

1.0 Introduction

Chapter 1.0 provides background information on the proposed project, including the Artists' vision and objectives for the project, the Bureau of Land Management's (BLM) purpose and need for the action, and a summary of issues and concerns to be analyzed in the subsequent EIS chapters.

1.1 OVERVIEW

The Artists, Christo and Jeanne-Claude, propose to install a temporary work of art consisting of fabric panels suspended horizontally over approximately 5.9 miles of a 42.4-mile stretch of the Arkansas River between Cañon City and Salida, Colorado. The work of art, known as *Over The River™* (OTR), would require the use of federal, private, and state lands adjacent to the river. The BLM Royal Gorge Field Office (RGFO) administers the federal lands within the proposed Project Area.

Over The River Corporation (OTR Corp or applicant) has applied for a land use authorization with the BLM RGFO for a three-year period to install, exhibit, and remove the work of art on public lands in western Fremont County and the southeast portion of Chaffee County, Colorado. The BLM is the lead federal agency and has the final authority to determine whether, and under what terms and conditions, a BLM land use permit would be issued to the project applicant for *Over The River™*.

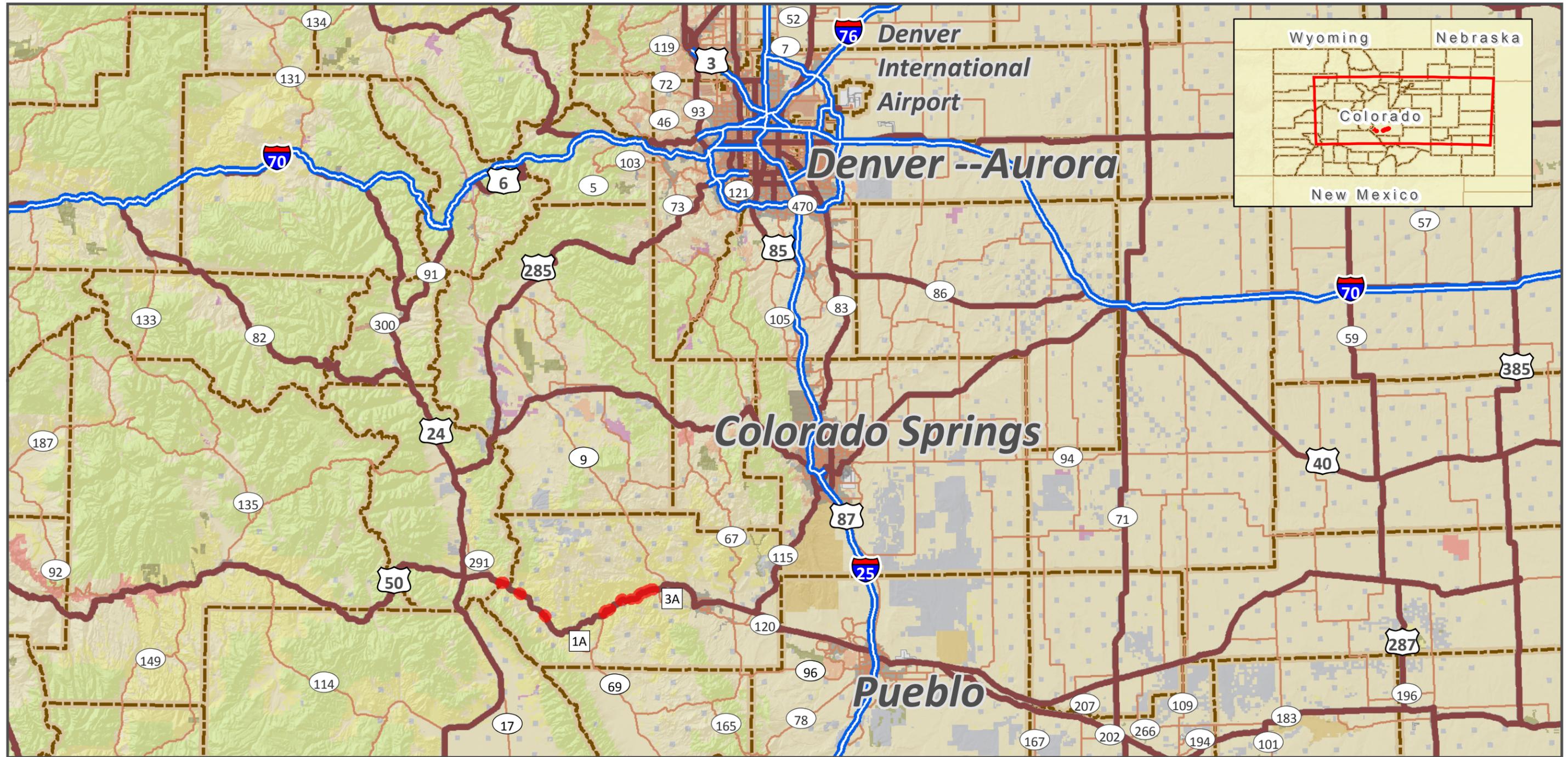
The BLM RGFO determined that an Environmental Impact Statement (EIS) was required under the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code [U.S.C.] 4321 et seq.; Public Law [P.L.] 91-190) to analyze the Artists' proposal, define a range of reasonable alternatives, and disclose the project's potential environmental impacts. A Notice of Intent (NOI) was published in the *Federal Register* on June 19, 2006, and the Draft EIS on the project was released for public review July 16, 2010. This Final EIS has been prepared consistent with the requirements of the Council on Environmental Quality (CEQ) regulations on implementing NEPA (40 CFR 1500-1508) to enable informed decision-making.

1.2 PROJECT LOCATION

The project is proposed in the Arkansas River corridor between Salida and Cañon City, Colorado, a distance of approximately 42 miles (Maps 1-1, 1-2, and 1-3). The Project Area is located approximately 50 air-miles southwest of Colorado Springs and 100 air-miles southwest of Denver.

