volumes are not disproportionate. The methodology used for the alternatives comparison analysis, used VISSIM modeling which provides performance measures relative to total system delay in the project area. This method includes more detailed modeling and is not in conflict with a directional analysis that was previously recommended by CDOT.	

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#8

Resource	Comment Summary
Background Traffic vs. Visitor Traffic	<p>The David Evans calculations subtract background traffic numbers from the projected total # of visitors. How are background traffic numbers related to visitor traffic numbers?</p> <p>Section 4.3.1- Figures 9 and 10- it is not clear what constitutes Total Traffic. It would appear that Total Traffic is the sum of Background Traffic and Visitor Traffic but the total of those two data points for any given hour do not always add up to the Total Traffic Number. For instance in Figure 10 at noon the background traffic is 143 and visitor traffic is 754 for a total of 897 (by my math) but the figure shows a total of 937 vehicles. Where are the extra 40 vehicles from? It is also not clear from the figure titles and legends where in the corridor these traffic volumes are expected. The text implies that they represent traffic at the Coaldale ATR.</p>
<p>Response: Visitation estimates from Harvey Economics include Over The River visitors and all other visitors. There is an error in the DEIS. Figures 9 and 10 in Section 4.3.1 has been updated to present the proper sum.</p>	

#9

Resource	Comment Summary
1.5% vs. 1.8% growth factor	<p>Vol. 3 of 4, App. D, pg.23 shows the use of a 1.5% growth factor yearly traffic growth. A CDOT letter specifically instructs that 1.8% should be used.</p>
<p>Response: CDOT traffic forecasts confirm a 1.8% yearly growth factor for the project area and should have been used. This difference alone does not substantially change any finding in the DEIS. Section 4.16 of the FEIS was revised to clarify this point and to address other comments pertaining to delay.</p>	

#10

Resource	Comment Summary
Level of Service and Traffic Volumes	<p>3.16.1.2.b Table 3-79 IF LOS results are shown for the weekend mid day peak hour, the traffic volumes for that hour should be shown as well along with the roadway configuration/geometry.</p>
<p>Response: The information provided is sufficient. Roadway geometry is shown in Table 4 of Appendix D.</p>	

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#11

Resource	Comment Summary
Turnarounds and Return Trips	<p>CDOT has said that the consultant should use a 50% or greater computation added to the traffic numbers due to that # of people who typically turn around and return to their point of origin along the same route. I've been unable to find that 50% application added to any traffic analysis figures.</p> <p>Chapter 4, page 68 - has the visitors traveling 50 miles. It seems that some may not elect to stay the night and they could turn around and go through the project area again, which will be 100 miles.</p> <p>The travel flowcharts are for eastbound and westbound travel, but are U-turn vehicles included?</p> <p>Figure 7 - No U-turns? Is there any % traffic assumed to go EB after they reach Salida?</p>
<p>Response: The VISSIM model and associated assumptions account for a complete set of trip types within the corridor. The assumptions include u-turns and return trips. CDOT has approved these and other important VISSIM modeling assumptions. These assumptions are presented in the EIS and in the EIS Technical Appendix. Figure 7 is specifically about visitors beginning their experience from the west (EB traffic). Other modeling assumptions include u-turns.</p>	

#12

Resource	Comment Summary
Persons Per Vehicle	<p>The suggested use of CDOT's 2.5 persons per vehicle is not used (see enclosed charts from Vol.30f4, App.O, Traffic&Transp, pgs.49-56, Revised July 2, 2010); The actual rate used is 2.8 to 2.9 persons/vehicle.</p>
<p>Response: A range of assumptions were applied to define the number of persons per vehicle. These assumptions included vehicle types (automobiles, vans, and buses) and estimated occupancies. CDOT has approved these and other VISSIM modeling assumptions. These assumptions are presented in the EIS and in the EIS Technical Appendix.</p>	

#13

Resource	Comment Summary
Recreation Vehicles and Other Recreation Trips	<p>The traffic study does not take into account the disproportionate amount of motor homes and recreational vehicles that travel the highway through the canyon corridor. These vehicles, due to their sheer size, tend to move at 15 to 20 mph below the speed limit through the canyon corridor. This traffic is not confined to the weekends, but is predominately present in large amounts in the months of April through October, and sporadically in the remaining months. Traffic during hunting season is not taken into account. The canyon is a major draw for travelling recreationists, many of whom tend to tow overloaded trailers with underpowered vehicles.</p>
<p>Response: CDOT heavy vehicle percentages for the project area were used in the analyses along with slower speeds for these vehicles.</p>	

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#14

Resource	Comment Summary
Roadway Capacity	<p>Page 4-192 - Highway design capacity is 3,600 to 14,400 vehicles /day. The analysis assumes smooth flow of traffic at highway speeds.</p> <p>Page 4-196 - 11,862 veh/day = 1 vehicle every 2.5 seconds (assuming over an 8 hr. period). Sounds like a traffic jam at 35 mph.</p> <p>Page 5 - are these actual numbers or highway design numbers?</p>
<p>Response: The highway design capacity for 2-lane highway is 3,200 vehicles/hour for both directions or 1,700 vehicles/hour for one direction. This assumes smooth flow of traffic. The vehicle/day figure is for a 24 hour period, not an eight hour period. Page 5 presents actual numbers from CDOT.</p>	

#15

Resource	Comment Summary
Level of Service	<p>Table 4-57 Level of Service Definitions for Class 1 Two Lane Highways states that for LOS "D" turning vehicles and roadside distractions cause major shock waves in the traffic stream. Table 4-58 shows that for the weekend peak hour 8 level of service at major intersections is LOS "D" for five major intersections even after mitigation. Will LOS "E" or "F" be unacceptable or unsafe? How far from "D" are and "F", anyway? At what point, from A to F, does the Level of Service for the road or an intersection become unacceptable? At what point does the roadway become unsafe?</p>
<p>Response: Level of Service definitions are provided in the DEIS. These definitions generally apply to normal conditions. Level of Service D is generally considered acceptable under normal conditions. Under special events conditions, LOS E is typically considered acceptable. Level of Service is not a measure of safety.</p>	

#16

Resource	Comment Summary
Vehicle Miles Traveled	<p>While the CDOT website's FAQ states: Vehicle travel on Colorado State Highways increased by 59% between 1990 and 2008, from 17.7 billion vehicle miles of travel (VMT) to 28.1 billion VMT. Vehicle travel on Colorado State Highways is projected to increase by another 66% by 2035, to 46.7 billion vehicle miles of travel.</p>
<p>Response: The comment is noted. No further response is requested or required.</p>	

#17

Resource	Comment Summary
<p>Traffic Forecasts</p> <p>Line Item: 65, 67, 114, 118,</p>	<p>The traffic study underestimates existing traffic levels and has not addressed the normal visitors to the area. Table 13 - Peak day is 6 times the background traffic, there is no mention if the "normal" visitors are accounted for. Table 15 - what % is "normal" visitors vs. project</p>

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<p>144, 161, 162, 170, 183, 203. 204, 211, 222, 266</p>	<p>visitors.</p> <p>There is no consideration of recreation trips to, from and through the corridor and related impacts on these people.</p> <p>The use of 2005 figures and methods for a project date of 2013 is not useful or accurate. In the DEIS section 4.16 , it states Traffic data from 2008 was collected from CDOT’s permanent traffic count station #000248, which is located west of Coaldale. The 2008 data was compared to similar 2005 data collected and reported in the Over the River Project Traffic Operations Analysis report prepared by David Evans and Associates, Inc. (June 2006). Comparing the 2005 traffic volumes to the 2008 traffic volumes shows there has been little to no growth in the Project Area. Therefore, the 2005 traffic volumes will be considered as the local existing background traffic so not to duplicate previous analysis. In the DEIS Section 4.16, it states that traffic data between 2005 and 2008 appears to show no increase in traffic in the canyon, and therefore, the 2005 traffic volumes will be considered as the local existing background traffic so as not to duplicate previous analysis. This statement is in contrast to data provided by the Colorado Department of Transportation (CDOT) website. The CDOT website’s FAQ states: Vehicle travel on Colorado State Highways increased by 59% between 1990 and 2008, from 17.7 billion vehicle miles of travel (VMT) to 28.1 billion VMT. Vehicle travel on Colorado State Highways is proposed to increase by another 66% by 2035, to 46.7 billion vehicle miles of travel. Fact Book CDOT, http://www.coloradodot.info/topcontent/FactBook (last visited Sept. 10, 2010).</p> <p>Section 3.0- using a 1.5% per year annual growth rate to estimate 2013 traffic volumes from the 2008 traffic data results in background traffic volume estimates that are too high. The data show that there was no growth in traffic volumes between the 2005 and 2008 period and that background volumes from the 2005 data were still valid for the 2008 analysis period. The flat traffic growth rate supports using 2008 traffic volumes for the 2013 background traffic volumes. Tables 4-54 and 4-55 - Did OTR get those numbers from CDOT? Counts should be available.</p> <p>Fishing, particularly commercial trips, involves multiple trips through sections of the canyon daily. Raft vehicle shuttles were detailed earlier. Transporting wade clients during a trip will also be problematic. The DEIS completely omits this factor of commercial transport and access for visitor/clients.</p>
<p>Response: Existing traffic volumes present CDOT data. Table 13 presents the number of people rather than the number of vehicles. The DEIS states that normal visitors are included in total visitation estimates. Recreation trips are accounted for in the visitation estimates. The 2005 figures and other traffic data were used to generate an appropriate forecast for 2013 background traffic volumes. The increase in overall vehicle travel on Colorado State Highways reflects statewide increases. The increase in traffic volumes on US 50 does not match statewide vehicle miles traveled trends.</p> <p>CDOT traffic forecasts confirm a 1.8% yearly growth factor for the project area and should have been used. Section 4.16 of the FEIS was revised to clarify this point and to address other comments pertaining to delay. This difference alone does not substantially change any of the DEIS findings.</p>	

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#18

Resource	Comment Summary
<p>Traffic Delays, Emergency Response Times and the Need for and Feasibility of an Evacuation Plan/ Emergency Response Plan</p> <p>Line Items:</p> <p>3-7, 17, 29, 33-34, 36, 37, 40, 52, 59, 60, 63, 68, 69, 73-77, 85, 86, 87, 89 = 218, 90, 92, 95, 96, 97, 102, 108, 115, 116, 120, 125, 136, 143, 146, 151, 155, 163, 164, 166, 167, 174, 175, 192, 193, 197, 210, 214, 220, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 258</p>	<p>Note: Many comments addressed delays during the Installation, Exhibition, and Demobilization Phases of the project that would directly or indirectly create impacts on corridor residents and other motorists, response times for emergency services, overall emergency response plans, and evacuation routes. The comments were interrelated and interconnected so they have been sorted and summarized here so a complete characterization of the comments can be provided and a unified response can be prepared.</p> <p>Overall</p> <p>Installation, Exhibition, and Demobilization Phase traffic delays are underestimated, misleading, lack objective analysis, and/or should be rejected. Anticipated delay would create significant adverse impacts (long lasting, extensive and highly inconvenient).</p> <p>Why didn't the EIS present the information provided in Appendix J of Over The River's Design and Planning Report?</p> <p>Baseline Travel Times</p> <p>The DEIS travel times through the canyon and project area are misleading due to the use of non-standard reference points for calculating.</p> <p>DEIS 3.16.1.2a: Trip Generation, Origins, and Destinations/Attractions Trip generation in the Project Area is attributed to residential, commercial, institutional, recreational land uses, and/or opportunities. Cañon City and Salida are tourist attractions, along with the Arkansas River, BLM lands, and the facilities and services associated with the Royal Gorge Bridge and railroad. Most trips along US 50 between Cañon City and Salida are through trips with few to no stops within the Project Area. The number of stops and percentage of vehicles stopping within the Project Area increases between May and September, when more tourists are using US 50 and stopping at fishing areas, rafting sites, restaurants, shops, and other establishments in the Project Area.</p> <p>The end points of a drive through the canyon, which includes the project area, are clearly identified as Canon City and Salida. These towns are considered the generally accepted points from which travelers figure distance and time for the drive. Chapter 4 projects travel times as 55.4 minutes Westbound, 54.5 minutes Eastbound. All DEIS travel times and delays are calculated on these numbers. On the surface this seems reasonable, coming close to the times drivers currently experience without OTR. However, these start/end points are not the town-to-town destinations set out at the beginning. Rather, the computer modeling program VISSIM was set to use the project's boundaries instead, as seen in the footnote of Table 4-59, p. 4-203 "Fremont Road (CR 3A) to County Line Panel Section.</p> <p>The mileages and times used as a baseline for all traffic movement and delays is, therefore, both misleading and in conflict with its own document. To recalibrate this with the initial and common end points of a trip between Canon City and Salida, the extra travel time to each</p>

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town must be added to the baseline numbers, as well as to all the variations presented in Table 4-58. This is about 13.3 miles as measured from west end Canon City to east end Salida. By cross-referencing the LOS for each section in Tables 4-57 and 4-58, assuming a high-side average of 45 mph from those tables, adding the extra 13.3 miles, we get an extra 17.1 minutes. The travel times on the first row of Table 4-59 now read as follows: Table 4-59-adj. Adjusted Baseline = No Action Alt. 1a 1c 1d 2 3 4 WB 72.7 EB 71.8 98.9 84.2 89.3 84 88.4 82.7 89.3 82.9 90.1 83 82.9 79.3 This more accurately reflects the “real world” calculations from the common point-to-point references, and makes it consistent with the DEIS’ own baseline statement.

Delays are underestimated because routine travel times can take longer than the travel time stated in the Draft EIS and because delays from lane closures, higher vehicle volumes, and increased accident potentials are not accurately described. Accurate existing travel times and delays from end to end and point to point in the corridor are needed to provide accurate delay information. Using accurate end to end points and the information in the Draft EIS, the total drive times would be range from 138.9 minutes for Alternative 1a to 128.4 minutes for Alternative 1d. The remaining alternatives would be proportionately lower times, but cannot be estimated unless or until their traffic and construction schedules are created. These longer travel times should be the basis for defining traffic impacts on residents, visitors, commerce, medical and emergency services, and all other transport. Counting delay within the Project Area has no useful purpose in calculating the full impacts to these entities, nor for comparing to standard references.

Table 4-59 shows 81.6 minute vs. 55.4 minute drive through the canyon. A 26 minute delay is a 50% increase in travel time. That is not insignificant. These numbers assume "D" traffic conditions with 25 second delays and 40 mph. The proposal suggests 35 mph through the project zone which will increase the 26 minute delay. Do these numbers include visitors turning around? I am not convinced the mitigation is addressed.

Lane Closure – Total Delay and Significance

Total delay should be estimated per day and for the entire Installation and Demobilization Phases.

The delays will be significant for a long time.

Adding 20 minutes to a commute each way for maybe as long as 3 to 4 years is a major issue. Four lane closures on a single day would create delays that nearly double the trip time through the canyon. Could the traffic be let through at regular intervals, say westbound at 20 minutes after the hour, 40 minutes, and on the hour, so delays are minimized?

Lane Closures – More Closures Will Occur Than Were Identified

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The Draft EIS does not mention the extent and lengthy durations of traffic closures revealed in Appendix J provided by OTR consultants.

The EIS states that no work requiring lane closures on US 50 would be performed in July, August or September. (DEIS Chapter 4.14.2.1, p. 120.) OTR Design Plan states up to 252.6 days of lane closures within May to October over the 2.5 year span. (OTR Planning and Design Report: Appendix J1, pp. 20 to 24) Their planning calendars itemize these as: June, 51.3 days July, 76.5 days August, 60.6 days September, 37.8 days (Appendix J2 Drilling and Site Calendars)

The equipment to be used to install the anchor frames and anchor holes is so massive that it will completely block the highway in at least 15 locations.

Lane Closure data, especially during Construction, is contradictory, incomplete, and lacking full and objective analysis. 2a.1. DEIS lacks independent analysis in one of the most important traffic impacts of the 2.5 year OTR construction phase: Lane closures on Highway 50.

As a starting point, both the OTR proposal and the DEIS state in several places of their respective documents that OTR will comply with CDOT and MUTCD requirements. The two documents agree as well on using lane closure limits of 400 feet per activity location, and would not occur at intervals less than 10 miles apart. (DEIS Appendix D, p.47.) During the 2.5 years of construction, these two conditions are likely to be mutually exclusive.

First, look at the equipment to be used. Chapter 2 of the DEIS discusses the names and quantity of the construction equipment, and a description of the job each will do. No specifications are given, no measurements, no weights. There is, however, a list of the necessary support personnel and vehicles: The anchor drilling and related construction activities would require a minimum of four, four-man drilling crews working simultaneously along the US 50 and UPRR corridors. (DEIS Ch. 2.4.1.2) Each large piece of operating equipment would have a full crew and support trailer that contains compressed air service, water, grouting equipment, and a supply of ground anchors. (DEIS Ch. 2.4.1.2a) In addition, if parking is not readily available for workers, work vehicles would be located within the 400-foot work/closure zone and protected in accordance with the Manual for Uniform Traffic Control Devices (MUTCD) and Colorado Department of Transportation (CDOT) M&S Standards.(DEIS Appendix D, p.33 & 34)

Of the larger equipment mentioned in OTR's Design Plan (OTR Planning and Design Report, pp. 116-122, Klemm Hydraulic Drill Rig Dimensions and Specifications pp. 1-7), only the Klemm KR 2510 is listed in the DEIS. According to the OTR Plan and the manufacturer, this drill rig is 30 feet long, 12 feet wide, and weighs 30 tons. The largest of the other equipment in OTR's Plan, Grove 875c mobile crane, is 50 feet long, up to 128'high and weighs 55 tons. Is it reasonable that construction equipment of this scale that encroaches onto the highway, plus the warnings, safety buffer zones, traffic diversion lanes would fit in 400 feet? MUTCD regulations indicate otherwise. (CDOT regulation information does not appear to be available to the general public online.) Why is the Applicant's 400-foot number taken as a

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'given' in the DEIS? Was the 400 foot explored? Questioned? Verified?

The DEIS appears to be borrowed directly from the Applicant's proposal: OTR anticipates that activities will temporarily close no more than 400 feet in any 10-mile span of highway at any point in time. (Over the River Design Plan, Vol 2, Appendix J1.2.1.1.4, p. 431). Compare: any lane closures required on westbound US 50 for construction would be limited to one lane for up to 400 feet per activity location, and would not occur at intervals less than 10 miles apart. (DEIS Appendix D, p.25. Same or similar on p. 33, 34, 3 times on p. 47; Chapter 4.15.2.1 p. 191, impacts in each Alternative plan, and as Footnote 24 directly attributed to OTR in Chapter 4.14.2.1 p. 120.) Throughout the DEIS, the Applicant's statement of lane closure distances and times are reiterated, appearing to have never been analyzed, researched or questioned.