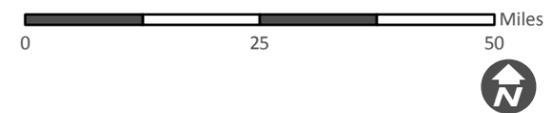
The Arkansas River is situated in a canyon setting surrounded by hilly, steep terrain. U.S. Highway 50 (US 50) and the Union Pacific Railroad (UPRR) parallel the river through the entire Project Area. Access to and through the Project Area is limited to US 50, which is the primary access to all recreation sites and residential areas within the Arkansas River corridor and serves as a major thoroughfare for east-west travel in central Colorado. Between Cañon City and Salida, Colorado, State Highway (SH) 9 east of Parkdale and Colorado SH 69 at Texas Creek provide access to and from US 50 in the Project Area. Although Cañon City and Salida are the nearest incorporated population centers, several smaller residential communities are located along or are adjacent to the river corridor, including Wellsville, Swissvale, Howard, Coaldale, Cotopaxi, Texas Creek, and Parkdale.

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| Artists' Proposed Panels | Land Ownership | Bureau of Reclamation |
| Urban Areas | City, County, or State | U.S. Fish and Wildlife Service |
| County Boundaries | Special Districts | National Park Service |
| Highways (Regional and Local) | School Land Board | Tribal Lands |
| Limited Access | Colorado Division of Wildlife | U.S. Forest Service |
| Highway | Federal | Private Land |
| Major Road | Bureau of Land Management | Land Trusts/NGOs |



Map 1-1

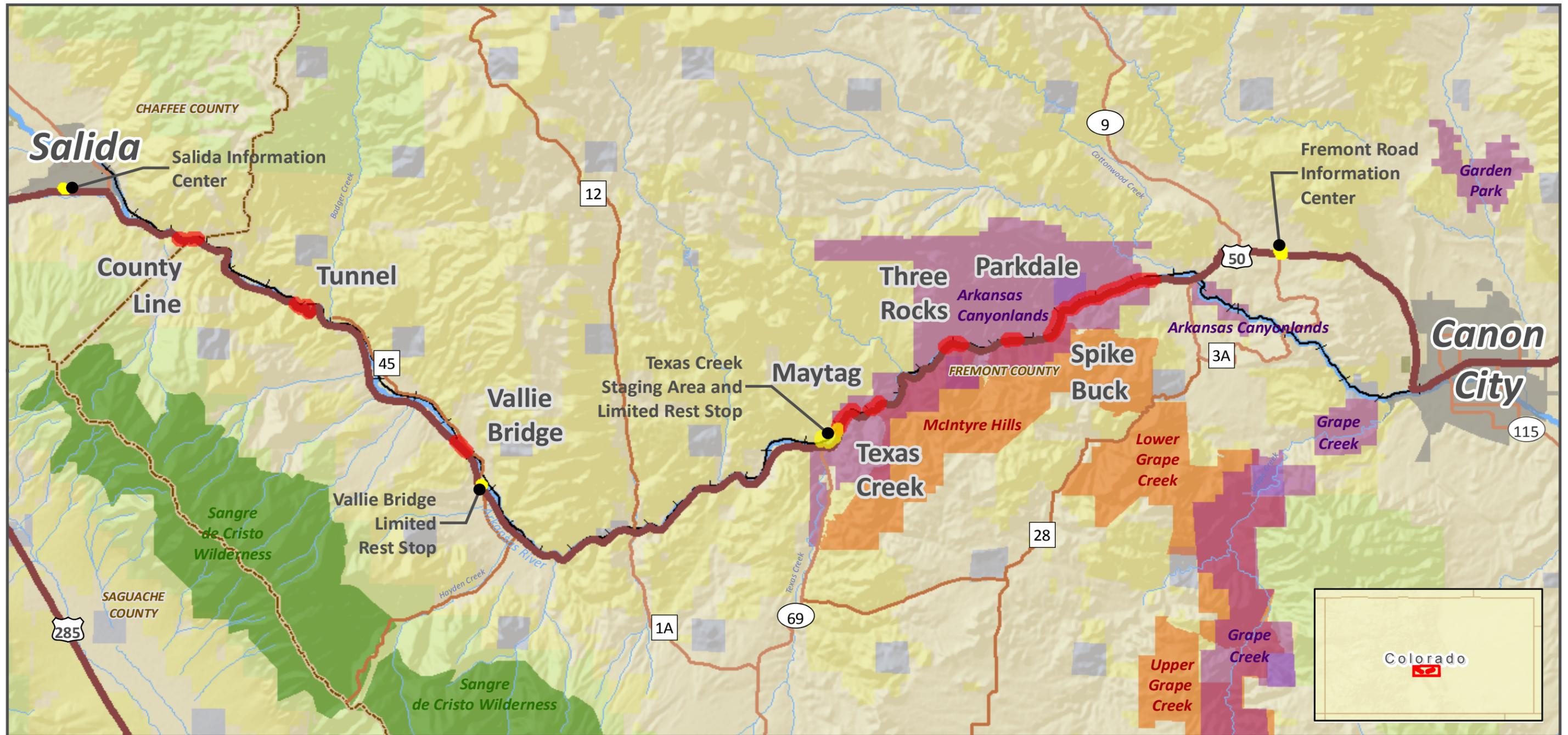
Regional Overview

Data Sources:
CDOT, COMaP, ESRI, OTR Corp.