One or both lanes of US-50 will be closed for 4 to 6 days a week during the summer months for three consecutive years according to planning data provided by OTR to BLM and made available to the public and ask them if the art project should be approved.

An in-depth traffic analysis report was hand-delivered to the BLM on March 23, 2010, as part of the public comment period prior to the DEIS deliberations. A personal presentation of the findings contained therein was made to Mr. Vince Hooper at that time. This is a matter of public record. There is little, if any, indication that this information was considered in declaring the traffic impacts of OTR's construction or removal. That traffic analysis report included, among other details, the dimensions of the construction equipment, models of the equipment actually deployed on the highway, and lane blockages superimposed over OTR's aerial photos. All of the data was compiled from the same OTR Design Plan used to compose the DEIS, plus a direct interview with the manufacturer of the Grove and Klemm units. The dimensions of these units set up for operation span up to 24 feet. This will not fit across Highway 50 and still allow one lane open for traffic. The DEIS makes no mention of this impactful information. It is not the purpose of this document to replicate that traffic report. BLM has the complete copy in both print and digital form. Did the DEIS consider that information? It appears not.

A mobile crane must be used 489 times on US-50 to install cable supports; each time it is used requires 4 to 5 hours of operating time plus an unspecified time for set up. This amounts to potentially 294 eight hour days the highway must be closed completely to all traffic, and comprises installation of 51 percent of all the cable supports roadside. A large track hoe must be used 563 times on US-50 to install cable supports; each time it is used requires 3.3 hours operating time plus an unspecified set up time. This amounts to 221 eight hour days the highway must be closed to traffic in one or both lanes, and comprises 40 percent of the installation of all the cable supports roadside. The other 9 percent of all cable installations roadside are to be done with small Bobcat type drills or hand drills used by workers on foot.

Lane Closures – No More Closures Will Occur Than Were Identified

In recent months, concerns have arisen regarding the anticipated equipment types which will be utilized on the project and how they

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relate to any partial lane closures along Hwy 50. In response to this, HBI reiterates that no full highway closures of any kind will be required during the work.

During ATF foundation installation along the highway side of the project, a rolling single lane closure will occur on the river side of the highway consisting of a Work Area up to a maximum of 400 ft long. The frequency of lane closures will occur in areas not less than 10 miles apart, but will more-than-likely consist of only one closure along the road at any one time. No lane closures will occur in summer months in order to reduce the impact to the busier summer traffic season.

In order to achieve this length work area and the single lane closure throughout the work, numerous types and sizes of equipment will be utilized. Equipment type at each location will be optimized in order to reduce the impact to the surrounding environment, reduce impact to traffic and the surrounding community and to create the safest and most effective work environment for HBI's crews.

In order to optimize the type of equipment required, decisions about the specific type of equipment to be used at each foundation location will be made real-time depending on actual site conditions. However, in general, the types of equipment proposed for the work are described as follows.

The drilling and construction equipment to be used will consist of the latest and most up-to-date models available, in some cases more compact and efficient than those listed in the 2007 J.F. Sato Design and Planning Report, in order to achieve the safest, most effective and least impacting construction operations.

a. Hydraulic drill mast mounted on Cat 320 330, long-reach excavator. Drill mast will be configured for cased and non-cased hole drilling as well as self-drilling anchors and would be able to reach anchor locations within approximately 35 ft of the roadway edge. Excavator size and type will be chosen to abide by the single lane closure on the roadway side of the project. This machine will likely be utilized along portions of the roadway where some shoulder width is available in order to accommodate the size and tail swing of the machine. The excavator will be tracked on the roadway on rubber or wooden mats in order to prevent any damage to the roadway surface. This machine/setup would be operated by a crew of approximately four people and require 1 -2 support trailers containing ground anchor materials, air compressor for drilling, water tank, grout mixer and cement. A maximum work area of 400 feet long, in one lane of traffic will be utilized along the roadway with this setup.

b. Hydraulic drill mast mounted on Cat M313D - M322D, wheeled excavator. Drill mast will be configured for cased and non-cased hole drilling as well as self-drilling anchors and would be able to reach anchor locations within approximately 15-20 ft of the roadway edge. Wheeled excavator size and type will be chosen to abide by the single lane closure on the roadway side of the project. This machine will likely be utilized along portions of the roadway where some shoulder width is available in order to accommodate the size and tail swing of

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the machine. The smaller class of excavator will be utilized where limited shoulder or no shoulder width is available. The excavator will be driven on the roadway on tires thus any potential roadway damaged will be prevented. This machine/setup would be operated by a crew of approximately four people and require 1 -2 support trailers containing ground anchor materials, air compressor for drilling, water tank, grout mixer and cement. A maximum work area of 400 feet long, in one lane of traffic will be utilized along the roadway with this setup.

c. Hydraulic drill mast suspended from a boom truck crane. Drill mast will be configured for cased and non-cased hole drilling as well as self-drilling anchors and would be able to reach anchor locations within approximately 50-75 ft of the roadway edge. Boom truck size and type will be chosen to abide by the single lane closure on the roadway side of the project. Boom truck will be modified with appropriately located counterweights so that outrigger use is not required during crane operation. This set-up will likely be utilized along portions of the roadway where no shoulder width is available. The boom truck will be driven on the roadway on tires thus any potential roadway damaged will be prevented. This machine/setup would be operated by a crew of approximately four people and require 1 -2 support trailers containing ground anchor materials, air compressor for drilling, water tank, grout mixer and cement. A maximum work area of 400 feet long, in one lane of traffic will be utilized along the roadway with this setup.

d. Various other small and mini hydraulic drills including Klemm 702, Beretta T46, TEI TD75, TEI MP250 which may require a lane closure and instead will access drilling locations where tracked drill or foot access to drilling locations is available. Drills will be configured for cased and non-cased hole drilling as well as self-drilling anchors. Drill machine, size and type will be chosen to abide by the single lane closure on the roadway side of the project. Drills will be modified as required in order to function as necessary for the project. This machine/setup would be operated by a crew of approximately four people and require 1 -2 support trailers containing ground anchor materials, air compressor for drilling, water tank, grout mixer and cement. A maximum work area of 400 feet long, in one lane of traffic will be utilized along the roadway with this setup.

All equipment as outlined above will allow HBI to always keep at least one lane of traffic open at all times. Commercial traffic control will be utilized to ensure that traffic flows smoothly and effectively along the highway during the work. The equipment mentioned will be modified as necessary and custom fabricated by HBI to fit within the constraints outlined above.

Response Times for Emergency Services and Incident Scenarios, Impacts of Emergency Response Delays

There seems to be very little room for emergency vehicles. There are many places in the canyon with room for only two lanes of traffic. If there are lines of cars both ways, it seems illogical that an emergency vehicle will be able to get through. A recent ambulance trip from Cotopaxi to Salida took 1 hour and 15 minutes in routine traffic. Emergency response routes and evacuation routes are limited to U.S. 50 in many locations. In an emergency, project related traffic and limits on helicopter service will create unacceptable risks and emergency service delays. If an accident or other emergency were to happen in a narrow portion of the canyon, a helicopter would not be able to

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land and an ambulance will have a difficult time navigating the road. Have any there been any details regarding the logistics of any emergency response in such a closed area?

Delays associated with the 5-minute and 20-minute scenarios are underestimated because emergency response times underestimated and because the time to get conditions under control is underestimated and unrealistic. Modeling 40-minute, 60-minute, 90-minute and 120-minute delays for multiple vehicle incidents, injury or fatality incidents is more realistic. The probability of alternate one-way release operation should be considered.

Further delays in emergency response could harm or result in the death of people or animals in need of immediate care. People in the corridor pay taxes with the expectation that emergency responders will arrive in a timely manner. Delayed response and delayed access to care could be grounds for lawsuits and could cause medical professionals to be late for work. Exhibition phase measures to address emergency response delays are inadequate. No one can adequately mitigate the problem of how to evacuate a canyon-full of motorists in need of quick response, regardless of the cause. A workable plan for the 'worst-case scenario' including emergency response, evacuation, and alternate routes that accommodate all types of vehicles must be prepared and accepted or no permits should be issued. Accountability for the plan and its execution should be clear. If one life is lost during the 2-1/2 year preparation or 2-week viewing period, that is one life too many. The project purpose and need doesn't support the associated risks.

Need for and Feasibility of an Evacuation Plan/Emergency Response Plan

This kind of project is not in the purview of the BLM's mission because it encompasses a wide variety of potential impacts that the BLM simply has not been mandated for nor is capable of addressing; namely over-arching and complicated social issues. Examples may include immeasurable inconveniences for residents, travel to and from work, and unpredictable emergency response issues.

There is nothing in the past like the OTR project to draw from as a template to measure impacts or respond to emergencies. Possible calamities cannot be completely known. It seems possible to develop a traffic use schedule, and an emergency plan that would be agreeable to almost all of those concerned.

The EIS outlines Hwy 50 west and east as evacuation routes and towards Westcliffe. These are NOT evacuation routes; these are merely the same routes as the 1/3 million of visitors will use to visit. I believe that the lack of evacuation routes pose a serious threat to the safety of all of us living in the canyon corridor and the visitors.

Additionally, there is no emergency evacuation plan in place should wildfire, such as the 2002 Iron Mountain or 2010 Parkdale fires, or other catastrophic event take place, making the danger to residents significant. Furthermore, such a plan, coupled with an EMS response plan for both the display and construction times of the display is crucial to the ability of the BLM to fully evaluate the DEIS, and as such, no

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alternative other than the no action alternative can be considered.

All of these comments are noted. The primary response to this set of comments is as follows:

Response: Section 4.16 of the FEIS was revised to include more information and updated information based on new schedule input from OTR Corp that clarifies lane closure requirements. This input replaces Appendix J. and provides additional detail for public review.

Section 4.16 (Exhibition) of the FEIS was updated to include revised delay information associated with the closure of the Parkdale Visitor Center and additional information about a one hour one lane closure and associated emergency response issues (response times, detours, evacuation routes, emergency response plans and incident management.

Corresponding changes to the comparative findings for the other alternatives have been revised as needed.

Additional responses include:

Overall:

- The overall findings of the EIS discussions have been refined and clarified.
- Detail presented in Appendix J of Over the River’s Design and Planning Report should have been repeated and quantified in the DEIS for clarity. The new lane closure information provides additional detail.

Baseline Travel Times

- Consistent, point to point, travel time ranges for existing conditions and project conditions have been provided. Section 3.16 of the FEIS was revised.

Lane Closure – Total Delay and Significance

- Delay details have been assessed in terms of probable delay for specific lane closure scenarios: 1 closure/day, 2 closures/day, 3 closures per day, and 4 closures per day (if applicable). The number of days when these scenarios would apply during each phase will be defined. Public concern about these delays is described in relation to the significance of overall delay.

Lane Closures – More Closures Will Occur Than Were Identified/Fewer Closures will Occur Than Identified

- Lane closure details are identified and assessed in terms of their feasibility relative to the equipment proposed and CDOT requirements and procedures for lane closures.

Response Times for Emergency Services and Incident Scenarios, Impacts of Emergency Response Delays

- Emergency routes, response times and related potential effects have been clarified.
- The effects of a one hour one lane closure incident have been added.

Need for and Feasibility of an Evacuation Plan/Emergency Response Plan

- Evacuation plans and routes have been identified along with incident manage details. The Event Management Plan would provide all of this information and other information in one document.

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#19

Resource	Comment Summary
<p>Road Safety and Accidents</p> <p>Line Item:</p> <p>50, 51, 54, 55, 62, 99, 115, 120, 137, 165, 219, 223, 242, 243, 244, 245, 246, 247, 248, 249</p> <p>Safety Opinions</p>	<p>Highway 50 between Canon City and Salida cannot safely accommodate the number of cars Christo estimates will come.</p> <p>Few roads anywhere in the U.S. are more dangerous than Hwy, especially through Big Horn Sheep Canyon. Public safety should be a priority over any decision. This issue should be solely addressed by CDOT, not the BLM. This canyon road is presently pushed to safety limits when challenged by accidents, road hazards, weather conditions, RVs and wildlife under existing conditions. The project will increase safety hazards.</p> <p>The winding roads, rock slides, icy road surfaces, snow, routine road maintenance activities, and the high speeds maintained by regular users of Highway 50 represent large, existing risks with which OTR opponents obviously feel comfortable. It is apparent that, contrary to the claims of those opponents, any incremental safety risks resulting from OTR installation will be insignificant by comparison. Comment</p> <p>People have been stranded for more than 12 hours four times in the past five years due to moderate or significant accidents in the canyon. One time the canyon was closed for nearly 48 hours. When stranded away from home, animals can't be let out or fed and emergency equipment can't always get in or out in a timely manner.</p> <p>3.16.1.3.b Other Accident Data- The last sentence of this section starting In summary, should be at the beginning of the section. This is the key finding of the entire safety analysis.</p> <p>No one seems to mention the danger of having crews working on and off for a long period of time on a road that is prone to life threatening accident. There is no way that the road can accommodate the traffic that may occur while the drapes are in place. However, it is the pre and post placement periods that may be as dangerous to the normal traffic. People who do not drive the Salida to Canon City road regularly do not have any idea how dangerous it really is. There are hazardous material spills other spills, cars running into the river and killing people. This road does not lend itself to any more traffic on it as it is dangerous enough itself. The CDOT does not keep track of truck traffic. Truck traffic has increased at least two fold in the past 11 years. Someone or more than a single person will get killed during the construction period and after the drapes are hung.</p> <p>Driving into the afternoon sun is difficult. Driving west along U.S. 50 into the afternoon sun is difficult and dangerous. Driving west along U.S. 50 into the afternoon sun while being distracted by vehicle congestion and the glare of the afternoon sun on fabric that is supposed to be the object of the drive is insane.</p> <p>Many of the key impacts are forecasts of many vehicle crashes, of bad mistakes or bad behavior by slow drivers. Calling these worries unusual and key impacts is unwarranted! These kinds of events occur daily in every driver's experience, and the effects are rarely serious</p>

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	even in the dense traffic of cities.
Response: Comments noted. No change to text.	

#20

Resource	Comment Summary
New Guardrail	3.16.1.3.b Other Accident Data- This section doesn't mention it but CDOT also improved the guardrail in the MM 230-231 area by installing a stronger type of guardrail to prevent heavier vehicles from leaving the roadway.
Response: Comment noted. Section 3.16 of the FEIS was revised in response to this comment.	

#21

Resource	Comment Summary
Motorcycles	At times great volumes of motorcycles are on US 50. Some of the most dangerous maneuvers in heavy traffic on US 50 involved motorcycles.
Response: Comment noted. The VISSIM model was calibrated with proper vehicle types and proportions. This calibration included motorcycles and other vehicle types.	

#22

Resource	Comment Summary
Driveway Safety	Another concern is the safety of the residents of Coaldale, and Howard and just west of Texas Creek. There are many driveways that, more than likely will be used for turning around and "rest stops". The Draft EIS did not mention the real safety issues from this use of driveways, not to mention associated problems for the local homeowner. Will residents require a permit or some sort of ID to get into their own driveway?
Response: Comment noted. Additional signing at private driveways and county roads that are for local and private access only would be required to be signed to discourage the use of these roads by visitor traffic. Section 4.16.2.2 has been revised to reflect this safety issue. This measure has been added to the mitigation measures in Chapter 5 of the FEIS.	

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#23

Resource	Comment Summary
Worst Case Accident/Incident	The DEIS does not identify a worst case design basis accident(s) nor propose nor assess the possible consequences. This should be done before the final EIS, if the project survives to that stage.
<p>Response: A one-hour two lane closure incident was defined by CDOT as the appropriate type of accident to analyze in the FEIS and Event Management Plan. The effects caused by this incident have been incorporated into the FEIS and would be included in the Event Management Plan, which would include a chapter on incident management. Section 4.16 of the FEIS was revised in response to this comment.</p>	

#24

Resource	Comment Summary
Tunnel Area Safety	<p>Safety has been questioned throughout the consideration of the OTR project. One site of special concern is Tunnels, Mile Marker 230-231. This is a narrow, very curvy section that has a history of accidents and mishaps. CDOT obviously recognized the dangers of this area, evidenced by the lighted warning signs erected early in 2010. These are the only such warnings in the entire BHS Canyon. If CDOT sees the need for these added warnings, why is this hazardous mile even considered for a major distractive and disruptive project such as OTR?</p> <p>The Draft EIS states that a majority of the segments exhibit accident frequency that is within the expected range when compared with other rural mountainous two-lane highways in Colorado. Immediately following is Table 3-81, which provides a summary of the accident types with higher than expected frequency when compared to similar rural mountainous two-lane highways. Which is it? Is US 50 similar to the other roads or does it have a higher frequency of accidents of certain types? Even if US 50 is consistent with these other roads does that make it safe when subjected to the stress of over 300,000 visitors? The Tunnel area, MM 229.5 - MM 231.5 is especially singled out for study from 2001 to 2003 that particular segment of the road had 26 crashes (not 18 as stated on page 17 of the AECOM narrative), 19% of which were in the summer, 69% of which were on dry pavement, 58% of which were in daylight, and 54% of which had no apparent contributing factor. Yet this singularly dangerous area is still included in Alternatives Ia, Ic, Id, and 3 for viewing.</p>
<p>Response: Comment noted. The DEIS states that most segments are within normal ranges however there are isolated segments that are not within normal ranges. Safety issues involving the tunnel area (Mile Marker 230.5) have been added. The intention of this analysis was to show there is not a widespread safety problem on US 50, not to estimate safety conditions during the event. The number of crashes has been revised to show 26 crashes rather than 18. Section 3.16 of the FEIS was revised in response to this comment.</p>	

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#25

Resource	Comment Summary
Safety Issues Just Before and Just After Exhibition	The time before and after the two week Exhibition period is the time when all of the truck traffic and daily commuters will be on the road. They are the ones that will suffer due to delays and shut downs. This is the time when serious accidents will happen due to higher speeds and curious onlookers. There will be less law enforcement and more road rage in this time frame, approximately two years. Construction crews will be on the road and in the road causing slowdowns and delays. We have traffic problems now with our normal tourist and rafting traffic; one can only imagine what it will be like during the construction phase.
Response: Comment Noted. Lane closures are not expected during the two weeks before and two weeks after Exhibition.	

#26

Resource	Comment Summary
Weather and Accident Data/Deaths	The Draft EIS states that data for injuries or accidents associated with weather conditions were not provided (non-existent or unobtainable). If the compilers of the DEIS had consulted local people of this corridor they would have found locals who have kept records for years of all the deaths that have occurred on US HWY 50 as it traverses bighorn sheep canyon.
Response: Official data is used for safety analyses. The use of anecdotal information is not verifiable.	

#27

Resource	Comment Summary
Accident Causing Cables to be Released	How would emergency procedures handle a motor vehicle that ran off the highway into the panel suspension hardware causing one or more panels and cables to fall into the river? Could another vehicle on the highway or boaters in the river get hit with a whip-lashing cable causing another accident?
Response: This incident would be reported by one or more of the following sources: Colorado State Patrol, roadside monitors, event staff, other emergency responders or motorists. Emergency response vehicles and personnel would respond to this situation from locations within the corridor. Some incidents can result in secondary incidents. Additional detail would be provided in the incident management section of the Event Management Plan.	

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#28

Resource	Comment Summary
<p>Parking, Construction Parking and Equipment Storage Sites</p> <p>Line Items: 25, 104, 113, 172</p> <p>Parking lot management and restroom facilities</p>	<p>Parking at Five Points is not addressed.</p> <p>Page 2-22 mentions closing parking and requiring people to continue to the next bathroom. At 12,000 vehicles per day at 35 mph, that will be at least 20 minutes extra. That doesn't seem like much mitigation, especially if there are only 40 parking spaces (or less) at the next stop. P 35 – Parking lot closure when lots reach capacity may not work when the next stop could be 40 minutes away.</p>
<p>Response: Parking at Five Points and the availability of restrooms are visitation management and recreation issues.</p>	

#29

Resource	Comment Summary
<p>Construction Period Parking</p>	<p>Sites to park construction vehicles and put equipment are not specified and may not actually exist within reasonable distance or to the extent necessary to the task identified.</p>
<p>Response: Similar to a typical construction project, OTR Corp and its contractors would be required to find spaces for construction vehicles and construction equipment and materials to be stored. The selected sites would be subject to permits and requirements outlined in construction specifications.</p>	

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#30

Resource	Comment Summary
<p>Traffic Management</p> <p>Line Items: 48, 111, 156</p>	<p>A complete traffic management plan including requirements that will be approved by key agencies should be described.</p> <p>There is mention of a traffic management plan. Traffic management is a crucial element and one of the most significant parts of the analysis of the project's feasibility or lack thereof. Without this analysis detailing how traffic will be managed, it will be impossible to select a preferred alternative for what is a multiple year project, and thusly any alternative other than the no action alternative should be removed from consideration. It will also be impossible to mitigate adverse effects or fully analyze environmental consequences of this proposal.</p> <p>Closing the numerous pull off areas using volunteers with no training or enforcement authority will not work.</p> <p>Signs will have to meet DOT specifications to be enforceable.</p>
<p>Response: The DEIS provides a wide range of information that clarifies traffic management that would occur during the Installation, Exhibition and Demobilization phases of the project. Additional detailed would be provided in the Event Management Plan, which would include a traffic management plan. Final design phase details requiring formal approvals and permits from CDOT, the Colorado State Patrol and others would refine the traffic management plan. The project would not proceed without CDOT and Colorado State Patrol approvals.</p>	

#31

Resource	Comment Summary
<p>CDOT Mission</p> <p>Line Item: 49</p>	<p>Given CDOT's Mission, the No Action alternative should be the Preferred Alternative.</p>
<p>Response: The BLM's mission has been considered along with CDOT's mission. CDOT's mission is to provide the best multi-modal transportation system for Colorado that most effectively moves people, goods and information. CDOT's mission does not preclude CDOT from addressing increased demand for transportation from new development or special events. BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Federal Land Policy and Management Act of 1976 (FLPMA) defined BLM's mission as one of multiple use. FLPMA provides BLM with the tools the agency needs to cooperatively and creatively manage public lands, and in the process, "dispel the notion that a variety of uses and resources cannot co-exist." BLM's purpose and need for the project is legitimate and consistent with BLM's mission. Final clarifications will be provided in the Record of Decision.</p>	

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#32

Resource	Comment Summary
<p>Truck Routes and Costs</p> <p>Line Item: 61, 70, 72, 84</p>	<p>What impacts will occur in relation to freight hauling by truck? Truckers will be required to drive under congested conditions and will have to be routed around or out of the area at a great expense to the transportation industry if there are accidents or other incidents. Lengthy detours of large commercial vehicles may conflict with federal laws and regulations involving Interstate commerce. Will restrictions on oversized, overweight or hazardous materials carriers be in place?</p>
<p>Response: Impact on freight hauling by trucks was not specifically referenced in the DEIS. Travel delays for applicable to all vehicle types were identified. No freight hauling restrictions were identified. In the past, CDOT has considered restrictions on oversized and overweight vehicles and vehicles hauling hazardous materials in relation to the project. Restrictions on vehicles with heavy and/or wide loads, and vehicles hauling hazardous materials at certain times during the Exhibition should have been included as a mitigation measure in the DEIS. Chapter 5 of the FEIS was revised in response to this comment to include this restriction and associated signage requirements at key locations to warn trucker of delays and to identify alternative routes for restricted vehicles.</p>	

#33

Resource	Comment Summary
<p>Local, Residential and Commercial Traffic Effects</p> <p>Line Item: 64, 67</p>	<p>The local, residential and commercial traffic impact will be far greater than was described in the Draft EIS. Additional issues that should be addressed include impacts safety and delays associated with: visitors other than those coming to the area for Over The River, hundreds of roadside mailboxes and newspaper receptacles, special travel oriented facilities and activities (three post office locations, UPS and Fed Ex deliveries, utility service vehicles), lesser intersections and private driveways providing access to residences and commercial establishments, and the possibility of event vending operations along U.S. 50. It can take 3 to 5 minutes to turn onto U.S. under existing conditions.</p>
<p>Response: Comment Noted. Vehicles from activities that occur in the project area under non-event conditions were accounted for in the background traffic on US 50. The DEIS states that the minor intersections on US 50 would be temporarily impacted during the Exhibition. Anticipated traffic conditions would not prevent mail delivery or other deliveries. Incidents with or without the project may delay or temporarily prevent mail delivery or other deliveries and service personnel. Some incidents were discussed in the DEIS. Additional information about incidents and incident management is provided in the FEIS and would be provided in the Event Management Plan.</p>	

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#34

Resource	Comment Summary
Traffic Delays on Other Routes Line Item: 66	The EIS does not address delays on U.S. 50 - 160, I-70, and I-25.
Response: The DEIS addresses delays on US 50. Delays on the other routes beyond the project corridor are not anticipated because of distributed visitor origins and destinations.	

#35

Resource	Comment Summary
Alternate Routes: Agreements and Liability Line Item: 71	Is there a formal agreement that allows OTR to use Copper Gulch County Road as an alternate route, and absolving CDOT of any liability for repairs or improvements to handle all types of vehicles?
Response: No. Formal agreements would be developed and entered into after the EIS process is complete.	

#36

Resource	Comment Summary
Delays and Fishing Access Line Item 78-80	Access to and from float fishing launch sites will not be available in a timely manner due to traffic. Many of our guides conduct back-to-back half-day float or wade trips. There is barely time for float fishing guides to finish a trip and return for a second one as it is. This will become impossible with the traffic impacts projected. While an undefined system has been proposed to allow local vehicles and commercial rafting shuttles through the traffic, it was not explained. The AHRA sites already have parking issues at many float fishing launch sites in Bighorn Sheep Canyon. During times when there is significant private boater use, we often have to park our float fishing vehicles on the highway, outside of the state park sites. This solution will not be viable during the project, yet congestion within the state park sites will be even greater.
Response: Travel delay would have recreation impacts. Refer to responses to comments on recreation effects and the corresponding discussions in the EIS. A boat rationing plan is described in the FEIS. A new and event-specific boat rationing plan has been developed. This plan addresses rafting and fishing activities. The plan is designed to address parking lot capacity issues. Parking along US 50 near panel sites would not be available. Other pullouts would be available. Additional detail would be provided in the Event Management Plan.	

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#37

Resource	Comment Summary
<p>Vehicle speeds, stops in fabric panel locations, and pull offs</p> <p>Line Items: 88, 94, 106, 107, 117</p>	<p>Motorists driving along US 50 will only see the fabric panels for short periods of time. It seems unrealistic to think that motorists will be able to keep traffic moving at 25 miles per hour. Visitors will surely slow down, stop to view the display and some people will get out of vehicles. I have seen visitors to the canyon stop in the middle of the road to take pictures of Big Horn Sheep. Vehicle speed reduction and stops in panel areas may well result in Highway 50 being a parking lot.</p> <p>It is virtually certain that travel speeds will be reduced by thousands of visitors who are not familiar or comfortable with the roadway geometry and terrain. Slower speeds will lead to frustration and anger; frustration and anger lead to unwise behavior; unwise behavior leads to vehicle incidents, which lead to slower speeds and more problems. Add to that the hostility of locals and commuters and there is a real potential for a mess.</p> <p>The pull offs to be closed during the Exhibition Phase are on CDOT and BLM (public) property. The public should be allowed to view the project from these locations for as long as they wish.</p> <p>The present pull offs should be enlarged to accommodate more "short term" observation of the degradation taking place during the Exhibition. Larger parking lots would stop people from making round trips.</p>
<p>Response: Comments noted. A variety of measures would be in place to make motorists aware of minimum speed limits, prohibitions against stopping and the risk of being ticketed or towed, and to keep vehicles moving in panel areas. The delay anticipated from occasional visitor stops in the travel way was incorporated into the model and presentation of overall corridor delay. Motorists unfamiliar with the road are expected to drive slower than motorists familiar with the road. Travel speeds below what might be expected due to road geometry and speed limits alone were introduced into the VISSIM model to estimate how this factor would impact overall delay. Pull offs near panel sites would be closed to prohibit pedestrian activity along US 50 and to control inevitable traffic issues that would result from vehicles entering and exiting from these sites. No additional parking is being provided. Larger parking lots may or may not reduce the number of round trips made by visitors.</p>	

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#38

Resource	Comment Summary
<p>U-Turns and U-Turn Facility</p> <p>Line Item: 92, 109, 154, 171, 190, 206</p>	<p>Including the fabric panels west of Texas Creek in Alternative 1a actually acts as traffic mitigation for congestion associated with U Turn demand by encouraging a wider distribution of visitor traffic turns and destinations.</p> <p>5.16.2 TRANS-1: The U-turn opportunity near Texas Creek should be designed in such a way that no flagger is required for its operation due to safety and capacity constraints.</p> <p>Figure 8 - are there any legal turnarounds in Salida - especially at the HWY 291 intersection or in Cotopaxi?</p> <p>Section 4.1.2- Infrastructure Improvements- third paragraph- The sight distance needs to be verified for this device under various conditions of flagger controlled, signal controlled, and uncontrolled to verify that it will be able to be implemented safely according to CDOT standards. The legal U-turn opportunity may have to be signal controlled with westbound left turns and eastbound through movement ROW being managed and westbound through traffic having 100% green time. This would allow for safe operations at all times of day as long as stopping sight distance requirements are met.</p> <p>Table 26 EB - does that include traffic stops for the U-turns at Texas Creek? No.</p>
<p>Response: Comments noted. Fewer U-turns would be anticipated for alternatives with fabric panels west of Texas Creek. The most U-turn demand would be for alternatives presenting no or few fabric panels west of Texas Creek. The event center in Salida would help distribute the locations where visitors traveling east turn around after seeing the fabric panel sites. Numerous turnaround opportunities exist in the downtown area. There are no plans for a turnaround facility in Cotopaxi. Final designs for traffic control and traffic management features would be subject to CDOT review and approval.</p>	

#39

Resource	Comment Summary
<p>Traffic Monitoring</p> <p>Line Item: 110 = 185 = 201</p>	<p>5.16.2 TRANS-3: A traffic volume monitoring program is unnecessary given that delay, queues, and incidents are the relevant metrics in the corridor. The high level of law enforcement, emergency service providers, and fabric panel monitors in the corridor provides plenty of eyes on the corridor to monitor delays, queues, and incidents and to report that information to the command post and allow the command post to provide direction to resources in the area.</p>
<p>Response: A traffic monitoring program is proposed to address the uncertainty of actual visitor demand relative to anticipated visitor demand. The value of real time data on peak days would provide event managers with important and timely information prior to seeing actual delays, queues and incidents in the corridor.</p>	

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#40

Resource	Comment Summary
Bus Transit Line Items: 129, 130, 200, 215, 216 Location of Mile Marker (MM) 232	3.16.1.1.a Bus Transit- MM 230 is referenced in two different locations. MM 230 is either in Howard or near Swissvale but not both.
Response: Mile Marker 232 is in Howard. Mile Marker 230 is in Swissvale. Section 3.16.1.1 of the FEIS has been revised to correct this error.	

#41

Resource	Comment Summary
Bus Service Area	3.16.1.1.a Bus Transit- this section implies that there is no school bus service to/from the Canon City Schools from the project area. Is this true?
Response: Yes, this is correct.	

#42

Resource	Comment Summary
Impacts on School Bus Service	Section 5.8.1- the demobilization 1d effects on school bus service were described in section 5.4.2 as being minor. That is not reflected in the statement about school bus service impacts.
Response: Section 4.16 of the DEIS states that school bus service effects are minor. Sections 5.8 and 5.4 of the FEIS was revised to reflect this finding.	

#43

Resource	Comment Summary
Park and Ride Lots and Bus Service	A park and ride idea has been proposed to mitigate one of the many deal-killing aspects of the OTR: the traffic. Slow buses, especially on steep grades will be inefficient and will cause more problems than they will solve. It is better to follow 12 cars than one bus through any part of Big Horn Sheep Canyon. The park and ride idea belongs with "Alternatives Considered But Eliminated."
Response: Comment noted. No park and ride lots to facilitate bus service are proposed or recommended.	

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#44

Resource	Comment Summary
Edits and Elaborations Line Item: 121, 131, 133, 134, 152, 160, 187, 189, 207 Traffic Control Locations	P 5-8 - shows traffic control at the 285/50 intersection but not at the 291/50 intersection.
Response: The 291/50 intersection should be shown as having a temporary signal. The transportation section of Chapter 5 in the FEIS was revised in response to this comment.	

#45

Resource	Comment Summary
Reasons for Lane Closure or Limited Capacity	3.16.1.1.a Roads- another possible reason for closure or limited capacity of US 50 is vehicular accident(s).
Response: This reason has been added to the discussion in the FEIS. Section 3.16.1 of the EIS has been revised in response to this comment.	

#46

Resource	Comment Summary
US 50 and Federal Design Standards	3.16.1.1.a Roads- US 50 does not meet all current Federal Design Standards for a US Highway (a better term definition would be that is does not meet current Federal Design Standards for inclusion in the National Highway System) due to geographic constraints. Examples would be narrower than standard shoulder widths and curve radii and designs that are inconsistent with posted speed limits and require advance warning signs.
Response: Comment noted. Section 3.16.1 of the EIS has been revised in response to this comment.	

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#47

Resource	Comment Summary
Topic Sentence for Safety Discussion	3.16.1.3.b Other Accident Data- The last sentence of this section starting In summary, should be at the beginning of the section.
Response: The referenced sentence is as follows: “In summary, the regional roadways and key intersections have accident rates that are within the normal range for similar roads.” Comment noted. No change has been made to the EIS discussion in relation to this comment.	

#48

Resource	Comment Summary
Sources for Data in Tables	3.16.1.2.a Table 3-75- the source for this table is not OTR 2006 but should be CDOT ATR #000248 3.16.1.2.a Table 3-76- the classification data presented in this table should be consistent in timeframe with the information presented in Table 3-75 (Peak Summer Weekends). The source is also not OTR 2006 but CDOT ATR #000248 3.16.1.2.a Table 3-77- The source for this should probably be the David Evans and Associates traffic report not OTR 2006.
Response: The appropriate sources have been added to the FEIS. Section 3.16 of the FEIS was revised in response to this comment.	

#49

Resource	Comment Summary
Speed Limit References	Figure 6 shows 55 mph reduced to 45 mph, but text mentions a 35 mph minimum speed. Section 4.1.2- Highway Use and Speed Limits- This should read Temporary maximum speed limit reductions. Also, the temporary maximum speed limit reductions should be in place at all times of the day, not just during daylight hours. They should be put in place in each fabric panel section as soon as blossoming activities begin in that section and should remain in place in each section until the fabric panels are removed from that section.
Response: Comment noted. The maximum speed limit would remain 55mph. The minimum posted speed would be 35 mph. Section 4.1.2 of the EIS has been revised in response to these comments.	

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#50

Resource	Comment Summary
US 50 Two Lane Sections	Two lanes on US 50 are possible at the following locations: Mile marker 255 to 258 small break, then 258 to 262, 263 to 266 From Texas Creek to mile marker 253 Cotopaxi to 249, and 244 to Coaldale From Howard to Swissvale (plus a few minor stretches that have turn lanes by the recreation areas) Swissvale to the Chaffee County line.
Response: Comment noted.	

#51

Resource	Comment Summary
Typo	Section 4.1.2- Infrastructure Improvements- second paragraph- the last sentence should refer to US 50 not US.
Response: Section 4.1.2 of the EIS discussion has been revised in response to this comment.	

#52

Resource	Comment Summary
25 MPH Zone	Table 4 - US highway 50 characteristics; where is the 25 mph speed zone?
Response: Table 4 of Appendix D of the EIS has been revised in response to this comment.	

#53

Resource	Comment Summary
East/West Roadway Capacity	CDOT has stated that they would prohibit all passing zones for the entire 40+ miles of the exhibit area by requiring double yellow passing lines to be painted. There is no reference to that statement in the DEIS. This would create a hazardous condition. Motorists illegally cross double yellows routinely and this will happen in the OTR Corridor because of slower traffic and construction vehicles.
Line Item: 132	Added passing lanes and pullout areas could be permanent and thus improve the highway for the future.
Response: Comments noted. Passing zones that are not within one half mile of fabric panel sites would be available.	