Projection: State Plane, Colorado Central Datum, North American Datum of 1983 (NAD83)

January 24, 2011

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| Artists' Proposed Panels | Land Ownership | Land Management |
| Information Centers/Rest Stops | City, County, or State | Area of Critical Environmental Concern |
| Urban Areas | School Land Board | Wilderness Area |
| County Boundaries | Colorado Division of Wildlife | Wilderness Study Area |
| Highways (Regional and Local) | Bureau of Land Management | |
| Highway | U.S. Forest Service | |
| Major Road | Private Land | |
| Union Pacific Railroad | | |



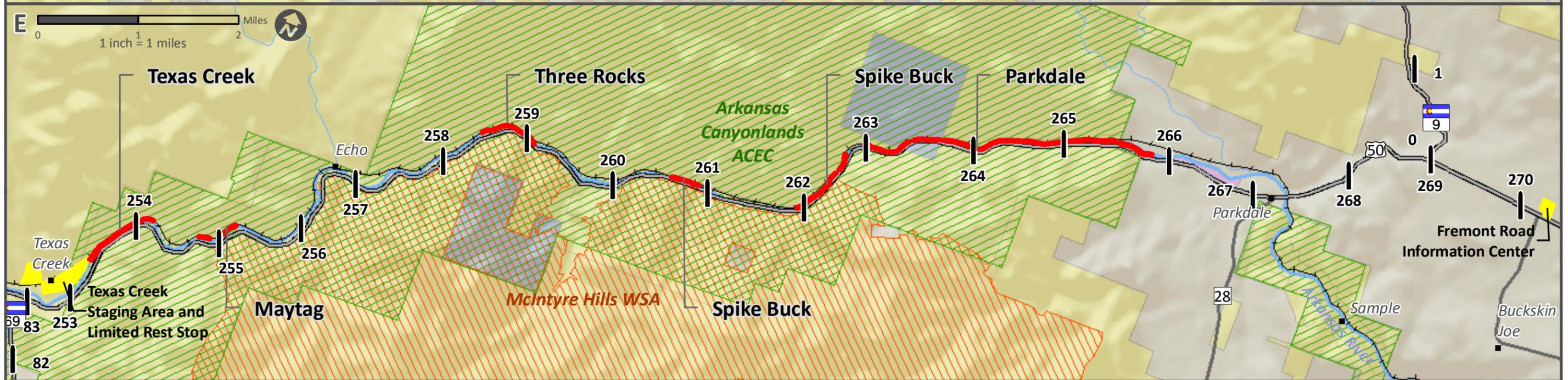
Map 1-2

Project Area

Data Sources:
CDOT, COMaP, ESRI, OTR Corp.

Projection: State Plane, Colorado Central Datum, North American Datum of 1983 (NAD83)

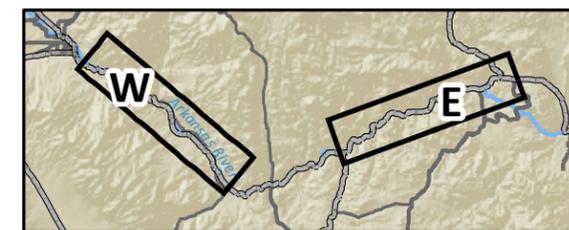
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|---------------------------|--------------------------------|----------------------|-------------------|--|-----------------------------|--------------|
| Artists' Proposed Panels | Information Centers/Rest Areas | Populated Places | County Boundaries | Union Pacific Railroad | Arkansas River | Mile Markers |
| Bureau of Land Management | State Land Board | Colorado State Parks | Private | Area of Critical Environmental Concern (BLM) | Wilderness Study Area (BLM) | |

* The proposed panel sites and information areas appear larger than actual size for mapping purposes.



Data Sources:
BLM, CDOT, COMap, ESRI, OTR Corp.
Projection: State Plane, Colorado Central
Datum: North American Datum of 1983 (NAD83)

Map 1-3

Mile Marker Reference Map
Shown with Artists' Proposed Action

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The “Project Area” generally refers to the area encompassing the 42-mile stretch of the Arkansas River Canyon between Cañon City and Salida. This includes all jurisdictions along the river and adjacent US 50 and UPRR rail corridor that provide access to the river. The footprint of the proposed project would encompass approximately 297 acres. The majority of the Project Area is located in Fremont County; however, a small portion at the western end of the project is also located in Chaffee County. Although the great majority of the proposed project would be located on BLM-administered lands, some project elements would be on lands owned by the Colorado State Land Board (SLB), private lands, and lands cooperatively managed by Colorado State Parks (State Parks) in the Arkansas Headwaters Recreation Area (AHRA) (Map 1-2).

Approximately 80% of the area encompassed by the proposed project would be located in the Arkansas Canyonlands Area of Critical Environmental Concern (ACEC), a BLM-specific designation that recognizes areas where special management attention is needed to protect and prevent irreparable damage to important historic, cultural or scenic values, fish and wildlife resources, or other natural systems or processes. The Arkansas Canyonlands ACEC contains scenic, historic, and cultural values; peregrine falcons, key habitat for raptors, bighorn sheep, and fisheries. The panel sites on the eastern end of the project (the area nearest to Cañon City) would occur within parts of the ACEC, including the Spikebuck, Three Rocks, Maytag, and Texas Creek panel sites as well as the majority (but not all) of the Parkdale panel site (Map 1-2).

The AHRA is a nationally significant multiple-use resource that provides a variety of recreational opportunities and serves as a regional hub for outdoor recreational pursuits.

The Arkansas River corridor has retained its natural characteristics even though it has been modified by a railroad, a busy highway, and substantial agricultural, residential, and commercial development along much of its length. The Arkansas River has a significant and vital impact on the valley’s economy and beyond because of water rights for irrigation, municipal and industrial purposes, and for the sale and storage of water. Because of its natural beauty, biological productivity, steep gradient and diversity of river environments, the Arkansas River is very popular with recreationists.

The proposed Project Area described above would also encompass portions of the Arkansas River Special Recreation Management Area (SRMA) and is located adjacent to the McIntyre Hills Wilderness Study Area (WSA). A thorough description of these and other resources in the Project Area is provided in Chapter 3.0.

1.3 PROJECT BACKGROUND

The following sections summarize the history of the project, a brief summary of the Artists’ proposed project, and the Artists’ vision and objectives for the project.

1.3.1 Project History

The applicant initially presented a verbal proposal of the project to the BLM RGFO in 1996. The applicant subsequently retained a contractor to initiate preparation of an Environmental Assessment (EA), including initial public scoping efforts, in 1997 through 2000. The project was put on hold by the applicant in 2002. The applicant re-approached the BLM RGFO about the proposed project in August 2005. Additional EA-level scoping occurred January-February 2006. In April 2006, the BLM advised the

applicant that an EIS would be required in order to proceed with the proposal due to the project complexity, controversial nature of the proposal, concerns regarding public safety, and the potential for significant impacts. Subsequently, an NOI to prepare an EIS was published in the *Federal Register* on June 19, 2006.

In June 2006, the BLM RGFO requested a detailed design proposal from the applicant, including additional details on project design, scheduling, and event management. In April 2007, OTR Corp delivered a detailed *Design and Planning Report* that included a preliminary set of alternatives; however, the 2007 report did not include some of the details previously requested by the BLM that were necessary to move forward with the EIS. In April 2008, the BLM received a *Detailed Design Proposal*, including additional project information with the level of detail necessary to move forward with the EIS. Subsequently, a Notice of Realty Action (NORA) was published in the *Federal Register* on October 31, 2008.

1.3.2 Applicant's Proposed Project

As proposed by the applicant, *Over The River™* would consist of approximately 5.9 miles of fabric panels suspended above the Arkansas River in eight areas within a 42-mile stretch of river between Salida and Cañon City (Map 1-2). The fabric panels would be supported above the river by a system of cables and anchors. The exhibit is proposed for a 2-week display and viewing period. The proposed art exhibit is a no-fee visitor event and includes no viewing charge. At the end of the 2-week exhibition period, the system of cables and anchors and other above-ground materials would be removed and recycled. The applicant would be responsible for restoring the river corridor to BLM standards per the terms and conditions defined in a land use authorization.

The Installation, Exhibition, and Removal phases are projected to attract 416,000 visitors over an approximately three-year period, including 344,000 visitors during the 2-week exhibition proposed in August. OTR Corp initially proposed that the viewing period would be scheduled in the first half of the month. Subsequently, OTR Corp requested a viewing period later in August, specifically the second and third week of August. The potential benefit of a later viewing period was an extension of the rafting season and increasing tourism at a time when visitation normally drops off. This timing was not accepted by BLM due to the low probability of sufficient water being available in the third week of August to support rafting use. The flow augmentation program for boating on the Arkansas River stops on August 15 and natural flows are usually not sufficient after that date to support rafting use. An additional consideration is the potential for conflict with school buses and traffic; School District Re-3 is normally in session by the third week in August. This timing would also result in greater impacts on angling use, which increases as flows diminish. As a result, BLM's Preferred Alternative retains OTR Corp's original proposal to hold the Exhibition Period in the first half of August.

1.3.3 Artists' Vision and Objectives

This section presents the Artists' vision and objectives for *Over The River™* and does not necessarily represent the views or objectives of the BLM RGFO.

According to the *Design and Planning Report* (J.F. Sato 2007) and the Sponsor's (Artists') *Statement of Goals, Objectives and Artistic Vision for Over The River* (OTR 2008a), the Artists' core vision for *Over The River™* involves the temporary horizontal suspension of luminous fabric in a summertime river environment that offers a range of lighting conditions and a variety of landscapes so as to create contrasting lines, forms, colors, and textures (Figures 1-1 and 1-2). With the natural beauty of the river

as part of the temporary work of art, the Artists envisioned that the translucent fabric panels would emphasize the configuration of the river as it meanders, winds, and bends. The creation of a temporary work of art for the free enjoyment of the viewing public is integral to the Artists' vision for *Over The River™*.