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#54

Resource	Comment Summary
<p>Parkdale: Intersection, Harvey Bridge, and Parking Lot</p> <p>Line Item:</p> <p>145, 148, 180, 186, 188 = 202, 196, 199, 209, 216, 236, 237, 238</p>	<p>Chapter 5 Comments 5.16.1.1.a The right turn accel and decel lanes at the Harvey Bridge Intersection would not improve intersection operations due to the short length of the proposed lanes and the fact that the intersection’s operations are dictated by the traffic signal operational schema and the parking lot operations itself. If the lot can’t serve the peak demand then the accel/ decel lanes are of no use.</p> <p>Section 4.1.2- Figure 6- all tapers and decel/accel lengths in this design are for a 55mph design speed. Since this facility is only going to be used during the exhibition and should be removed shortly after the exhibition period is over, the accel/decel lengths could be designed for the 35 mph condition that will be in place during the exhibition. All taper lengths could be designed for the 35 mph condition as well especially the lane drop taper since it would be in place via cones only during the exhibition period. The eastbound accel taper length could remain at a 55mph design speed but it is not necessary. At all other times other than the exhibition period the U-turn would be coned off and not accessible and both westbound lanes would revert to through lanes to bring the length of the two lane westbound section equal to what is in place today.</p> <p>Section 4.1.2- Infrastructure Improvements- if implemented the proposed accel/decel lanes need to be designed for the current speed limit according to CDOT standards, not to the criteria for the reduced speed limit during the exhibition. The design lengths listed in this section are based on 35mph speed limit. The design should be based on the maximum speed limit in place at any time during the use of the lane for safety and driver expectancy. Also, the need for the lanes is based on an incorrect analysis methodology. This methodology assumes that there is a free flow parking lot entrance condition when in fact there is an upper limit to the capacity of the lot entrance of approximately 700 vehicles per hour (Parking, Weant and Levinson, ENO Foundation for Transportation, 1990; pp186, table 9-2). In fact during the peak times there is more demand for entering the lot than the lot can accept and vehicles queue out to US 50 and down US 50 for a distance well in excess of the turn lane length of 310’. Therefore the lanes do not provide a benefit during the peak period and will not help maintain the maximum delay requirements on US 50. Constructing them would add cost, environmental impact, and more construction impacts to US 50 and they are not needed and therefore not a reasonable requirement. There will also be lot closures required when delay and queue length reach maximum acceptable limits set in this report regardless of whether turn lanes are added or not because of the queuing from the lot entrance. Therefore adding the lanes doesn’t help mitigate performance based on those criteria during the peak period. See detailed analysis information included with these comments.</p> <p>Section 4.1.2- Figure 5- the redirect tapers and the accel/decel lengths shown in the design are for different speed design criteria. They should be designed under the same criteria and for the higher speed condition to account for the fact that the lanes will be in place before and after the exhibition period and would be utilized by trucks turning into and out of the quarry operation to the north.</p> <p>Section 5.2.2 Table 27- this table shows the results of specific management strategies at the intersection and not just the addition of the</p>

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accel/decel lanes. The primary driver in US 50 delay is the operations of the traffic signal at the intersection of the Parkdale Parking Lot/US 50. Two measures of effectiveness are included in the table, delay on US 50 and delay exiting the parking lot. A third measure, unserved parking lot demand, is not shown. Another approach to managing the intersection without adding accel/decel lanes is to optimize the three variables (delay on US 50, delay exiting the parking lot, and unserved parking lot demand) that would result in different levels of delay. Another strategy would be to reduce the size of the parking lot and therefore the capacity. With fewer vehicles entering and exiting the lot, delay for US 50 and exiting the lot would be lower and unserved demand would be higher. Other signal management strategies and lot management strategies should have been explored to mitigate the intersection delay issue and not just adding accel/decel lanes.

1/2 hour for parking does not seem long enough. A 900 space lot does not seem large enough. Parking lot dwell times seem unlikely; 900 vehicles x 2.6 persons/veh = 2300 people. It seems 30 minutes is a very short time for people to park, ask questions and get on the road again, especially if there is something to see and read at the Parkdale stop.

Table 4-59 - Parkdale parking analysis shows a 55 minute delay, but the proposal is for 30 minute parking.

Section 4.3.6- Alternative 4 does not appear to work for traffic during exhibition without the inclusion of the Parkdale Information Center. Without the Parkdale Information Center this alternative is not useful.

The following comments relate to the Parkdale viewing area, which has been removed from the project, and to related issues. They are included here for completeness only.

Chapter 4 Comments Section 4.16.2.2 Table 4-60- this table shows the results of specific management strategies at the intersection and not just the addition of the accel/decel lanes. The primary driver in US 50 delay is the operations of the traffic signal at the intersection of the Parkdale Parking Lot/US 50. Two measure of effectiveness are included in the table, delay on US 50 and delay exiting the parking lot. A third measure, unserved parking lot demand, is not shown. Another approach to managing the intersection without adding accel/decel lanes is to optimize the three variables (delay on US 50, delay exiting the parking lot, and unserved parking lot demand) that would result in different levels of delay. Another strategy would be to reduce the size of the parking lot and therefore the capacity. With fewer vehicles entering and exiting the lot, delay for US 50 and exiting the lot would be lower and unserved demand would be higher. Other signal management strategies and lot management strategies should have been explored to mitigate the intersection delay issue and not just adding accel/decel lanes.

Section 4.16.2.2.a Travel Time Delay Parkdale Intersection and Parking Lot Performance- the operations of the lot are critical to evaluating the intersection performance. Assuming there are free-flow conditions in and out of the lots doesn't properly evaluate the lot operation/intersection performance relationship. Assuming different lot entrance capacities would provide a better understanding of this

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	<p>relationship and the actual benefit of adding accel/decel lanes.</p> <p>Not enough time allowed to park and view the panels. In 2.4.2.5 Traffic Management d. Parking Visitors would be allowed to park in the lot for up to 30 minutes. I believe this is the designated lot near Parkdale which is the only point where pedestrian access to the panels is allowed. The 30 minutes is an inadequate amount of time to park, walk to the panels, contemplate the art and return. Especially for physically handicapped individuals. Given the proposed prohibitions on bicycle and pedestrian access to the highway 50 corridor, and given this short time period allowed for parking and viewing, the proponents of this proposal are offering it as something similar to drive through fast food. Get it, take a quick look, and leave. The parking time should be extended for those who wish to take more time to view this project, or it is not worth viewing at all and should not be allowed to occur.</p>
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Response: The proposed action and all alternatives no longer include a visitor center on the north side of the river at Parkdale. Harvey Bridge would be used for quarry trucks and boating operations under a new event-specific boat rationing system that would not increase the number of boats on the river at any one time, but adds a launch window between 4:00 PM and 8:00 PM. Other commercial activities that could occur on the north side of the river in this location would be prohibited by bridge access permit denials. Delays along US 50 at the Harvey Bridge (CR 271) would be substantially reduced by not including the Parkdale visitor center. Left turns out of and into the approach to Harvey Bridge would be delayed relative to normal summer conditions because of increased traffic (Eastbound left turns would be allowed). However, these delays would not be expected to create substantial or unmanageable queues at this intersection. Flaggers would be needed at this location at peak periods. Section 4.1.2 of the EIS discussion has been revised in response to this comment.

#55

Resource	Comment Summary
<p>Mitigation</p> <p>Line Items:</p> <p>150, 191, 212, 239</p> <p>Mitigation Effectiveness</p>	<p>Construction means, schedules and methods are well thought out. Techniques developed and committed to will allow traffic control during construction that complies with all CDOT Region 2 and 5 requirements and minimize construction impacts through phased installation. These techniques have been successfully used to mitigate construction impacts in other scenic areas, such as I-70 through Glenwood Canyon, with great success.</p>

Response: Comment noted.

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#56

Resource	Comment Summary
Other Special Event Experiences	The Colorado DOT has extensive experience in supporting organizers with special events (such as the exhibition period) along state highways. The document does not mention the many successful events (various bicycle races and tours, the Winter X games at Aspen, etc.) that have been safely and successfully executed by organizers working with CDOT. In fact, it leaves the reader with the mistaken impression that this type of event has not been done, and may have serious temporary impacts. That is not the case, and it has been demonstrated time and time again that these types of events can be safely executed along state highways.
<p>Response: Many other special events have occurred in Colorado and elsewhere that have transportation and traffic impacts. Some of these events have occurred more than once reflecting that they were deemed acceptable to CDOT and other event managers. In other words, they occurred safely and without “serious” temporary impacts. The safety and success of other events is noted. The proposed event is an unusual type of event in a unique location that has not occurred at the proposed location or any other location.</p>	

#57

Resource	Comment Summary
Traffic Management: Final Design	Section 4.1.2- Traffic Monitors, Patrols, and Controls- all elements implemented in the corridor need to be designed for the current speed limit in terms of taper lengths, sight distance, etc. to ensure safe operations under conditions that could be expected in the corridor. Also, the median barrier (vertical panel) called out to be placed along US 50 at each open pullout needs to be defined. It is not possible to install a concrete type barrier in the median due to end treatment space needs and safety issues. I believe that glo-posts or traffic barrels will be sufficient to discourage use of the pullouts.
<p>Response: Comments noted. Final designs for traffic control and traffic management features would be subject to CDOT review and approval.</p>	

#58

Resource	Comment Summary
Parking Areas for Vans and Buses Only	One solution to the traffic could be to have AHRA parking areas allow only buses and vans to park during the two week period. People will not want to take cars if they can view without driving.
<p>Response: Comment noted. AHRA sites would allow private boating trips that may or may not rely on vans and buses.</p>	

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#59

Resource	Comment Summary
Texas Creek Bridge Load Capacity Line Item: 158	Has the bridge at Texas Creek been examined for load capacity?
Response: Yes. Structural integrity has been reviewed by OTR Corps. Load limits are known and weight restrictions are posted.	

#60

Resource	Comment Summary
Road Rage Line Item: 159	Does the EIS consider the effects of road rage?
Response: The DEIS refers to driver frustration that could be caused by increased traffic levels, congestion and delay for motorists in the corridor including residents, visitors in the corridor for recreation and/or recreation related commercial activity, and OTR visitors. The EIS does not describe the effects of road rage. Road rage is aggressive or angry driver behavior. This behavior may include rude gestures, verbal insults, deliberately driving in an unsafe or threatening manner, or making threats. Road rage can lead to altercations, assaults, and collisions which result in injuries and even deaths. Road rage is considered an extreme case of aggressive driving. Section 3.16.1.3 of the EIS has been revised in response to define road rage. Section 4.16.2.2 of the EIS has been revised to address the potential for road rage.	

#61

Resource	Comment Summary
County Road 45 Line Item: 168	Other roads close to the Arkansas River such as CO Road 45 are not mentioned in the EIS.
Response: County Road 45 is mentioned in the EIS.	

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#62

Resource	Comment Summary
<p>Unknowns and Speculation</p> <p>Line Item: 69</p>	<p>OTR’s traffic management, particularly during construction and removal, has too many unknowns. The OTR plan contains verbiage about following CDOT and BLM guidance. However, much of this actually indicates the lack of specific plans for traffic management and impacts, especially during the years of construction. For example, from OTR’s Plan Appendix J1.2.1.1.4 - Lane Closures, Flagging, and Traffic Control Vehicles: OTR installation, removal, and restoration activities (described in Appendix J1.1) will require periodic lane closures, flagging, and traffic control vehicles (or pilot cars) when deemed necessary. The OTR traffic team will follow guidance from CDOT in developing appropriate protocols. OTR anticipates that activities will temporarily close no more than 400 feet in any 10-mile span of highway at any point in time. Single-lane delays during installation activities are expected to last between 5 and 10 minutes. The OTR estimated needs are preliminary and are shown in the following text only to give an idea of the anticipated needs. These estimates will adjust as engineering plans are finalized and traffic planning is guided by CDOT and BLM to minimize impacts and ensure public safety.</p> <p>The number of ambiguous words in the DEIS has been noted above. In the 23-page Transportation and Traffic section of Chapter 4, the words ‘assume’ (or variations assumes/assumed) along with estimate/d/s, potential/ly , likely, and anticipate/d are used a total of 77 times. Again, these are in paragraphs that deal with data and the conclusions drawn from that data. While every contingency cannot be predicted with certainty, the frequency of speculative words leaves too many points open to question. Without more exact plans, coverage for contingencies, and specific mitigation and safety measures assured, definitive conclusions cannot be made.</p>
<p>Response: Comment Noted. There are many unknowns, assumptions and estimates mentioned in the EIS. Additional details would be provided in the Event Management Plan and as part of CDOT’s review and approval process.</p>	

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#63

Resource	Comment Summary
AASHTO Line Item:173	P. 41 - what is the basis for the assumptions (AASHTO, etc.).
<p>Response: AASHTO, the American Association of State Highway and Transportation Officials, is a standards setting body which publishes specifications, test protocols and guidelines which are used in highway design and construction throughout the United States. Some noteworthy AASHTO publications are:</p> <ul style="list-style-type: none"> • <i>A Policy on Geometric Design of Highways and Streets</i>, often called "The Green Book" because of the color of its cover. This book covers the functional design of roads and highways including such things as the layout of intersections, horizontal curves and vertical curves. • <i>Standard Specifications for Transportation Materials and Methods of Sampling and Testing</i>. • <i>AASHTO LRFD Bridge Design Specifications</i>. This manual is the base bridge design manual that all DOTs use across the US. <p>In addition to its publications, AASHTO performs or cooperates in research projects. One such project is the AASHO Road Test, which is a primary source of data used when considering transport policies and the structural design of roads. Much of AASHTO's current research is performed by the National Cooperative Highway Research Program (NCHRP) which is administered by the Transportation Research Board (TRB) of the National Research Council.</p>	

#64

Resource	Comment Summary
Wave Starts Line Item 176	Page 2-73 mentions wave starts for traffic. The discussion suggests that wave starts will only have a 10.5 minute increase in travel time. With a wave start, 1400 cars per hour during peak viewing time and traveling at 35mph, it seems that the delay would be much longer. Also how many cars per wave and how many waves per hour? This does not seem to be thought out completely.
<p>Response: Comment noted. Wave starts are no long under consideration.</p>	

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#65

Resource	Comment Summary
Bicycle Travel/Limits Line Item: 181	Prohibiting bicycle use on Highway 50 is likely illegal. The DEIS states in 2.4.2.1 Prohibited Uses and Restricted Areas pedestrian traffic on highway 50 is prohibited and bicycling will be limited to Monday-Thurs during the display period. The DEIS further states in 2.13.2 Transportation Considerations Unmanaged bicycle use This option would allow bicycle use during the exhibition period. Anticipated traffic demand during the event and the unusual driving conditions created by a roadside attraction would create unacceptable bicycle safety conditions. Therefore, this option was eliminated from further consideration. Singling out operators of bicycles by prohibiting them on the highway is a violation of CO State law. Colorado Revised Statute 42-4-1412. Operation of bicycles and other human-powered vehicles states (1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle While I appreciate that the project proponents admit that the increased use of the highway will create unsafe conditions (for bicyclists and all users), bicyclists and pedestrians should not be singled out and prohibited from using the highway as a transportation corridor and/or to view the project.
Response: Bicycle restrictions are appropriate under certain conditions. CDOT recommends the bicycle restrictions presented in the DEIS.	

#66

Resource	Comment Summary
Railroad Line Item: 182, 183, 194 = 198, 241 Railbanking	Section 2.2.4- the distinction between abandoned and rail banked lines is described as important but no explanation of the difference is given.
Response: Railbanking is preserving railroad rights-of-way for possible future use. Railbanking leaves the tracks, bridges, and other infrastructure intact. This relieves the railroad operating company from responsibility of maintenance and taxation. Often the tracks are put in custody of a state transportation agency, who then seeks a new operator for possible rehabilitation or reactivation. This helps ensure the possibility of future restored rail service when new economic conditions may warrant resuming operation. In places with many environmental laws and other governmental regulations as the United States, it is very difficult to restore an abandoned line, but it is easier with a railbanked line than one that has undergone a "total abandonment", as the Federal government guarantees the railroad the full rights to reactivate it.	

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#67

Resource	Comment Summary
Cost of Royal Gorge Railroad Activities	Section 3.16.1.1.a Passenger Rail- the statement High-end services can cost \$110 per person serves no useful purpose in the DEIS.
Response: The cost of Royal Gorge Railroad activities relative to no entry fee for the OTR event is relevant background information.	

#68

Resource	Comment Summary
Royal Gorge Railroad Operations	Section 4.16.2.2.b- the statement that a response to additional demand by the private rail operator is likely to occur is not substantiated by analysis or data. And the list of response strategies in the following paragraph is at best a guess as to what a private railroad operator might do. Given the difficulties that passenger rail operations have had economically in the past several years it is just as likely that the operation will not exist at the time of the exhibition.
Response: Comment noted. The referenced statements were made by the railroad operator.	

#69

Resource	Comment Summary
Railroad Improvements	3.16.2.4 The document says that if the freight rail tracks were to be reactivated there would be significant improvements required. Is this true for freight activity? Infrastructure requirements for rail operations depend on the type of service being proposed and the speeds and weight of the vehicles. The line is not currently active in carrying freight but it is being used by the UPRR for railcar storage.
Response: The proposed use of the railroad during the installation and demobilization phases would require railroad improvements.	

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#70

Resource	Comment Summary
<p>Transit Alternative</p> <p>Line Item: 213</p>	<p>The DEIS provides a very thorough analysis of estimated impacts to traffic flow during the project; however, EPA recommends that additional evaluation of transit opportunities (i.e. bus tours), or other means to reduce the number of vehicles travelling along US 50 during the event, be included in the FEIS to further mitigate traffic-related congestion and delay. This would also help to reduce accident response times. EPA also suggests that alternatives described in Section 2.13, that were eliminated from the DEIS, be given further consideration. Though it is understood the "Wave starts/viewing windows" alternative may not meet the needed capacity, some version of this alternative might provide benefit. Also, promotion of group transit through provision of "park & ride" locations for visitors, along with "exclusive" viewing opportunities for those using transit, could provide incentive for visitors to use transit and reduce the number of vehicles along the US 50 corridor, further alleviating traffic-related congestion and concerns.</p>
<p>Response: Comment noted. Alternative 1b included transit services. A discussion of Alternative 1b should have been presented in the "Alternatives Considered but Eliminated" section of the EIS, but was inadvertently left out. The reasons for elimination of Alternative 1b and wave starts are explained in this section of the FEIS.</p>	

#71

Resource	Comment Summary
<p>Rationales for the Comparative Findings for the Alternatives</p> <p>Line Item: 251</p>	<p>The action alternatives presented are not sufficiently distinguishable from each other to represent viable choices representing a full range of impacts. The differences between Alternatives 1 a, c and d are negligible, as indicated by Table 5-4 (Impact Summary Table). Out of 53 Resource Areas, the impact level of only two would change from the applicant's preferred Alternative (1a) compared to Alternative 1c, and only one would change in Alternative 1d, compared to Alternative 1a. No justification is given for the reduction of the Transportation and Traffic impacts from significant to moderate (Alternative 1a vs. Alternative 1c) and the justification for the reduction from Alternative 1a to Alternative 1d appears to be an accelerated construction schedule (Page 2-45). No details of the accelerated construction schedule are given. It is entirely possible that it would have no effect, but it is also possible that the introduction of different factors might actually cause an increased impact. No reasonable person could evaluate the effectiveness of this downgrading of the impact level without details of the construction schedule changes and a reasoned discussion of why the altered schedule is expected to reduce the impact.</p>
<p>Response: Comment noted. Section 4.16 provides additional details about the Installation and Demobilization phases that refine the comparative analysis. Additional details about a one year installation schedule are not available.</p>	

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#72

Resource	Comment Summary
Analysis Area Line Item: 122	The DEIS needs to provide a map of the actual Analysis Area. Describing the Analysis Area as being focused in central Colorado is too vague. Moreover, the concept of including a broader area than the Analysis Area for context is not contemplated by NEPA. The test is whether the broader, regional network is part of the Analysis Area. In this case, it is not, as defined above. Moreover, this broader regional area is neither examined nor discussed in the supporting technical analyses, and therefore it should not be included in the analysis. For example: Extending the analysis into Wyoming and New Mexico is inconsistent with the EIS consultant's own analysis that estimates of market penetration decrease markedly with increased distance (e.g., for every 16 minutes of drive time, market penetration decreases by 1%). See Harvey Economics, Visitation Projections for Over the River (2010) at pp. 8-12. Indeed, it is telling that this expert report does not even examine market penetration outside of Colorado. Similarly, extending the analysis beyond Colorado is inconsistent with the Transportation TSD, which only analyzes roadways in central Colorado.
Response: Comment noted. The descriptions of the roadway network appropriately clarify how the project corridor relates to the regional, statewide, and national roadway network. The Analysis Area varies by resource. For the Transportation and Traffic sections, the analysis focuses on an Analysis Area defined by the US 50 corridor from Salida to Canon City, which closely matches the Project Area.	