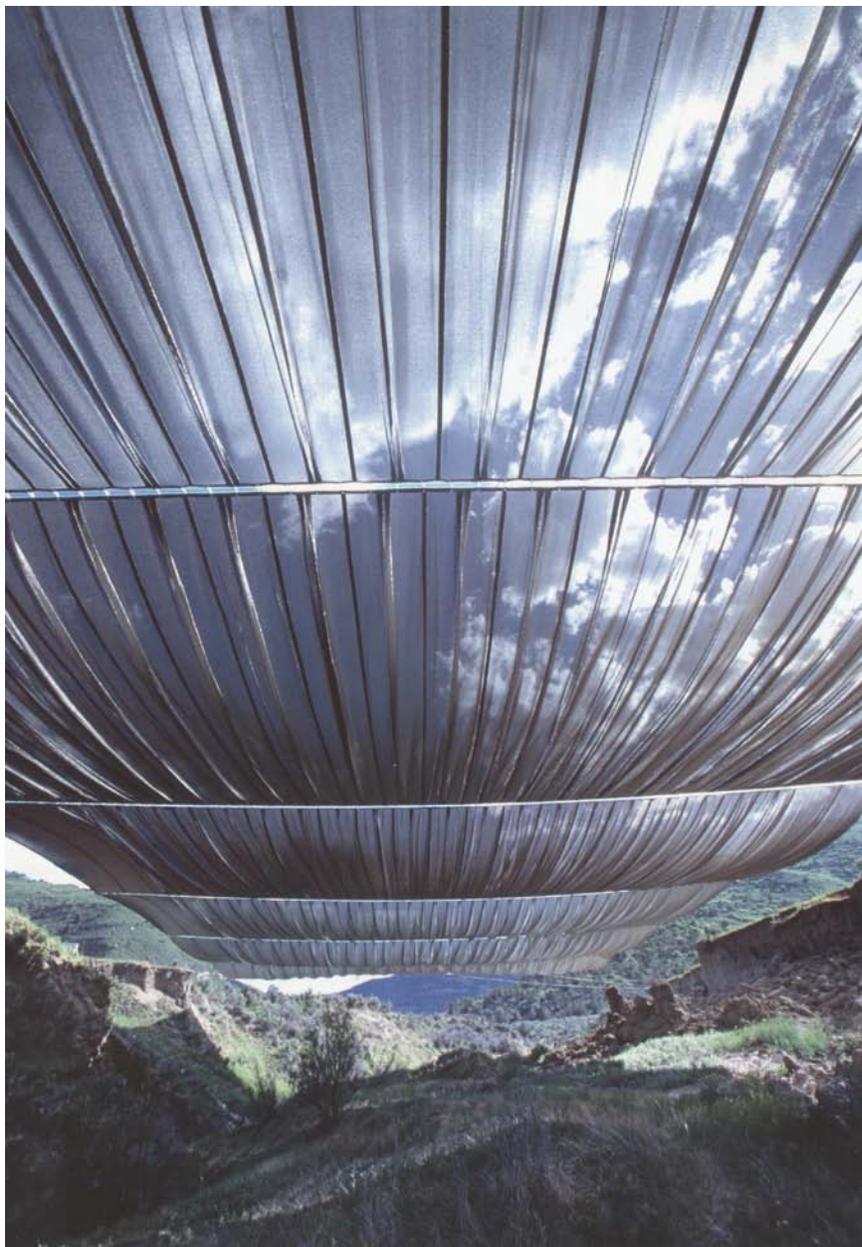


Figure 1-1. View of live test (from river perspective) on private lands in western Colorado, 1999

Photo Credit: OTR Corp

In August 1992, 1993, and 1994, the Artists and their project team traveled throughout the western United States and evaluated 89 rivers in search of the ideal setting for the *Over The River™* installment. Ultimately, the Arkansas River between Cañon City and Salida was selected as the site for the temporary

installment because of its unique combination of steep banks, road and rail access, visibility from the road, proximity to major metropolitan areas, opportunity for on-water viewing, site aesthetics, and alternating white water and flat water areas.

The Artists believe that people should have the opportunity to experience art outside the confined walls of museums. The Artists “borrow public space and temporarily intervene in the daily rhythm of the local population, in order to create a gentle disturbance intended to refocus the routine view of usual surroundings” (J.F. Sato 2007). The Artists consider the opportunity for the public to gain new perspectives on aspects of the Arkansas River corridor to be a key component of *Over The River™* (J.F. Sato 2007).



Figure 1-2. Aerial view of live test on private lands in western Colorado, 1999

Photo Credit: OTR Corp

1.4 KEY PROJECT PARTICIPANTS

By their nature, rivers often flow through lands with multiple ownerships and jurisdictions. While the management of most segments of the river corridor within the Project Area is primarily the responsibility of the BLM, a number of other government and private entities are involved in administering lands in the Project Area. Therefore, it is important for these entities to be involved in the planning for public lands within the Project Area. The BLM has consulted with a number of other federal and state agencies, tribes, and local governments in the preparation of this EIS. The mission and responsibility of key project participants is discussed in the following sections.

1.4.1 Bureau of Land Management

It is the mission of the BLM to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. The BLM is the lead federal agency responsible for preparation of this EIS and project oversight and compliance with the requirements of NEPA and other applicable laws and regulations. The BLM is responsible for the decision on whether to issue the requested land use permit and, if issued, the applicable terms, conditions, or other stipulations. In the decision process, the BLM must consider how the BLM's resource management goals, objectives, opportunities, and/or conflicts relate to this nonfederal use of public lands. Sections 1.5 and 1.6 provide more discussion on the BLM's consideration of current Resource Management Plan (RMP) guidelines, including a determination of plan conformance.

1.4.2 Cooperating Agencies

A number of other federal, state, and local government entities have jurisdiction over resources or uses in the Project Area and/or manage lands adjacent to the river within the Project Area. The BLM has entered into cooperative agreements with the following entities to better understand and address their concerns for the EIS.

- Colorado Department of Natural Resources (CDNR), which consists of the Colorado Division of Wildlife (CDOW), State Parks, and SLB
- Colorado Department of Transportation (CDOT)
- Colorado State Patrol (CSP)
- Chaffee County
- Fremont County

Although this EIS is a BLM process and document, the BLM understands there are key considerations that the five Cooperating Agencies must have evaluated in order for each agency to make their own informed decisions on the applicants' proposal. This EIS has been developed to encompass and assess the ideas, issues, and opportunities identified by each of the Cooperating Agencies. There are a multitude of issues and concerns associated with the applicants' proposal. As such, the alternatives development and impact assessment (Chapters 2.0 and 4.0, respectively) are focused on those issues and concerns that would truly help the BLM and Cooperating Agencies to differentiate between alternatives and/or are critical to the decision-making process. The remaining issues and concerns would be addressed administratively through the terms, conditions, or other stipulations of each permitting entity's approval process, should the proposal be allowed to move forward.

A summary of each Cooperating Agency's mission and general policy guidance, critical interests, and concerns with respect to the proposed project, and project review and/or permitting responsibilities is provided below.

The Colorado DNR was created with a mission to develop, preserve, and enhance the state's natural resources for the benefit and enjoyment of current and future citizens and visitors. The CDNR is the official Cooperating Agency for preparation of the EIS; however, there are three divisions that are responsible for resources affected by the proposed project: State Parks, SLB, and CDOW.

State Parks' mission is to be leaders in providing outdoor recreation through the stewardship of Colorado's natural resources for the enjoyment, education, and inspiration of present and future

generations. State Parks jointly administers the AHRA with the BLM under a Cooperative Management Agreement (CMA). In general, as part of the CMA, State Parks agrees to provide the on-ground presence and “lead” agency responsibility in managing recreational activities on the lands and waters within the AHRA.

SLB’s mission is protecting and enhancing permanent endowment assets for the reasonable, consistent, and ongoing benefit of Colorado public schools and public facilities. SLB lands would be directly affected within the Project Area, specifically Section 16, Township 18 South, Range 72 West. SLB’s review of the proposed project will consider the net benefits to the school trust resulting from the proposed use, and whether the value of the SLB lands held in trust are not significantly diminished.

CDOW manages wildlife throughout the State of Colorado. The mission of CDOW is to “perpetuate the wildlife resources of the state and provide people the opportunity to enjoy them.” CDOW’s role is primarily advisory, focusing on ensuring that project effects on wildlife and public recreational uses, such as fishing and hunting, are fully considered and mitigated.

CDOT’s mission is “to provide the best multi-modal transportation system for Colorado that most effectively moves people, goods, and information.” With respect to the proposed project, CDOT is focused on avoiding and minimizing scheduling conflicts, maintaining traffic flow on US 50 and other roadways, and minimizing public and vehicular safety issues.

CSP’s statutory charge is to facilitate the safe and efficient movement of all motor vehicle traffic, and to respond to motorists in need of assistance on Colorado roadways. CSP’s foremost priority is the prevention of fatal, injury, and property damage crashes.

The Fremont County Department of Planning and Zoning is a service, information, and enforcement-oriented entity, primarily dealing with land use issues in the unincorporated areas of Fremont County. The majority of the project would be located in Fremont County. Fremont County’s priorities are to ensure that emergency services are adequate to meet all potential incidents and to minimize potential impacts of the proposed project on residents and businesses.

The Chaffee County Planning and Zoning Department works to assist landowners in using their property, and to enforce the adopted Land Use Regulations to protect surrounding property owners from incompatible land uses. Project effects on local residents and public safety are key issues for Chaffee County.

1.4.3 Applicant

The Artists and OTR Corp have submitted an application for a land use authorization to the BLM RGFO in accordance with 43 CFR 2920. Unless otherwise indicated, the Artists and OTR Corp will hereinafter be collectively referred to as the “applicant”.

1.4.4 Third-Party Contractor

The BLM RGFO has retained EDAW/AECOM as a third-party consultant to assist with preparation of this EIS. EDAW/AECOM was selected by the lead agency in cooperation with the Cooperating Agencies to avoid any conflict of interest. EDAW/AECOM has certified that it does not have any financial or other interest in the decisions to be made pursuant to this EIS.

1.5 PURPOSE AND NEED FOR ACTION

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 purpose and need for the project (NEPA Manual H-1790-1, p.35, 3rd paragraph). The purpose and need statement as a whole describes the problem or opportunity to which the BLM is responding and what the BLM hopes to accomplish by the action (NEPA Manual H-1790-1, p.35, 3rd paragraph). The purpose and need statement dictates the range of alternatives, because action alternatives are not "reasonable" if they do not respond to the purpose and need for the action (NEPA Manual H-1790-1, p.36, 2nd paragraph).

1.5.1 Need for Action

For many types of actions, the "need" for the action can be described as the underlying problem or opportunity to which the BLM is responding with the action (NEPA Manual H-1790-1, p.35, 2nd paragraph).

The applicant has submitted a written proposal for a land use authorization to construct and display a work of art titled *Over The River™*, pursuant to Section 302 of the Federal Land Policy and Management Act (FLPMA), using noncompetitive permit procedures as provided in regulations at 43 CFR 2920. The BLM action on this land use proposal would be the issuance of a land use authorization for the proposed nonfederal use of public lands. The BLM is responding to OTR Corp's application in accordance with NEPA, analyzing and disclosing the environmental impacts of issuing the requested land use authorization.

The BLM has an obligation to protect the important historic, cultural or scenic values, fish and wildlife resources, or other natural systems or processes of the Arkansas Canyonlands ACEC. The ACEC's management guidelines are as follows:

Sensitive resources would be managed to protect, enhance, and interpret the significant scenic, historic, and archaeological values, peregrine falcon, key raptor habitat area, bighorn sheep habitat, and important fisheries. Additional public access along a nationally significant recreational river would be considered. The area would receive special management as an ACEC. (Draft Royal Gorge RMP [BLM 1993], Table 3-23, p. 3-46 and Appendix K).

Coupled with new issues and concerns and increasing demands on certain resources in the Project Area, various approvals and/or permits would be required from other agencies or jurisdictions to implement one or more of the components of the proposed project (see Section 1.7.1). Issuance of a land use authorization is a federal action that requires NEPA documentation, which in this case is an EIS. The EIS is prepared in compliance with NEPA, the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and BLM implementing regulations and guidance.

1.5.2 Purpose

The "purpose" can be described as a goal or objective that the BLM is trying to achieve. Often, the "purpose" can be presented as the solution to the problem described in the "need" for the action (NEPA Manual H-1790-1, p.35, 2nd paragraph).

The BLM's purpose is to ensure that the provisions and objectives established for the management of resources within the RGFO, including the ACEC, are maintained; to ensure that the public uses described

herein will not cause unacceptable damage to public lands or ACEC values; and to assure that public health and safety concerns are addressed.

Additionally, the BLM's purpose 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 while providing support to the local and regional economies (BLM 1996).

1.6 BLM LAND USE PLAN CONFORMANCE

The Project Area is situated within BLM-administered public lands guided by the May 1996 *Royal Gorge Resource Area Record of Decision and Approved Resource Management Plan* (BLM 1996).

1.6.1 Review of the Approved Land Use Plan

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists (43 CFR 1610.5-3, 43 CFR 2920.2-5). The BLM's planning regulations state that the term "conformity" or "conformance" means that "... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment" (43 CFR 1601.0-5(b)). According to the BLM NEPA Handbook (H-1790-1, Section 1.5), if a proposed action does not conform to the existing land use plan, the proposal should either be modified to conform or a land use plan amendment to allow the action should be considered. Additionally, if the existing land use plan is silent about an activity, the plan direction, including the broad and programmatic goals and objectives, should be reviewed.