#73

Resource	Comment Summary
<i>Recreation</i>	Request for clarification in section 4.20 that the associated increase in travel time during exhibition would be only 20 minutes for westbound travelers and 8.1 minutes for eastbound travelers, compared to the No Action Alternative.
Response: Revised information about travel time increases by Alternative has been added to the discussion of traffic impacts throughout section 4.20. These additions are based on the text presented in Section 4.16, Transportation and Traffic.	

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Hazardous and Non-Hazardous Waste

#1

Resource	Comment Summary
<i>Hazardous Waste</i>	Paragraph 3, Sentence 3, Page 4-81 Mentions if the pits were unlined. However, Pits will be lined in all cases and no exceptions will be made. Thus, no ground contamination is expected to occur.
Response: The applicant has indicated that waste management pits would not be installed as part of the Texas Creek CSA facility. Text in the FEIS has been modified accordingly.	

#2

Resource	Comment Summary
<i>Hazardous Waste</i>	Concern the project proposes to store fuel, drill cuttings, waste grout, and sediments at the Texas Creek construction staging area. The staging area is located in a FEMA-designated 100 year floodplain along Texas Creek Gulch, and while a stormwater management plan would be designed to reduce the risks of storm/flood water reaching the pits and delivering contaminants to the stream, the location itself increases the risk of uncontrolled discharges of fluids and materials from the site.
Response: Mitigation measure WATER-4 would be implemented. Under this, the Texas Creek facility would not be located in the 100-year floodplain. The applicant has indicated that waste management pits would not be installed or used at the Texas Creek CSA.	

#3

Resource	Comment Summary
<i>Hazardous Waste</i>	Concern that locating an emergency command post within a floodplain means that any emergency flooding would damage the location, and itself is a safety risk. Also concerned over potential contamination from equipment and materials stored at the location. Last concern is the potential of flooding to close access to and from the highway.
Response: See response to Comment #2, above. Under mitigation measure WATER-4, the facility would not be located in the (100-year) floodplain. Given this, the potential for contamination from equipment and (hazardous) materials stored, in the event of flooding has been mitigated so as to represent a negligible impact.	

#4

Resource	Comment Summary
<i>Hazardous Waste</i>	Concern that the project creates an elevated risk for spills into the river associated with: 1) gasoline, diesel, hydraulic fluid, and oil during construction, 2) increased likelihood of vehicle accidents and associated spills from higher visitor traffic.
Response: Containment (and other) appropriate control measures would be in-place to reduce the potential for spills. However, they do not eliminate them. This is consistent with the discussion and impact evaluation in the DEIS and FEIS.	

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#5

Resource	Comment Summary
<i>Hazardous Waste</i>	The DEIS makes inconsistent conclusions re: potential for uncontrolled releases of hazardous materials within the study area. For example: (a) Section 3.17.1.2 states that there is the potential for uncontrolled releases from USTs and other facilities; However, Section 3.17.1.3 concludes that there is no expectation that prior releases would have resulted in the placement of hazardous materials in the Project Area and also that there is no expectation of any releases from the USTs. (b) Similarly, the conclusions in Section 4.17 that there is a risk of uncontrolled releases that could conceivably result in injuries to workers is inconsistent with the earlier conclusion in Section 4.3.2.1 that potential hazardous material spills are still considered a minor and short-term impact due to the negligible risk associated with potential contamination from spills.
Response: The potential for (historic) releases from USTs and other facilities within the project area was acknowledged in Section 3.17.2. This acknowledgement is not a conclusion; it is recognition of a potential issue raised in the scoping process. Section 3.17.3 discusses the information developed and reviewed in the process of preparing the DEIS and states that none of this information indicated that there have been any releases from USTs or other (stationary) facilities in the project area. Accordingly, this scoping concern was not brought forward into Chapter 4 for analysis of potential impacts. The potential (relative to the storage of hazardous materials) was also raised in the scoping process. This issue was brought forward to Chapter 4 for analysis. For all scenarios/potentials evaluated [including hazardous materials storage in 4.17.2.1 (b)], the analysis concluded that a potential for releases exists but the level of risk is considered negligible. Since most spills are associated with fuel transfer rather than the entire contents of the tank, spill quantities would be smaller and easier to mitigate onsite. These conclusions are consistent with the statements made in Section 4.3.2.1.	

#6

Resource	Comment Summary
<i>Hazardous Waste</i>	Paragraph 4, Sentence 3, Page 4-219 States that project fuel storage would be greater than 1,320 gallons. This is not accurate. It is anticipated that amount of fuel stored will be less than 1,320 gallons.
Response: The DEIS assumed that storage capacity for fuel would be greater than 1,320 gallons, which would require preparation and implementation of a SPCC Plan (because storage capacity of >1,320 gallons of fuel, oil, and/or any materials capable of causing a sheen on water would trigger requirements under 40 CFR Part 112 to prepare and follow an SPCC Plan). Based on this comment, Chapter 2, 3.10 (Water) and 3.17 (Hazardous Materials) in the FEIS will be modified to reflect this change. Even with a reduced amount of fuel storage, the need for a SPCC Plan under these regulations could be triggered. In order to be conservative and address any variation to fuel amounts or types being stored during the more detailed planning process, an SPCC Plan would be prepared and implemented for the Texas Creek facility. This has been added as mitigation in Chapter 5.	

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#7

Resource	Comment Summary
<i>Hazardous Waste</i>	Section 4.17 states in its subsections that any contaminated media generated in any spill response and cleanup activities would be managed as a solid waste. This is potentially inaccurate; contaminated soils or water could fit the definition of "characteristic hazardous wastes," depending on the material and quantity spilled. In addition, if materials eligible for recycling are spilled or released, they may no longer be fit for recycling and would have to be managed accordingly. Thus this language should be corrected in the FEIS to state that "any contaminated media will be disposed in accordance with appropriate Resource Conservation and Recovery Act regulations."
<p>Response: The term "solid waste", as used in the DEIS, is correct. The Resource Conservation and Recovery Act (RCRA) regulates all "solid waste". Within the broad definition of "solid waste" (which includes liquid wastes and environmental media contaminated by released hazardous materials), RCRA defines a subset of "hazardous waste" (which includes both "listed" and "characteristic" hazardous waste). Subpart C of RCRA regulates hazardous (solid) wastes. Subpart D regulates non-hazardous solid wastes. The State of Colorado has been authorized by EPA, under its RCRA authority, to implement the Federal RCRA regulations. It does so under regulations promulgated by the Colorado Department of Public Health and Environment (at 6 C.C.R.), which are consistent with RCRA requirements. Hence the statement in the DEIS that "all wastes will be managed as solid wastes in accordance with CDPHE regulations" is correct, and under these regulations, any waste material that meets the definition of a hazardous waste will be managed as a hazardous waste (in accordance with RCRA requirements). Clarifying text has been added to Section 4.17.</p>	

#8

Resource	Comment Summary
<i>Hazardous Waste</i>	Section 4.17.2.1. b. (Hazardous Materials Storage) and all subsequent project management plans should be modified to describe the basic control measures that will be used when storing hazardous materials, such as segregation of incompatible materials and fencing and locks to limit access to these materials. Due to the proximity to the Arkansas River, secondary containment of fuels or other hazardous materials should be considered even if the capacity is below the threshold of 1,320 gallons as defined in the Spill Prevention, Control, and Countermeasure regulations.
<p>Response: As noted in the DEIS, (and requested in the comment) detailed information for hazardous materials storage would be developed in future management planning documents. Secondary containment has been, and will be considered in planning documents, regardless of amounts.</p>	

#9

Resource	Comment Summary
<i>Hazardous Waste</i>	Concern over the potential for a gasoline or propane tanker truck overturning on the highway; would like to see more discussion of the potential for fire and environmental pollution.
<p>Response: The comment is noted. The possibility of both accidents and releases are addressed and evaluated to the extent that readily available information allows. This includes the understanding that this type of accident potential already exists, regardless of the proposed project. That information and evaluation of it allows and supports the conclusions drawn relative to the nature and magnitude of impacts.</p>	

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#10

Resource	Comment Summary
<i>Hazardous Waste</i>	There is extensive discussion devoted to hazardous materials in the DEIS; however there are some inaccuracies and omissions that should be corrected. Section 3.17.2.1, page 3-184 (Regulatory Overview) fails to outline the reporting requirement under the Clean Water Act as amended by the Oil Pollution Act that any discharge, or threat of discharge, of a harmful quantity of oil to navigable waters of the United States or adjoining shorelines be reported immediately to the National Response Center (40 CFR Part 300.300(b) and Section 311(b)(3) of the Clean Water Act). "Harmful quantity of oil" has been defined as any quantity that causes sheen on the water surface. Since it is later stated in the DEIS that petroleum products are the hazardous materials that will be used in the greatest amount throughout the project, this language should be corrected in the FEIS and this item should be included in training provided to project staff.
Response: A specific reference to the noted OPA release reporting requirements has been added to the FEIS. The BLM has an Emergency Response Plan that will be adhered to during project implementation. This plan requires notification to the BLM in the event of a spill and identifies reporting protocol.	

#11

Resource	Comment Summary
<i>Non-Hazardous Waste</i>	Would like clarifications on locations, contracts for, handling of waste associated with Porta-potty banks associated with the project.
Response: The DEIS, in Sections 3.18.1.2 and 4.18, identifies 11 locations where Port-a-Potties will be needed. These sections note that multiple companies in the area provide and service such facilities, and identifies one company confirmed to be capable of providing over 125, and servicing them 3 times per week. It also notes that wastes from the units would be transported to the Phantom Landfill. Section 4.14 identifies wastewater treatment capacity at the Salida wastewater treatment plant. No contracting for such services has been undertaken; it would be done when and if the project takes place. Section 4.18.2.2 (b) states that 94 Port-a-Potties would be anticipated.	

#12

Resource	Comment Summary
<i>Non-Hazardous Waste</i>	Would like clarification for locations and waste disposal contracts and locations for trash collected in dumpsters and trash cans parked along the highway.
Response: Section 3.18.1.1 identifies landfills to which waste from the project area could be hauled, and waste haulers servicing the area. Section 4.18 briefly identifies locations for waste containers. No contracting for such services has been undertaken; it would be done when and if the project takes place.	

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Realty/Land Use

#1

Resource	Comment Summary
<i>Realty/Land Use</i>	Concern that EIS does not adequately reflect all land use objectives contained in applicable land use policy documents.
Response: Additional information on the objectives for land use policy documents, including the Royal Gorge RMP, Fremont County Master Plan, Chaffee County Comprehensive Plan, Salida Comprehensive Plan, and Canon City Comprehensive Plan have been added to Section 3.19, Realty Authorizations and Land Use.	

#2

Resource	Comment Summary
<i>Realty/Land Use</i>	Concern about increased trespass on a private fishing lease in the Wellsville/Swissvale area.
Response: The following has been added to section 4.19.2.2.c: “Increased visitation during the exhibition could result in greater incidence of trespass on private lands in the project area, particularly near the panels at County Line, Vallie Bridge and the east end of Parkdale. Trespassing impacts could occur on two fishing easements that cross private land; these easements are located between Wellsville and Swissvale (upstream of the Point Barr AHRA site) and between Howard and Coaldale (upstream of the Vallie Bridge AHRA site). With adequate signage, prevention, and enforcement, trespassing would likely be limited, and would result in a short-term, minor impact to private lands in the project area.”	

#3

Resource	Comment Summary
<i>Realty/Land Use</i>	Concern about the inclusion and relevance of the Chaffee County Comprehensive Plan objectives to the project.
Response: Because approximately 2.0 miles of the Project Area fall within Chaffee County, including a portion of the County Line panel, the Chaffee County Comprehensive Plan guiding objectives apply to OTR. Information on the Chaffee County Comprehensive Plan, Chaffee County Special use Permits, and Chaffee County activities are important Realty and Land Use considerations for the project.	

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Recreation

#1

Resource	Comment Summary
<i>Recreation</i>	Concern about the impact of trespass, littering, and other visitor disturbances on the setting and experience for angling.
Response: Text has been added to the angling discussion in Section 4.20.2.2 discussing the potential impact of trespass on fishing easements, littering, and other visitor disturbance on the setting and experience for angling during the exhibition.	

#2

Resource	Comment Summary
<i>Recreation</i>	In examining the potential economic impacts of the project on angling, the FEIS must also consider and disclose the extent to which any such impacts are mitigated by fishing at an alternative location, such as upstream on the Arkansas.
Response: Many anglers (both private and commercial) have preferred fishing spots or stretches of river that they typically use, so displacement to other parts of the river as a result of OTR would impact the fishing experience for those users. The preferred fishing locations or river stretches for some anglers are located at panel sites in the Project Area. Therefore, fishing at an alternative location would not mitigate impacts to anglers, as some anglers would experience a greater level of impact as a result of displacement.	

#3

Resource	Comment Summary
<i>Recreation</i>	Impacts to public fishing access have not been adequately addressed in the EIS.
Response: Additional text has been added to Section 3.20.1.5.a describing vehicle access needs for private and commercial angling. The Event Management Plan (EMP) would provide additional information on vehicle access for recreational activities.	

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#4

Resource	Comment Summary
<i>Recreation</i>	Disagreement with the conclusion that the angling industry would suffer significant losses during installation and removal, since construction activities would be spaced out over the installation and removal periods and would only be occurring in 6 miles of the 42 mile-stretch, and fishing guides have alternative locations upstream on the Arkansas to take guests, outside of the Project Area.
<p>Response: The determination that impacts to angling would be significant during installation is based on various factors. While construction related activities in the most popular angling stretches will be limited to high water periods to limit impacts to anglers, anglers would be highly impacted during the one week before and the one week after exhibition, as a result of increased visitor disturbances, increased boating capacities on the river, the allowance of boating trips in the evening, and reduced parking availability. These effects would result in significant displacement of anglers and impacts to the access, setting, and recreational experience for anglers. During the rest of the installation and removal periods, angling would be impacted by disturbances to the natural setting of the corridor, and displacement from preferred fishing locations due to the presence of cables over the river. Certain locations are preferred for fishing based on the nature of the site, length of the stretch of river, river conditions, isolation from other anglers, and the abundance of macroinvertebrates and fish. For float fishing, preferred locations and trips are further restricted by water flow levels, daily allocations, boat ramp locations, trip length, and time limitations. Therefore, displacement from preferred locations could impact the desired setting and experience for angling. A combination of these factors would result in significant impacts to anglers during installation and removal.</p>	

#5

Resource	Comment Summary
<i>Recreation</i>	Disagreement with the conclusion that some recreation users would be drawn to the area to experience the artistic process, but anglers would not.
<p>Response: Text has been added to Section 4.20.2.2 noting that some anglers may be attracted to the project.</p>	

#6

Resource	Comment Summary
<i>Recreation</i>	Concern that conclusions about angling impacts in the EIS are based on outdated and/or incomplete angling data, or an inaccurate understanding of recreational fishing industry operations. Information from commercial outfitters and the AHRA show that angling use has increased significantly in the past 15 years. Angler numbers have been underestimated in the EIS.
<p>Response: The angling discussions in Chapters 3 and 4 have been updated to reflect data from the 2007 CDOW Creel Census, the most recent source of data for angling use on the Arkansas River. Information has been added to Sections 3.20 and 4.20 providing more information on the setting and experience, level of use, and season for angling in the Project Area.</p>	

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#7

Resource	Comment Summary
<i>Recreation</i>	Clarification that while angling pressure may be high in Bighorn Sheep Canyon in August, angling pressure for the overall AHRA does not peak during this period. Angler traffic drops dramatically from mid-August until the week after Labor Day in September. The regular and predictable peaks, both in business and private angler fishing, are Spring Caddis (mid-April until runoff starts around mid-May) and July. During the summer months, many other waters in the upper Arkansas Valley are open for fishing: higher elevation and alpine lakes, reservoirs, the river from Salida to Leadville area, and tributary streams. Fishing activity disperses to include these areas, not just the canyon. These include areas outside of the AHRA. When the river augmentation flows cease (about August 15) and most rafting companies close down for the season, there is some return of angling to the canyon. Float-fishing heads toward the canyon because of the lower, non-floatable water above that. This may raise the angler numbers in BHS canyon, but the total number of anglers in the greater region is actually lower than it was before August 15. All of the references to angler traffic in August should specify that it refers only to the canyon, or only to the Project Area. Clarification in the EIS that angling season lasts for 8 to 9 months of the year, and not only in the spring and the fall. Only the high runoff during late May through late June cause fishing activity to decrease significantly. July is a peak period for angling activities.
Response: This clarifying information about the angling season has been added to Section 3.20.1.5, which describes the angling season. This information has also been clarified in the angling impacts discussion in Sections 4.20.2.1 and 4.20.2.2.	

#8

Resource	Comment Summary
<i>Recreation</i>	Because the County Line area, the Tunnels area, and the Ogden lease are key angling locations, impacts in these areas will fundamentally decrease the value of the angling experience.
Response: These sites have been noted as areas of high fishing demand in Sections 3.20.1.5.d, 4.20.2.1 and 4.20.2.2.	

#9

Resource	Comment Summary
<i>Recreation</i>	Impacts to fishing access points on both sides of the river are not adequately considered for the spring, summer, and fall months.
Response: Text has been added to Section 4.20 clarifying that project activities may limit riverbank access for anglers on both the North and South sides of the river during installation, exhibition, and removal.	