In this case, the 1996 RMP is silent on specific guidelines or management objectives pertinent to the proposed project. As such, the 1996 approved RMP / Record of Decision (ROD) were reviewed to identify overarching or programmatic guidance, objectives, and/or decisions as they pertain to the applicants' proposal.

In general, with the inclusion of appropriate constraints, stipulations, and mitigation measures, the applicants' proposal appears to be broadly consistent with the overall RMP objective of providing "variety of levels, methods, and mix of multiple use resource management [and] utilization," and support to the local and regional economy, as noted in the RMP excerpt below (BLM 1996):

The overall objective of this resource management plan is to provide a variety of levels, methods, and mix of multiple use resource management, utilization, and protection... BLM lands and resources will continue to be managed to provide for needed commodities and uses to assist in the support of local and regional economies... Generally, management practices and prescriptions will favor maintaining or enhancing the natural setting (e.g., wildlife habitat, visual resources, recreation areas, etc.)... Necessary constraints, stipulations, and mitigating measures will be included to protect these resources from irreversible damage (BLM 1996).

1.6.2 Specific Conformance Review Findings

A determination of land use plan conformance rests on how consistent the action is or is not with the specific resource management objectives and decisions within the RMP. These are discussed below.

The 1996 RMP sub-divided the RGFO into ten Eco-Subregions (ESR) to enable site and/or issue-specific management and planning decisions. While the project could affect other subregions, the Project Area falls entirely under the guidance of the Arkansas River Subregion ESR #1 decisions, which were reviewed to further identify specific guidance, objectives, and/or decisions as they pertain to the applicants' proposal. None of the RMP decisions, including the 89 ESR-specific decisions, explicitly allow or prohibit the applicants' proposal. The proposed project is consistent with the following ESR-specific decisions:

- **Recreation Management 1-82** – Recreation will be managed to provide for a variety of recreational opportunities and settings; additional opportunities for mountain biking, hiking, off-highway vehicle use, interpretation, and horseback riding; facility development will be accomplished to reduce user conflicts and to improve visitor health and safety.
- **Recreation Management 1-86** – Various actions will occur to enhance recreation: river corridor and upland recreational opportunities emphasizing a balance between resource protection and tourism.
- **National Recreation Area 1-87** – River corridor recreation values will be managed as guided in any Congressional act to establish a NRA.

In the Draft EIS, the following ESR-specific decisions were identified as potential conflicts with the proposed project:

- **Wildlife Habitat 1-16** – Conflicts between wildlife habitat and other uses, e.g., grazing, mineral development, etc., will be resolved in favor of achieving vegetation management goals.
- **Fishery Habitat 1-24** – Conflicts between fishery habitat and other values, e.g., livestock grazing, mineral development, etc., will be resolved in favor of fishery habitat.
- **Special Status Plants / Plant Communities Habitat 1-27** – Special status plants and plant communities' habitat will be protected through elimination of conflicting uses.
- **Special Status Animal Species Habitat 1-30** – Special status animal species habitat will be protected through elimination of conflicting uses.
- **Areas of Critical Environmental Concern (ACEC) 1-66** – All or portions of Browns Canyon, Mosquito Pass, Grape Creek, and Arkansas Canyonlands are designated as ACECs and will be managed to protect and enhance their special (ACEC) values. These designated ACECs will receive special management as follows:
 - livestock grazing will be excluded in some areas and adjusted in other areas;
 - timber harvesting and wood gathering will be allowed only for enhancement of protected values;
 - fluid minerals leasing will occur on portions of Mosquito Pass and Arkansas Canyonlands with a no surface occupancy stipulation;
 - locatable mineral entry will not occur;
 - mineral materials development will not occur;
 - VRM class II avoided for major rights-of-way;
 - retention in public ownership;

- off-highway vehicle (OHV) use limited to designated roads and trails;
- OHV use closed within the WSA portions of these ACECs.

Of the four ACECs identified within the RGFO, only the Arkansas Canyonlands is located in proximity to the project. Special resource values that must be considered, which are unique to the Arkansas Canyonlands ACEC include: scenic, historic and cultural values, peregrine falcons, key raptor habitat area, bighorn sheep, fisheries, and recreational access (Draft Royal Gorge RMP [BLM 1993], Appendix K).

In addressing plan conformance, the means by which each of the above special values of the ACEC are being addressed and mitigated are summarized in Table 1-1.

Table 1-1. Impacts and Mitigation to ACEC Special Resource Values

ACEC Special Resource Value	Impacts and Mitigation
Scenic	Visual Resource Management (VRM) Class II guidance states that the level of change to the characteristic landscape should be low. The project would not create long-term changes to the landscape that conflict with VRM 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 (see Section 4.21).
Historic and Cultural	Analysis determined no direct effects to historic properties. Mitigation measures proposed to address potential indirect adverse effects to historic properties include project redesign, monitoring, and established procedures for some or all of the parties to follow in the event of discoveries, changes to the Area of Potential Effect, and other noncultural resources mitigation (see Sections 4.25 and 5.25).
Peregrine Falcon and Key Raptor Habitat	All action alternatives would result in short-term displacement of avian species from riparian habitat and potential for increased mortality from strikes with cables or other project elements. Mitigations include buffer zones for human encroachment and seasonal restrictions on activity (see Sections 4.2 and 5.2).
Bighorn Sheep	Impacts to bighorn sheep include effects to winter range, lambing events, habitat displacement, and impacts from increased traffic. In cooperation with CDOW, a variety of measures would be implemented to reduce these and other stresses. These include: increased signing on the highway to reduce collisions, reduced speed limits, daily time restrictions and seasonal restrictions on work activity, wildlife training for project monitors, access to alternate habitats, restricting public access, bighorn sheep monitors, and finally establishing an adaptive management fund to prevent or offset impacts to sheep (see Sections 4.1 and 5.1).
Fisheries	Potential impacts to the fisheries in the ACEC include effects to water quality during construction and removal, effects to riparian habitat, possible contaminants entering water from construction equipment, noise, and the effects of shading on habitat and behavior. Those impacts that were considered to be of more significant duration and magnitude were targeted for mitigation. These include minimizing the removal of riparian vegetation, restoration of aquatic habitat in the event of a destructive storm, and the removal of excavated soil to prevent stream sedimentation (see Sections 4.3 and 5.3).
Recreational Access	During the construction and removal phases, recreational access would be limited at the specific construction site and at adjacent pullouts used for staging project vehicles. Informal pullouts throughout the project area would be closed only during the exhibition. All AHRA fee sites and a number of nonfee sites would remain open for normal recreational activities for all phases of the project (see Sections 4.20 and 5.20).