#10

Resource	Comment Summary
<i>Recreation</i>	The conclusion that anglers will be displaced to other segments of the Arkansas River during the project is inaccurate. Anglers are dependent on the location of caddis and other flies and when/where fish feed. Float fishing is dependent on fishing conditions, water flow levels, permits and daily allocations, boat ramp locations, required time to be off the river, and trip length.
Response: This information on limitations for fishing locations and trips has been added to Section 3.20.1.5. This information has been considered in the analysis of impacts to angling during installation and exhibition in Sections 4.20.2.1 and 4.20.2.2.	

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#11

Resource	Comment Summary
<i>Recreation</i>	Transportation and parking needs for commercial angling operations are inadequately addressed in the EIS. Float fishing shuttles require more highway shuttles than commercial rafting trips, and these differences need to be considered in the analysis of impacts to traffic and recreation.
Response: A description of the transportation needs for angling has been added to Section 3.20.1.5.a. Text has been added to Section 4.20.2.2 describing the impact of additional traffic on angling shuttles during exhibition.	

#12

Resource	Comment Summary
<i>Recreation</i>	Question regarding whether access to river access sites would continue to be provided for commercial float-fishing boating vehicles during installation, as described for commercial rafting vehicles.
Response: Clarifying information has been added to Section 4.20.3.2 that notes that commercial float-fishing vehicles would have the same access to boating put-ins and take-outs as commercial boating vehicles during exhibition under Alternative 1c. Under Alternative 1d, access to AHRA sites would be restricted for all recreational activities, including boating and angling. Under all other alternatives, access to AHRA sites for recreational activities would not be restricted.	

#13

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that sedimentation, the removal of riparian vegetation, and increased vibrations and noise during installation would affect aquatic wildlife, which would in turn affect anglers, based on the level of impact to aquatic wildlife described in the DEIS. Concern about the conclusion that the effects of shading, panel release, and panel noise on aquatic species would impact the angling experience during exhibition, based on the level of impact to aquatic wildlife described in the DEIS.
Response: Any impacts to aquatic wildlife, however minor, may also affect angling. Text has been added to Sections 4.20.2.1 and 4.20.2.2 to clarify the level of impact to aquatic species described in Section 4.3, and to clarify how these effects would impact angling.	

#14

Resource	Comment Summary
<i>Recreation</i>	Concern about the effects of activities on the surface of the river or along the shoreline on fish behavior. Behavioral responses, such as relocating to deeper or well-protected water, will adversely impact the angling experience. Concern that increased boating traffic could also result in increased impacts to fish behavior.
Response: Impacts of project activities and boating on fish are addressed in Section 4.3. The impact of altered fish behavior on angling is addressed in Section 4.20. Additional text has been added to Sections 4.20.2.1 and 4.20.2.2 clarifying how altered fish behavior could impact angling.	

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#15

Resource	Comment Summary
<i>Recreation</i>	Concern that increased boating traffic will result in increased negative interactions between boaters and anglers.
Response: User conflict between boaters and anglers is addressed in section 4.20.2.2. Additional information about user conflict will be added to the text for emphasis. The water level in the river is lower in August than during the peak boating season, which would make it more difficult for boaters to avoid anglers along the river, which would further increase the level of interaction and conflict between boaters and anglers.	

#16

Resource	Comment Summary
<i>Recreation</i>	Concern that compressing fishing demand into other sections of the river will cause increased impacts to the angling experience. Angling, and fly-fishing in particular, requires long reaches of undisturbed water for each participant. The presence of so much publicly accessible water on the Arkansas River is a key recreation value for angling.
Response: Additional information has been added to Section 4.20.2.2 about this specific crowding impact to anglers that may occur at least one week prior to exhibition, the two weeks during exhibition and at least one week after exhibition.	

#17

Resource	Comment Summary
<i>Recreation</i>	Concern that the construction area for lane closures have not been adequately addressed, and lane closures will have a greater effect on angling than described in the DEIS.
Response: Text providing additional information about lane closures has been added to Section 4.16. Additional text about the impact of lane closures on all recreational activities has been added to Section 4.20.2.1.	

#18

Resource	Comment Summary
<i>Recreation</i>	Importance of angling to the mental well-being of anglers has not been addressed in the EIS.
Response: A discussion of the impacts of the project on mental health has been added to Section 4.14. The importance of quiet and solitude to the angling experience are described in Section 3.20. A section further describing the setting and experience for angling has been added to Section 3.20.1.5.	

#19

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that anglers would be affected by installation activities in the month of August, since there will be no construction along US 50 or traffic impacts in August.
Response: While no lane closures on US 50 would occur in August, construction activities such as anchor drilling on the north side of the river (railroad side) would impact anglers in the month of August. Any blossoming activities that occur in August would be considered installation activities, and may also impact anglers.	

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#20

Resource	Comment Summary
<i>Recreation</i>	Displacement of anglers would only occur in approximately 6 of the 42-mile project corridor, and construction crews will work sequentially, such that even within the 6 miles of river that would experience construction, crews would only be at one or two locations at a time, and would not displace anglers throughout the entire Project Area.
<p>Response: In addition to displacement at panel sites where installation is actively occurring, anglers would be displaced from other locations in the Project Area for various reasons. Impacts to the natural setting or opportunities for solitude may result in displacement throughout the Project Area. Perceived or expected impacts may cause anglers to choose other sections of the Arkansas River outside the Project Area, even if impacts are not occurring in the Project Area at that time. Active construction may result in displacement of anglers from preferred fishing locations (primarily in Section 3 of the river, between Salida and Vallie Bridge). Certain locations are preferred for fishing based on the nature of the site, length of the stretch of river, river conditions, isolation from other anglers, and the abundance of macroinvertebrates and fish. For float fishing, preferred locations and trips are further restricted by water flow levels, daily allocations, boat ramp locations, trip length, and time limitations. All of these considerations would result in some level of displacement of anglers throughout the Project Area. This text has been added to the discussion about displacement impacts in Section 4.20.2.1.</p>	

#21

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that impacts to angling during installation and removal would be significant, considering that impacts to fish would be negligible to moderate and construction activities would be dispersed spatially and temporally.
<p>Response: Impacts of additional visitors, increased boating, and other disturbances to angling during blossoming and the beginning of removal would be significant, despite the lower level of impact to fish and the dispersed nature of the construction activities. Text has been added to Section 4.20.2.1 and 4.20.2.3 to clarify that impacts to angling would be present throughout installation and removal, but would be greatest during blossoming and immediately after the exhibition.</p>	

#22

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that anglers will be prevented from fishing during exhibition at preferred times of day (morning and evening), given that the DEIS concludes at that peak travel time during the exhibition will occur on weekends between 10 AM and 4 PM and that the associated increase in travel time during exhibition would be only 20 minutes for westbound travelers and 8.1 minutes for eastbound travelers, compared to the No Action Alternative.
<p>Response: Based on the transportation and traffic modeling conducted for the EIS, increased traffic impacts are not expected in the morning (before 10am) and evening (after 4pm), but panel viewing is still expected to be popular at these times. If any traffic delays do occur in the morning and evening, it would impact the ability of anglers to fish at their preferred time of day. Text has been added to Section 4.20.2.2 to clarify.</p>	

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#23

Resource	Comment Summary
<i>Recreation</i>	The EIS does not address the management of Segment 3 of the Arkansas River as it relates to angling and OTR. Note that the commercial boating described for Segment 3 primarily references guided float-fishing. Note that the stretch from Salida East to the Wellsville Bridge holds more fish per mile than any other stretch of the AHRA.
Response: Section 3.20.1.5.c discusses the importance of Segment 3 for angling activities. Text has been added to this section providing more information about float fishing and the quality of fish habitat.	

#24

Resource	Comment Summary
<i>Recreation</i>	The DEIS should not reference impacts outside the Project Area. The impact analysis should be limited to the Analysis Area.
Response: The analysis area for recreation is considered separately from the Project Area, and is described at the beginning of Section 3.20. In some cases, the impacts addressed may occur both within the Project Area and at a regional level, and are thus noted in the text. These impacts are relevant to the analysis area.	

#25

Resource	Comment Summary
<i>Recreation</i>	The DEIS should recognize in Section 4.20.2.1 that cables will only be installed during the last 5 months of the 28 month installation period and would only exist in approximately 6 of the 42-miles within the Project Area.
Response: Text has been added to Section 4.20.2.1 clarifying the duration and location of cable installation activities.	

#26

Resource	Comment Summary
<i>Recreation</i>	All phases of the project, including crowding and traffic, will impact the natural setting of Bighorn Sheep Canyon preferred by anglers. This natural setting includes views of canyon walls and a high degree of water quality.
Response: Additional information on the importance of the natural setting to anglers has been added to Section 3.20.1.5, under a new heading, "Setting and Experience." A reference to the Visual Resources section of Chapter 3 was also added. Additional text about the impact of the project on the natural setting for recreational activities in the Project Area has been added to Section 4.20.2.1 and 4.20.2.2.	

#27

Resource	Comment Summary
<i>Recreation</i>	Concern that casting beneath the panels will be impossible for fly-fishing, which will displace anglers for several years during all phases of the project.
Response: OTR would temporarily displace anglers from the Project Area during installation and removal. There is no indication that impacts to anglers would extend beyond the length of the project; therefore displacement of anglers would be a short-term impact. Anglers may also be attracted to the Project Area during exhibition to both view the project and participate in fishing activities. Any long-term attraction of new anglers to the Project Area would balance any long-term loss of anglers in the Project Area.	

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#28

Resource	Comment Summary
<i>Recreation</i>	Concern that impacts to solitude and the angling experience have not been adequately addressed in the EIS. Concern that the perception of crowding on the river, even if the crowding is not caused by other anglers, will displace anglers from the Project Area. The motivations and expectations of anglers have not been adequately addressed in the EIS.
Response: A “Setting and Experience” section has been added to the angling discussion in Section 3.20.1.5. Text has been added to Section 4.20.2.2 about the impact of perceived crowding (as opposed to actual crowding) on the river.	

#29

Resource	Comment Summary
<i>Recreation</i>	Concern that the project conflicts with the vision and standards of the AHRA contained in the 2001 Arkansas River Recreation Management Plan. Concern that project is incompatible with current recreational use, land use, and natural setting of the AHRA. Concern that impacts to private property between Salida and Vallie Bridge conflict with the AHRA vision statement. Concern that project is not compatible with the angling objectives of the Arkansas River Recreation Management Plan.
<p>Response: The Arkansas Headwaters Recreation Area vision statement, in the 2001 Arkansas River Recreation Management Plan, states: “The Arkansas Headwaters Recreation Area shall be managed to emphasize its natural resources, resource sustainability and the standards for public land health, recognizing and respecting private property, while embracing numerous recreational, educational and commercial activities. Such management will require balancing the many uses that preserve the existing natural settings and conditions as well as recognizing existing agriculture, rural and urban conditions throughout the river corridor. Maintaining these expectations and settings for visitors and residents alike will require individualized management through different sections of the river, in recognition of varying natural and manmade influences. Where conflict over goals and objectives occurs, balance and compromise should be found that recognizes the value of authorized recreational activities without diminishing the standards for public land health or the water resources.”</p> <p>Even though OTR wasn’t specifically contemplated by the AHRA vision statement, it is within the range of activities that are discussed, and is not specifically excluded. Over The River complies with this vision statement in that it provides a recreational opportunity that fits within the multiple use goals of the AHRA. The area-wide multiple use goals for the AHRA include goals for fisheries management. Because OTR is not expected to have a long-term impact on fisheries or anglers, the project does not conflict with these goals. Section 2.E.2.c of the Arkansas River Recreation Management Plan (Direct Controls) authorizes special events that are consistent with the AHRA vision statement and management objectives. The EIS process determines how OTR would impact resources in the AHRA, and the ROD will provide a decision on conformance of the project with all management guidance for the Project Area.</p>	

#30

Resource	Comment Summary
<i>Recreation</i>	The conclusion that anglers not in support of the project may not return to the Project Area in future years is not valid.
Response: References to anglers “not in support of the project” that may not return to the Project Area after the project is complete have been removed from Chapter 4.	

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#31

Resource	Comment Summary
<i>Recreation</i>	Adverse impacts to boating apply equally or more to float fishing, and this is not adequately addressed in the EIS.
Response: Sections 4.20.2.1 and 4.20.2.2 address impacts to float fishing specifically. Additional text has been added to these sections to emphasize impacts to float fishing.	

#32

Resource	Comment Summary
<i>Recreation</i>	Concern that boating may be limited near installation sites for construction liability reasons.
Response: The OTR applicant and any contractors would be required to provide proof of liability insurance. As a requirement, this insurance would allow boating through installation sites during construction. River spotters above each panel would have the ability to stop boating traffic on the river if conditions are determined to be unsafe.	

#33

Resource	Comment Summary
<i>Recreation</i>	River safety and rescues have not been adequately addressed in the DEIS. Concern that fabric panels will limit the visibility of boaters and prevent throw-bag rescues.
Response: More detailed information about river rescues would be included in the EMP. Boaters would be visible from the shore of the river in case a rescue is needed. River spotters would be located downstream of all panel locations during exhibition, and would be able to perform rescues as needed. Panels would be positioned no less than 8 feet above the water surface. Depending on the positioning of fabric in a specific location, the panels may make river rescues from the shore more difficult underneath a panel, but they would not completely prevent rescues. The panels would not interfere with rescues performed from a boat.	

#34

Resource	Comment Summary
<i>Recreation</i>	Additional private or inexperienced boaters may result in an increased need for river rescues.
Response: Text has been added to Section 4.20.2.2 discussing this potential effect. Information about river would be included in the EMP.	

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#35

Resource	Comment Summary
<i>Recreation</i>	Request for clarification of mitigation measure REC-4 that safety flaggers will only be positioned at stopping areas upstream of any actual construction activities for a particular day, not at all panel locations regardless of where work is actually occurring. Note that ideally, the spotters would be located at least 200 yards upstream. However, exact locations would be dependent on a locale that can support safe stopping of boaters if required. The flaggers/stoppers will be equipped with both signage and PA microphone to notify oncoming traffic of potential construction activities. Safety flaggers will also notify the cable pulling operation foreman via radio any relevant information about boat traffic.
Response: Mitigation measure REC-4 in the DEIS is presented as mitigation measure REC-2 in the FEIS. This clarification to the mitigation measure has been made.	

#36

Resource	Comment Summary
<i>Recreation</i>	There is not a demonstrated need for a minimum of 6 river spotters (4 upstream and 2 downstream) in mitigation measure REC-4. Argument that downstream spotters would not resolve the stated concern of warning boaters of activities downriver and given that spotters would be equipped with signage, PA microphones and radios, the precise number of spotters should be subject to site-specific needs at the time of installation, especially since activities in which lines could enter the river would be restricted to hours before boating traffic regularly occurs on the river and the majority of the cable installation will occur prior to the rafting season.
Response: Mitigation measure REC-4 from the DEIS (REC-2 in the FEIS) has been modified to require a minimum of 4 Swiftwater Rescue Technicians Level 1 Certified (SRT-1s), 2 upstream and 2 downstream, at all active installation locations. The purpose of upstream spotters is to communicate with boaters and construction crews and stop boaters at safe stopping locations along the river as necessary. One spotter would be positioned at the primary stopping point, with the other boater located at a secondary back-up stopping site. The purpose of the downstream spotters would be to provide river rescues and otherwise ensure boater safety, as necessary. The downstream spotters would be located on opposite sides of the river. Cable installation activities are scheduled to occur in June and July, during the peak months of rafting season, so additional precautions to protect boater safety would be warranted.	

#37

Resource	Comment Summary
<i>Recreation</i>	Request that mitigation measure REC-4 be modified to clarify that an appropriate number of the spotters need to be trained swiftwater rescue technicians.
Response: Swiftwater rescue training will ensure that river spotters (SRT-1s) understand various river conditions and hydraulics, and have the skills necessary to identify safe stopping points, recognize safety hazards, and perform rescues, as necessary. It is critical that all river spotters at active installation locations are trained as SRT-1s to protect boater safety.	

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#38

Resource	Comment Summary
<i>Recreation</i>	Construction workers on the river should have a warning system to alert boaters. Note that many boating companies travel with more than one raft in a group.
<p>Response: The EIS contains information about a warning system to alert boaters of any construction activities or other hazards. The project design features listed in Table 2-13 note that:</p> <ul style="list-style-type: none"> • OTR Corp and contractor crews would conduct a weekly on-site job briefing with State Parks’ staff to identify active work locations and potential hazards. This briefing would include a Job Site Specific Hazard Analysis. • Signage and notices would be posted at various boat put-in areas to advise commercial and private boaters of construction activities and progress. <p>Mitigation measure REC-2 further suggests:</p> <p>River spotters. All river spotters would be Swiftwater Rescue Technicians Level 1 Certified (SRT-1s). Four SRT-1s, provided by OTR Corp, would be present at each active installation or removal location when recreational or commercial boating is occurring during the installation and removal of cables and fabric panels, blossoming, and fabric panel removal (de-blossoming). Boating safety zones would be designated by OTR Corp, in consultation with State Parks and river outfitters, along the river at each panel location to allow boats to eddy out and access the riverbank for safety purposes. SRT-1s would be equipped with both signage and public address system to notify oncoming boat traffic of potential construction activities. SRT-1s would notify the cable pulling operation foreman via radio regarding any relevant information about boat traffic. Two SRT-1s would be located at least 200 yards upstream; exact locations would be dependent on a locale that can support safe stopping of boaters if required. The first upstream SRT-1 would be located at the primary stopping point for boats. The second upstream SRT-1 would be located at the secondary or “back-up” stopping point for boats. Two SRT-1s would be located downstream of the active installation location on opposite riverbanks. The purpose of the SRT-1s is to perform rescues or otherwise ensure boater safety.</p> <p>The number of required SRT-1s may be reduced by the BLM authorized officer if boating use levels are low and installation methods demonstrate a minimal level of safety concerns, as determined by Colorado Department of Parks and Outdoor Recreation.</p>	

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#39

Resource	Comment Summary
<i>Recreation</i>	Increased boating allocations on the river will lead to unsafe, congested conditions on the river. Concern that proposed mitigation is inadequate to address these safety concerns.
<p>Response: The proposed increased boating capacities for blossoming, exhibition, and panel removal (OTR Commercial Boat Rationing Plan and OTR Private Boat Permit System) would allow one additional evening trip period (after 4 pm) per day for the approximately 4-6 week event period. This evening trip would have a lower boat capacity than the daytime boat capacity. Section 3 would utilize boat per day capacities 50 percent greater than the capacities established in the 2001 Arkansas River Recreation Management Plan for the May 15 to July 14 time period for the OTR event. Section 4a would utilize boat per day capacities 50 percent greater than the capacities for the May 15 to August 15 period, and Segment 4b would utilize boat capacities 50 percent greater than the capacities for the May 15 to September 7 weekend/holiday period. Baseline boat capacities were established by the AHRA in the 2001 Arkansas River Recreation Management Plan to allow for multiple recreational uses, ensure boater safety, and to protect natural resources in and along the river. The Event Management Plan would provide additional detail about boat rationing and permitting. In addition, event management provisions (to be included in the Event Management Plan) would be in place throughout the event to protect boater safety and provide emergency response services, as necessary.</p>	

#40

Resource	Comment Summary
<i>Recreation</i>	Request for clarification that OTR has proposed that the extension of the preliminary “messenger lines” for cables across the river at all locations will occur between approximately 7 AM and 9 AM, before peak boating traffic occurs.
<p>Response: Text has been added to Chapter 2 noting that the preliminary “messenger lines” for cable installation would only be installed between 7 AM and 9 AM at all panel sites. Other leader lines, and eventually the cables themselves, would be pulled across the river between 7 AM and 3 PM at all panel sites. These clarifications have also been added to the boating discussion in Section 4.20.1.1.</p>	

#41

Resource	Comment Summary
<i>Recreation</i>	Logistical coordination of rafting trips may be difficult during exhibition, which may adversely impact rafting companies.
<p>Response: The EMP would include an OTR Commercial Boat Rationing Plan and OTR Private Boat Permit System that would coordinate access to put in and take out points for commercial outfitters to facilitate the coordination of trips. This plan for access would minimize any impact to the logistical coordination of boating trips as a result of the project.</p>	

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#42

Resource	Comment Summary
<i>Recreation</i>	Concern that there is no documented basis for the conclusion that commercial outfitters would violate rationing during the exhibition.
Response: The discussion of potential rationing violations in Section 4.20 has been revised as follows: “If a commercial outfitter violates rationing during blossoming, the two weeks during exhibition and panel removal to provide commercial trips and/or additional boats when not specified within the OTR Commercial Boat Rationing Plan and OTR Private Boat Permit System), that commercial outfitter may be assessed a rationing violation.”	

#43

Resource	Comment Summary
<i>Recreation</i>	Concern about the impacts of additional boating (through allocations) on aquatic wildlife.
Response: The proposed increased boating capacities for blossoming, exhibition, and panel removal (OTR Commercial Boat Rationing Plan and OTR Private Boat Permit System) would allow one additional evening trip period (after 4 pm) per day for the approximately 4-6 week event period. This evening trip would have a lower boat capacity than the daytime boat capacity. Section 3 would utilize boat per day capacities 50 percent greater than the capacities established in the 2001 Arkansas River Recreation Management Plan for the May 15 to July 14 time period for the OTR event. Section 4a would utilize boat per day capacities 50 percent greater than the capacities for the May 15 to August 15 period, and Segment 4b would utilize boat capacities 50 percent greater than the capacities for the May 15 to September 7 weekend/holiday period. Baseline boat capacities were established by the AHRA in the 2001 Arkansas River Recreation Management Plan to allow for multiple recreational uses, ensure boater safety, and to protect natural resources in and along the river. The Event Management Plan would provide additional detail about boat rationing and permitting. Section 4.3.2.2 addresses potential impacts to aquatic wildlife as a result of increased visitor presence or boating traffic.	

#44

Resource	Comment Summary
<i>Recreation</i>	There will be no nighttime noise impacts to campers because construction will not occur at night.
Response: References to nighttime construction have been removed from the camping discussion in Section 4.20. A design feature has been added to Table 2-13 stating that there would be no nighttime construction for any phase or component of the project.	

#45

Resource	Comment Summary
<i>Recreation</i>	Section 4.20.2.2 should recognize that panels will only exist in 5.9 of the 42 mile Project Area.
Response: Clarifying text has been added to the “Impacts Common to All Activities” Section of 4.20.2.2 describing the extent of the panels in the Project Area.	

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#46

Resource	Comment Summary
<i>Recreation</i>	Mitigation measures REC-6 through REC-8 should be modified to apply to just the period including blossoming, exhibition, and the immediate period after exhibition, since there is no demonstrated basis for assuming significant numbers of increased camping during the installation phase as a whole.
Response: Camping mitigation measures have been modified to include a period of blossoming, the two weeks during exhibition and panel removal (approximately 4-6 weeks total).	

#47

Resource	Comment Summary
<i>Recreation</i>	Since campgrounds already have defined capacity limits, there should be no need to provide additional waste disposal units (as proposed in REC-6).
Response: Currently, AHRA does not provide trash cans at any AHRA sites, and AHRA regulations state that recreational activities should be “pack in, pack out.” The amount of anticipated visitation and recreational use would necessitate the addition of waste disposal units in the Project Area for the OTR event. This mitigation is presented as REC-4 in the FEIS.	

#48

Resource	Comment Summary
<i>Recreation</i>	Note that mitigation measure REC-7 is already required per AHRA regulations.
Response: Mitigation measure REC-7 in the DEIS has been removed, as it is already an AHRA camping requirement. This requirement would be noted in the EMP.	

#49

Resource	Comment Summary
<i>Recreation</i>	There is no evidence presented that camping will increase in BLM and USFS campgrounds in the analysis areas. The Visitation and Economic Impacts report projects that the visitors to the exhibition will either be day visitors or travelers who choose to stay in hotels, not campers. People who like to go camping don’t choose to camp where an event like the OTR exhibition may cause them to encounter traffic or delays, instead they choose to go where they can get away from it all.
Response: Camping offers an inexpensive lodging opportunity that would also allow visitors to stay close to the project or within the Project Area. Section 4.14, Socioeconomics and Social Impacts, assumes that the full range of accommodations within the Project Area, including hotels and campgrounds, would be filled to capacity during the exhibition. Not only would accommodations within the analysis area be filled to capacity, but the demand for accommodations at a regional level (e.g. in Colorado Springs and Denver) would also increase during the exhibition.	

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#50

Resource	Comment Summary
<i>Recreation</i>	Concern that the Project Area does not offer enough RV parks or campgrounds to meet the visitor demand during the event.
Response: Section 4.14, Socioeconomics and Social Impacts, assumes that the full range of accommodations within the Project Area, including hotels and campgrounds, would be filled to capacity during the exhibition. Not only would accommodations within the analysis area be filled to capacity, but the demand for accommodations at a regional level (e.g. in Colorado Springs and Denver) would also increase during the exhibition. Section 4.14 assumes that thousands of visitors would require accommodations outside of the immediate Project Area, and that the region has the capacity to meet that demand.	

#51

Resource	Comment Summary
<i>Recreation</i>	Request for clarification of requirements under mitigation measure REC-7. Concern that requirements are unrealistic.
Response: The AHRA already requires that: “All AHRA overnight campers outside of developed camping areas must use a portable toilet system and fire pan. All waste must be carried out and disposed of properly.” Therefore, the application of this measure to the AHRA Cooperative Management Area within the Project Area is valid. Because this is already required in the AHRA Cooperative Management Area, this mitigation measure has been removed and would instead be noted in the Event Management Plan.	

#52

Resource	Comment Summary
<i>Recreation</i>	Request for clarification of BLM dispersed camping regulations. In the Texas Creek Travel Management Area, current policies prohibit dispersed camping more than 100 feet from existing roads. Public motorized travel anywhere further than 100 feet from a designated road is prohibited on surrounding BLM land according to the Arkansas River Travel management plan (for motorized camping or other reasons).
Response: The regulations for dispersed camping have been clarified in Section 3.20.1.7.c. The BLM camping regulations have been updated since the release of the DEIS, and resulting changes have also been incorporated in Section 3.20.1.7.c.	

#53

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that that installation activities would significantly impact festivals and events, based on the DEIS conclusion that installation phase visitor traffic would create no measureable operation or performance effects.
Response: Impacts to festivals and events would be considered significant if active construction were to take place at the County Line, Tunnel, or Vallie Bridge panel sites during the FIBArk event, or if project activities were to interfere with any FIBArk activities or the safety of boaters and spectators. Mitigation measure REC-7 in the FEIS would prevent any installation activities above Cotopaxi in June, which would reduce impacts to festivals and events.	

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#54

Resource	Comment Summary
<i>Recreation</i>	Mitigation Measure REC-11 should be revised to provide that cable installation or fabric panel installation would not occur in just those panel areas affected by the FIBArk course during the actual event. Concern about conclusion that installation activities at the Texas Creek Staging Area would interfere with FIBArk, since the FIBArk event takes place almost exclusively in Salida and the FIBArk course ends in Cotopaxi.
Response: Mitigation measure REC-11 from the DEIS is presented as REC-7 in the FEIS, and has been revised as directed in the comment. No installation activities or closure of informal pullouts would occur upstream of Cotopaxi, including at the County Line, Tunnel, and Vallie Bridge panel sites, during the FIBArk event. No lane closures would occur during the month of June.	

#55

Resource	Comment Summary
<i>Recreation</i>	The potential cumulative impacts of the project on land where the Arkansas River Travel Management Plan has not been fully implemented have not been analyzed in the DEIS. Concern about the creation of social trails, increased sedimentation, and resource damage that may result from increased visitation to the travel management area.
Response: OTR is not likely to cause any cumulative impacts with travel management decisions in the Project Area. The Arkansas River Travel Management Plan will be nearly or fully implemented by the proposed timing of the OTR event, which would reduce any potential for cumulative impacts.	

#56

Resource	Comment Summary
<i>Recreation</i>	Impacts to access for Bighorn Sheep, waterfowl, deer, and elk hunting, particularly on the north side of the river, have not been adequately addressed in the EIS.
Response: Impacts to vehicle access for hunting are addressed in Sections 4.20.2.1 and 4.20.2.2. Additional information on vehicle access for all recreational activities, including hunting, would be included in the EMP.	

#57

Resource	Comment Summary
<i>Recreation</i>	Concern that impacts of traffic on hunting have not been adequately addressed, since Highway 50 through the canyon is a major access route for a large portion of Colorado's hunting country, and hunters typically tow horse trailers, campers and other equipment which may conflict with traffic requirements during the project. Concern that the impacts of RVs, trucks, trailers, and OHVs associated with hunting on traffic have not been adequately addressed.
Response: The traffic analysis in the DEIS accounts for typical month to month traffic as a baseline condition for background traffic. This background traffic includes RVs, trucks, trailers, and OHVs associated with hunting. Additional information on vehicle access for hunting would be included in the EMP.	

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#58

Resource	Comment Summary
<i>Recreation</i>	Concern about impact determination for archery hunting during exhibition. The affected GMU (S49) is broader than the US 50 corridor itself, so archery hunters could avoid using US 50, the archery season lasts for over three weeks and will not entirely overlap with the exhibition phase, and only five licenses (including 1 out of state license) would be impacted out of a total of 70 archery licenses issued by CDOW.
<p>Response: Information about bighorn sheep hunting licenses is included in Section 3.20.1.11. Clarifying information about impacts to hunting has been added to the discussion in Section 4.20.2.2. Due to the value of a bighorn sheep archery license, impacts to even a small number of licenses are considered significant. Mitigation measures added to Chapter 5 would reduce impacts to hunting to moderate during exhibition.</p>	

#59

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that hunters will be displaced from a broad array of GMUs, since hunting areas are much broader than the narrow band along the river corridor, and CDOW has rules limiting hunters' ability to shoot near state highways and other public roads.
<p>Response: CDOW's limitations on shooting near roads have been incorporated in the hunting discussion of section 3.20.1.11.h. Many of the GMUs located adjacent to the river require access from US 50 for hunters, even if the hunting site itself is not located near US 50. There are not always roads leading into a specific hunting location in the GMU, so informal pullouts along US 50 are important parking areas and access points for hunters. The DEIS states that hunters may be displaced to non-preferred sites within the GMUs, based on restricted access or wildlife distribution. Mitigation measure REC-8 in the FEIS would reduce this impact for bighorn sheep hunting.</p>	

#60

Resource	Comment Summary
<i>Recreation</i>	Concern that bighorn sheep hunting will not be possible during the project, especially since a bighorn sheep hunting license is considered a once in a lifetime event.
<p>Response: Mitigation measure REC-8 has been added to Chapter 5 and states: "OTR Corp personnel would avoid use of parking areas utilized by CDOW bighorn sheep hunting license holders to ensure parking and access to preferred hunting sites in the Project Area during open bighorn sheep hunting season during all phases of the project. OTR Corp would work with CDOW and hunting license holders to determine which parking areas would be avoided."</p>	

#61

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that staging activities and project traffic would reduce parking or interfere with vehicle access at the Texas Creek Travel Management Area, causing significant impacts to OHV users and hunters, since there will be no restrictions to access to the Texas Creek Travel Management Area.
<p>Response: Mitigation measure REC-9 has been added to Chapter 5 and states: "Access to the Texas Creek OHV area would not be restricted, including railroad crossings, as a result of project activities during any phase of the project. This would ensure access for trail use, camping, and other recreational uses."</p>	

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#62

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that the unfurling of fabric panels could create safety concern to miners.
<p>Response: Riverbank access under panels for recreational placer miners at most locations would be restricted during blossoming, exhibition, and panel removal. Recreational placer mining is considered separately from mining claim activity, and is not regulated under mining law. Because placer miners would be displaced from most panel areas, the unfurling of fabric panels is not likely to result in direct impacts to the safety of placer miners. References to impacts to miner safety have been removed from Section 4.20.2.1. Mitigation measure GEO-2 would require OTR Corp to coordinate with the claimants of any mining claims to determine if access to these claims would be limited as a result of the project.</p>	

#63

Resource	Comment Summary
<i>Recreation</i>	Request that the EIS recognize that impacts to placer mining would be minimized during installation because construction activities would be staggered across the 28 month installation period and would only occur in 6 of the 42 mile stretch of river.
<p>Response: Clarification about the location and duration of construction activities in the Project Area has been added to Section 4.20.2.1.</p>	

#64

Resource	Comment Summary
<i>Recreation</i>	Concern that the conclusion that fabric panels would prevent riverbank access to wildlife conflicts with the conclusion that bighorn sheep could pass under panels to reach the river.
<p>Response: Section 4.1 of the EIS states that bighorn sheep could go under the panels (that is, the panels are high enough that it would be physically possible for them to do so), but that it is unknown whether or not they would actually be willing to do so due to associated stress. The wording in Section 4.20 has been modified to clarify that project activities “may limit riverbank access for wildlife at panel locations.”</p>	

#65

Resource	Comment Summary
<i>Recreation</i>	Concern that statement about an increase in presence of fixed or rotary aircraft during exhibition conflicts with the conclusion that overflights for viewing purposes are expected to be heavily restricted during the exhibition period and are therefore not anticipated to affect terrestrial wildlife species.
<p>Response: Section 4.1.2.1.a. states: “Although helicopter overflights would be excluded during exhibition, a potential exists they would be used for rescue evacuation or photography/videography during the installation period. There is evidence in the literature suggesting that low-level flights by either fixed or rotary wing aircraft are very disturbing to large mammals. Tracey and Fleming (2007) reported that in 31% of cases in which helicopter overflights were made to observe feral goats (<i>Capra hircus</i>), the animals moved away from the helicopter – dispersing as far as 1.5 km. Any additional low-flying aircraft would have impacts to the large mammal herds in the canyon.” The statement about fixed or rotary aircraft in the Project Area in section 4.20.2.2 has been revised to read: “The presence of fixed or rotary aircraft for medical evacuations in the Project Area could moderately impact wildlife and avian species, as noted in Sections 4.1 and 4.2.”</p>	

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#66

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that impacts to wildlife viewing during installation would be increased during late spring, summer, and early fall, since traffic impacts would be minimal during these months.
Response: Impacts to wildlife viewing would occur during the late spring, summer, and early fall as a result of construction, the closure of informal pullouts, and other installation activities. However, impacts would not necessarily be greater during these months. The word “greater” has been removed from the wildlife viewing discussion in Section 4.20.2.1.	

#67

Resource	Comment Summary
<i>Recreation</i>	During the ATF foundation work, recreation along the river will not be impacted due to the ATF foundation locations being far enough removed from the river bank so as not to impede fishermen, rafters or other outdoor enthusiasts. Furthermore, construction will take place from the road or railway along the river, thus river access by crews will not be required.
Response: Text has been added to Section 4.20.2.1 to clarify that ATF foundation activities would not impact river bank access.	

#68

Resource	Comment Summary
<i>Recreation</i>	Mitigation measures REC-11 and REC-12 should be combined to improve clarity.
Response: Mitigation measures REC-11 and REC-12 from the DEIS have been combined to read: “ REC-6: Commercial boat rationing and private boat permitting. OTR Corp would be required to develop, with Colorado State Parks and BLM guidance and approval, both an OTR-related Private Boat Permit System and an OTR-related Commercial Boat Allocation system for blossoming, exhibition, and fabric panel removal. Temporary, event-only capacities (OTR Commercial Boat Rationing Plan and OTR Private Boat Permit System, plan specifics to be defined in the Event Management Plan) would be in place during blossoming, exhibition, and fabric panel removal (4-6 weeks total) to limit the number of boats on the river during the event. The commercial boat capacities and associated rationed boats would not count towards establishing rationed days for future years. Likewise, the private boat capacities and associated private boats would not count towards establishing a private boat permit system in future years.”	

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#69

Resource	Comment Summary
<i>Recreation</i>	(Mitigation Measure REC-5 and the text at Section 4.20.2.2 (requiring certain pullout sites within 0.5 mile of a panel location to remain open) directly contradicts the statement in Table 2-13 (Design Features Common to All Action Alternatives) that all pullouts on US 50 within 0.5 mile of any fabric panel would be closed and vehicles would not be allowed to stop on US 50 within these limits. Moreover, the DEIS does not provide any basis for demonstrating how the mitigation measure could be enforced.
<p>Response: The sites described in mitigation measure REC-5 from the DEIS and Section 4.20.2.2 are not informal pullouts; they are designated non-fee, and in some cases undeveloped, AHRA sites. Ensuring that these AHRA sites remain open does not contradict the design features for the project, which would allow all AHRA sites to remain open. Maintaining access to these sites would be enforced in the same way that access to other AHRA sites will be enforced throughout the exhibition. Mitigation measure REC-3 in the FEIS has been revised for clarity to read: “All AHRA developed recreation sites, would remain open for recreational access during exhibition. Some of these sites are heavily used boating put-in and take-out points, so maintaining access would reduce impacts to boating, angling, and other recreational activities.”</p>	

#70

Resource	Comment Summary
<i>Recreation</i>	Note that the AHRA site noted as “Point Barr” in the DEIS should be spelled “Point Bar.”
<p>Response: Point Barr is spelled correctly throughout the EIS. No change needed.</p>	

#71

Resource	Comment Summary
<i>Recreation</i>	Analyze options to minimize impacts from visitors through arrangements with the municipalities, campgrounds, Chambers of Commerce or other entities to provide additional needed services. Such arrangements will help assure safety and emergency services to visitors and residents, mitigate the volume and footprint of visitors to the exhibition area and reduce negative impacts on local residents.
<p>Response: Coordination has occurred throughout the project with the following Cooperating Agencies: Colorado Division of Natural Resources, Colorado Division of Wildlife, Colorado State Parks, Colorado Department of Transportation, Colorado State Patrol, Colorado State Land Board, Fremont County, and Chaffee County. The event management, mitigation, and monitoring plans have also included and will continue to include coordination with emergency service providers and other relevant local and state agencies.</p>	

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#72

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that increased human presence in the Project Area would impact natural scenery and users who prefer minimal human interaction, given the existing amount of human activity along the river corridor.
Response: While human activity is currently present along the river corridor, construction and installation activities on the riverbank would cause a greater impact to recreational users than typical or traditional activity in the corridor. The presence of installation crews and other project personnel on the river banks would be more visually disruptive to recreational users along the river, and would result in greater impacts to the recreational experience for boating, angling, and other river-based activities than typical human activity in the Project Area. This clarification has been added to Section 4.20.2.1.	

#73

Resource	Comment Summary
<i>Recreation</i>	The DEIS should be more specific in its discussion of impacts to recreation resources, both negative and positive. The DEIS recognizes both beneficial and adverse effects that may occur to recreation resources, but when summarizing impacts to recreation only makes generic conclusions that do not specify whether impacts are beneficial, adverse, or a balance of both.
Response: The summaries of impacts to each recreational activity in Section 4.20 have been revised to note both beneficial and adverse impacts, if any, that may occur as a result of the project.	

#74

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion that Alternative 3 would have fewer impacts to wildlife viewing, hunting, and upland recreation than Alternative 1a, which contradicts the conclusion in Section 4.20.6.1 that difference in overall effects to recreation users between Alternative 1a and Alternative 3 would be “negligible.”
Response: Text has been added to Section 4.20.6.1 to clarify that the “negligible” impact determination is in reference to traffic and visitor impacts in particular. The difference in impacts to wildlife is based on the altered panel configuration in Alternative 3, not visitation and traffic alone.	

#75

Resource	Comment Summary
<i>Recreation</i>	Concern regarding conclusions about negative effects on AHRA use, since increased visitation and interest in the project would likely offset any loss in revenue and displacement. Section 4.27 regarding impacts to the AHRA fails to take into account conclusions that project activities would also attract additional recreation interest and create a beneficial impact.
Response: Section 4.27 in the DEIS is presented as section 4.28 in the FEIS. The text referenced in this comment has been revised to read: “Project activities along the Arkansas River that impact access and the recreation experience for traditional recreation activities, most notably boating and angling, could displace users to other recreation sites in the region or state, outside the Project Area. This displacement would result in diminished recreation opportunities and user experiences.”	

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#76

Resource	Comment Summary
<i>Recreation</i>	Concern about conclusion that users would be displaced entirely during installation, since installation activities are spread out over 28 months and will occur in only approximately 6 miles of the entire 42-mile corridor, and there would be broad opportunities for recreation users to simply move from an affected section of the river to an unaffected section of the river.
Response: Text has been added to the “Impacts Common to All Activities” Section of 4.20.2.1 that clarifies the spatial and temporal distribution of the installation activities, and how this would impact displacement of recreational users.	

#77

Resource	Comment Summary
<i>Recreation</i>	Concern about the conclusion in Section 4.20 that traffic during installation and removal would affect local businesses that rely on transportation of goods by creating temporary delays is inconsistent with DEIS conclusions about traffic impacts during installation and removal.
Response: Section 4.20 does not discuss traffic impacts on local businesses that rely on the transportation of goods. Section 4.20 only discusses recreational activities, including recreational traffic. The impacts of traffic on local businesses is discussed in section 4.14, Socioeconomics and Social Impacts.	

#78

Resource	Comment Summary
<i>Recreation</i>	Parking at Five Points is not addressed. Concern that parking lot capacity and restroom availability will not meet visitor demand. Concern that it will take too long to get from one restroom to another if a parking lot is closed.
Response: Parking at Five Points and the availability of restrooms would be addressed in the visitation management sections of the EMP. For safety reasons and to prevent congestion in parking lots, no parking above the capacity of a parking lot would be permitted during the exhibition. Public restrooms would be available at all AHRA sites in the Project Area, in addition to portosans that would be placed at Five Points, Parkdale, Texas Creek Limited Rest Stop, Vallie Bridge Limited Rest Stop, Salida Information Center, and Fremont Road Information Center. The number of restroom facilities available in the Project Area during the event would be based on the number of estimated visitors. Additional restroom facilities would be held in reserve and deployed if necessary.	

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Visual Resources

#1

Resource	Comment Summary
<i>Visual Resources</i>	Concern that the project would impact the scenic qualities of the project area and negatively affect recreational and tourist activities.
Response: This issue was addressed in the 4.21 Visual Resource section of the DEIS.	

#2

Resource	Comment Summary
<i>Visual Resources</i>	Concern that applying traditional VRM guidance is not applicable to a temporary work of art. The project provides a positive visual change, and thus desirable visual contrasts should not be mitigated.
Response: The DEIS addressed the issue of traditional VRM guidance being relevant to evaluating though not entirely applicable to mitigating temporary works of art. In evaluating OTR, VRM is used as a guide, tempered by common sense, to ensure that every attempt is made to minimize potential visual impacts (p. 4-286 to 287). Sections 4.21 “Methodology and Assumptions” and “BLM Visual Resource Management and Works of Art” further clarifies that VRM was applied consistently in evaluating all aspects of the alternatives; though limited in proposing alterations to the artists’ design (materials, scale, location, etc.).	

#3

Resource	Comment Summary
<i>Visual Resources</i>	Concern that VRM is applicable and that BLM needs to follow VRM guidance in evaluating and mitigating potential visual contrasts.
Response: This issue was addressed in the 4.21 Visual Resource section. Sections 4.21 “Methodology and Assumptions” and “BLM Visual Resource Management and Works of Art” further clarify that VRM was applied consistently in evaluating all aspects of the alternatives; though limited in proposing alterations to the artists’ design (materials, scale, location, etc.).	

#4

Resource	Comment Summary
<i>Visual Resources</i>	Concern that BLM best management practices, applicant committed measures, and mitigation requirements may not fully reclaim long—term visual impacts.
Response: Only one residual impact in the 4.21 Visual Resource section and Unavoidable Adverse Effect in 4.27 had long-term implications (mortar patches from drill holes in solid rock faces may be perceptible upon close examination). This residual effect may be seen but would not attract attention. No irretrievable and irreversible commitments of resources were identified in 4.28. Therefore, impacts predicted after implementing BMPs, applicant-committed protection measures, and mitigation for all alternatives would reclaim long-term project impacts to meet management objectives.	

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#5

Resource	Comment Summary
<i>Visual Resources</i>	Concern that the project is not in conformance with the RGRMP on the basis of short-term impacts to VRM and ACEC scenic values. A RMP Amendment may be necessary.
Response: Section 4.21.2.3 Removal determined that where within view of the panel displays and staging areas, VRM Class II and ACEC scenic values objectives would not be met in the short-term as construction nears completion, during the exhibition period, and immediately following during removal. The project would not create long-term changes to the landscape that conflict with RMP guidance; most visual effects would vanish after removal of facilities and restoration of disturbed sites. VRM Class II objectives would be met in the long-term following removal with application of design features and mitigation measures.	

#6

Resource	Comment Summary
<i>Visual Resources</i>	Concern for long-term and residual visual impacts (up to 20 years) in VRM Class II areas that would conflict with the RGRMP.
Response: Section 4.21.2.3 Removal determined that VRM Class II and ACEC scenic values objectives would be met in the long-term with application of design features and mitigation measures. No change to EIS.	

#7

Resource	Comment Summary
<i>Visual Resources</i>	Concern about inadequate reference citations in visual section.
Response: Reference citations were reviewed and clarified in Section 4.21.	

#8

Resource	Comment Summary
<i>Visual Resources</i>	Recommendation on north bank cable anchor design to improve removal technique.
Response: Section 2.4.1.2 Anchor Installation and 2.4.3.1 Removal Activities provide a similar installation and removal technique for cable anchors resulting in a similar outcome (no visible anchors remain above the ground). No change to EIS.	

#9

Resource	Comment Summary
<i>Visual Resources</i>	Concern over assessing the visual impact of interpretive exhibits as they are not part of the proposal (p. 4-295).
Response: Section 2.4 Activities And Elements Common To All Action Alternatives describes a Permanent Interpretive Exhibit related to the OTR project that would be installed at the Texas Creek AHRA site as part of removal. Section 4.21 clarifies that the interpretive exhibit would be installed at the Texas Creek AHRA site.	

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#10

Resource	Comment Summary
<i>Visual Resources</i>	The visual impact of trains operating in the canyon creates a direct, cumulative, and unavoidable effect.
Response: Railroad operations and storage of railcars is currently an authorized activity; railcars can be moved as frequently as operators require. Visual impacts from trains and flatbed rail cars used for construction, exhibition, and removal, and indirect increases in rail traffic by a private rail operator were clarified in 4.21 Visual Resources.	

#11

Resource	Comment Summary
<i>Visual Resources</i>	Recommend removing visual effects discussion of nighttime construction lighting, as nighttime construction is not part of the proposal. Also delete Mitigation Measure VISUAL-4.
Response: Impacts attributed to nighttime construction were removed in 4.21 Visual Resources, as no nighttime construction is proposed by OTR. A design feature has been added to Table 2-13 stating that there will be no nighttime construction for any phase or component of the project. Mitigation related to night-lighting was retained as it also relates to safety and security lighting during exhibition.	

#12

Resource	Comment Summary
<i>Visual Resources</i>	Concern that visual impacts for the Parkdale Viewing Center are irrelevant because the Parkdale Viewing Center has been eliminated from the project. If the Parkdale Viewing Center were to continue as part of the project, the visual effects would be insignificant as it already has a low existing scenic quality due to past land uses, site grading, the railroad, and rails cars, and dumping, and is screened from US 50 views. Therefore, as the impacts would be insignificant, the proposed visual mitigation (berming) is unnecessary.
Response: The Parkdale Viewing Center has been removed from all alternatives. All references to the Parkdale Viewing Center have been removed, including proposed mitigation.	

#13

Resource	Comment Summary
<i>Visual Resources</i>	Visual impacts for the Texas Creek Limited Rest Stop and Texas Creek Warehouse would be insignificant and do not merit the proposed visual mitigation measures.
Response: VRM requires that every attempt should be made to minimize potential impacts through careful location, minimal disturbance, and repeating the basic elements regardless of whether impacts are significant (BLM Manual 8431 - Visual Resource Contrast Rating). The visual mitigation for the Texas Creek Limited Rest Stop and Texas Creek Warehouse (Chapter 5) addresses how impacts could be reduced through proper siting and color.	

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#14

Resource	Comment Summary
<i>Visual Resources</i>	Concern that VRM impacts are not being evaluated consistently by BLM, citing an excerpt from the July 2010 FEIS for the Bright Source Ivanpah Solar Electric Generating System (proposal to construct solar facility on a BLM greenfield desert site alongside interstate highway) that found: “within an urban frame of reference, not all viewers would find the project disagreeable or unattractive; indeed, many viewers could find the project interesting to view due to its novelty...where preservation of natural landscape is not a primary goal, this level of impact might be considered acceptable.” Therefore the Over the River DEIS’ conclusion that every VRM attempt should be made to minimize potential visual impact is unnecessary.
<p>Response: The excerpt from the Bright Source Ivanpah Solar Electric Generating System FEIS is taken out of context from the FEIS. The FEIS repeatedly concludes that the proposed Bright Source Ivanpah Solar Electric Generating System would result in a significant, direct adverse impact to existing scenic resource values, that adverse visual impacts could not be fully reduced through mitigation, and would thus result in unavoidable adverse impacts. That “this level of impact might be considered acceptable” refers only within the context of the cumulative impact scenario foreseen within the Ivanpah Valley, where multiple proposed renewable energy projects and urban development could foreseeably result in an urbanized setting. Multiple mitigation measures were applied to the Bright Source Ivanpah Solar Electric Generating System notwithstanding the potential that “many viewers could find the project interesting to view due to its novelty.” Furthermore, the “urban frame of reference” within the vast Ivanpah Valley in California is not applicable to the narrow, rural and recreational character of the Arkansas Canyon in Colorado. No change to EIS.</p>	

#15

Resource	Comment Summary
<i>Visual Resources</i>	Concern for inconsistency between vegetation (wetland/riparian) and visual resource impacts. The DEIS separately concludes that wetland and riparian habitat would recover within the short-term, and visual resources impacts to riparian areas may be visible for up to 20 years.
<p>Response: Only a limited, if any, degree of modification to riparian vegetation would occur. Although re-growth of individual trees or shrubs might require more than 5 years, this degree of change would not be apparent to visitors or the casual observer.</p>	

#16

Resource	Comment Summary
<i>Visual Resources</i>	EIS does not provide evidence that viewer attitudes towards ongoing installation, staging area construction and traffic volumes during the installation period would likely be negative. Comments offer evidence that visitors would appreciate the visual changes associated with installation.
<p>Response: Viewer sensitivity (response) by user type towards the project was described in the Visual Resource section “Aesthetic Response and User Type”. Additional justification for high viewer sensitivity has been added for consistency and completeness in describing potential viewer sensitivity to construction, exhibition, and removal of the project.</p>	

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#17

Resource	Comment Summary
<i>Visual Resources</i>	Concern that a full VRM study be completed. The DEIS Visual Resource section does not provide sufficient detail and contrast ratings were not included in the DEIS. Comments request elaborating on the 1) scale of the proposal, 2) introduction of structures, 3) the visual attention caused by their contrast and 4) attitudes toward visual change during a) installation, b) exhibition, and c) removal.
Response: An appropriate level of visual analysis was completed, in accordance with the 1995 Royal Gorge Resource Area, Proposed Resource Management Plan and Final Environmental Impact Statement which requires: “Contrast rating forms would be required for high impact projects or proposed projects in highly sensitive areas. A brief narrative visual assessment will be completed for all projects that require an environmental assessment or impact statement.” Additional consideration of visual effects would not add to or modify the conclusion that VRM Class 2 objectives would not be met during the exhibition period and that this would result in a significant, short term impact. Similarly, given that all visible project features and disturbances would be removed and restored, further analysis is not needed to support the conclusion that the project would not result in long-term adverse effects.	

#18

Resource	Comment Summary
<i>Visual Resources</i>	Concern that design criteria and applicant committed measures are described as a visual impact, when they may actually reduce the visual impact (p. 4-295).
Response: Reviewer misunderstood how applicant committed measures and mitigation would reduce visual impact.	

#19

Resource	Comment Summary
<i>Visual Resources</i>	Concern that the applicant’s primary goal (a provocative visual contrast) violates the BLM’s purpose and need, whose charge is to manage the Arkansas Canyon for its protection and enjoyment as a natural and scenic landscape in accordance with the policies, goals, rules and regulations of adopted documents and laws.
Response: The analysis determined that the visual impacts would be short-term, which is not in conflict with the RMP. No irreparable damage to the Arkansas Canyonlands ACEC is anticipated.	

#20

Resource	Comment Summary
<i>Visual Resources</i>	Concern for the types of Key Observation Points (KOPs), number of KOPs and how KOPs were identified.
Response: Section 4.21 explains that in October 2009, field reconnaissance with BLM staff, agency scoping, and literature review identified 13 KOPs for each of the panel locations and staging areas. At least 1 KOP was selected for each panel and staging area. Two of these KOPs (numbers 21 and 22) have been removed, since the Parkdale Viewing Center has been eliminated from the alternatives.	

#21

Resource	Comment Summary
<i>Visual Resources</i>	Section C, Summary of Visual Impacts, for the Exhibition section lacks a conclusion as to impact significance.
Response: A conclusion statement as to impact significance has been added to Section C (Exhibition) similar to Section B (Installation).	

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#22

Resource	Comment Summary
<i>Visual Resources</i>	Concern for lack of evidence that eastbound travelers would see less of the project than westbound travelers.
Response: Clarification has been added to Section 4.21: “Field observations found that viewers would see the majority of the project driving westbound, which would provide the least obstructed views from the highway or vegetation. Viewers driving eastbound would see less than half of the panel displays (BLM 2009f).”	

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Wilderness

#1

Resource	Comment Summary
<i>Wilderness</i>	Argument that mitigation measure WILDERNESS-1 is unnecessary, based on the potential level of impact to the WSA described in the DEIS.
Response: The following was added to Section 4.23.2.2.a: “Increased visitation during exhibition could result in visitors attempting to climb the steep slopes along US 50 within the WSA to gain a better vantage point of the Maytag, Three Rocks, Spikebuck, or Parkdale panels. As a result, visitors may displace rocks, impact vegetation and other resources, or put themselves in danger. Mitigation described in Chapter 5.0 would reduce these resource and public safety impacts by prohibiting climbing on the slopes adjacent to US 50. ”	

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Cultural Resources

#1

Resource	Comment Summary
<i>Cultural Resources</i>	Section 106 and Native American consultation is not complete and the Advisory Council on Historic Preservation should be involved.
Response: Following completion of the final documentation, BLM consulted with the Colorado State Historic Preservation Officer (SHPO). Upon determining that adverse effects to historic properties might occur as a result of the undertaking, BLM and the consulting parties that accepted BLM's invitation [SHPO, the Advisory Council on Historic Preservation (ACHP), and OTR] wrote a programmatic agreement that details measures to avoid, minimize or mitigate the adverse effects to the identified historic properties.	

#2

Resource	Comment Summary
<i>Cultural Resources</i>	OTR wants to be a party to the Section 106 and Native American consultation in order to develop the mitigation plan for adversely affected sites.
Response: OTR holds consulting party status and has been involved in the Section 106 process.	

#3

Resource	Comment Summary
<i>Cultural Resources</i>	Cultural resource monitoring should be conducted during anchor installation.
Response: A detailed monitoring plan is included in the executed Programmatic Agreement among the BLM, Colorado SHPO, ACHP and OTR. The program includes provisions for monitoring of historic properties during pre-construction, construction, display and removal phases of the undertaking.	

#4

Resource	Comment Summary
<i>Cultural Resources</i>	The Ute Indians hold many areas in the canyon sacred and archaeological sites will be totally destroyed by construction equipment.
Response: BLM has consulted with three Ute tribes, as well as 13 Plains tribes. The tribes have not expressed any concerns regarding sacred sites. No design mitigation measures to 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") are necessary.	