In July 2008, in order to move forward with the Notice of Realty Action (NORA), the BLM RGFO committed to general land use plan (LUP) conformance on the basis indicated above, reserving final judgment on the conformance decision pending completion of this EIS. Based on the findings in the Final EIS, BLM has determined that the applicants' proposal is in conformance with the plan. This determination is based on the incorporation of additional mitigation measures developed after release of the Draft EIS and the elimination of any significant, adverse long-term impacts to all resources, and a determination that the project would not result in any irreparable damage to the Arkansas Canyonlands ACEC. The additional mitigation measures are presented in Chapter 5.0 and the resulting reductions in impacts are described in Chapter 4.0.

Additional information on the basis for a determination of conformance with the RMP and ACEC will be presented in the ROD.

In order to further ensure compliance with the LUP and assure that projects undertaken on federal lands do not create economic burdens on the BLM, the use of performance bonds or warranties are typically required. These financial mechanisms are intended to ensure that project commitments are successfully carried out by the proponent and that federal economic interests are protected. OTR Corp's proposed action includes specific commitments intended to remove all project materials and improvements from BLM lands, and return the land within the project boundaries to pre-project conditions. Should OTR Corp fail to successfully implement these removal and restoration measures, either through abandonment or inadequacy, the required performance bond would be used to do so. Bonding would be required for all activities and resources necessary for the removal of the project and reclamation of the federal lands.

In addition, the proposed action carries some inherent risks to life, property, and the economic interests of the BLM. Requiring OTR Corp to secure liability insurance with the BLM being named as co-insured is a mechanism normally used to protect the BLM's interests against those risks.

1.7 RELATIONSHIP TO NON-BLM POLICIES, PLANS, AND PROGRAMS

In addition to consideration of management direction on BLM-administered lands, *Over The River™* is also subject to the management requirements, guidance, and constraints of other federal, state, and local jurisdictions and associated permitting. The BLM is required to protect the present and future uses of the public lands through land use planning and environmental assessment processes coordinated with other affected federal and state agencies and local governing bodies. An overview of relevant information from approved or adopted resource-related plans, policies, programs, and/or activities applicable to the project and Project Area is provided in the following sections.

The 2001 CMA for the AHRA is intended to ensure balanced, equitable, and efficient management of the Arkansas River, and to ensure that the public has the same access to any planning processes as they would if the lands remained under exclusive administration of any of the entities mentioned above. Per the CMA and the Arkansas River Recreation Management Plan (ARRMP), BLM and State Parks jointly manage recreation along lands in the Project Area, which includes the authority to restrict access or close lands to the public as deemed necessary.

Additionally, the AHRA is managed according to the 2001 *Arkansas River Recreation Management Plan*. The vision statement for the 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 (AHRA 2001a).

1.7.1 Other Permits, Approvals, and Entitlements

Various approvals and/or permits would be required from other agencies or jurisdictions to implement one or more of the components of the proposed project. The permits, approvals, and entitlements for these agencies and jurisdictions are summarized in Table 1-2; a detailed discussion of key permits and approvals is provided in Appendix A, Permits and Approvals Summary.

Table 1-2. Summary of Necessary Permits and Approvals

Agency	Permit or Consultation/Authority	Regulatory Action	Expected review time	Comments/Issues
FEDERAL				
Bureau of Land Management (BLM)	Environmental Impact Statement (EIS) / National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR 1500-1508)	Major federal action affecting the environment, typically triggered by work on federal lands, issuance of a federal permit, or federal funding. Provides a mechanism for informed decision-making and public input.	Preparation of EIS is typically 12 to 36 months, depending on project complexity. Estimated timeframe for this project is approximately 24 months.	EIS process provides the foundation for BLM's land use permit and streamlines other agency approvals, including USFWS and SHPO consultation. The Record of Decision (ROD) provides the final decision for the approved actions.
	Section 302 of FLPMA is BLM's authority for issuing leases and permits	43 CFR 2920 contains the regulations for the issuance of 2920 permits	Upon completion of the NEPA process, review takes 6 to 9 months once the appraisal request is received.	Office of Valuation Services would conduct an appraisal of the property to determine fair market value. Standard stipulations specified in 43 CFR 2920.7 and a surety bond from a federally approved source would be applied.
U.S. Fish and Wildlife Service (USFWS)	Review under Section 7 of the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA)	Biological Assessment (BA) and USFWS consultation conducted by the BLM as part of the NEPA process.	Review conducted concurrent with NEPA process.	Species surveys, BA, and USFWS consultation conducted concurrent with NEPA process. USFWS has issued a concurrence letter adopting the findings in the BA.
U.S. Army Corps of Engineers (USACE)	Section 404 Clean Water Act permit	Permit addresses impacts to any wetlands or waterbodies below the ordinary high water mark. May be considered for stream and wetland crossings.	Review conducted after the NEPA process is complete, prior to initiation of the project.	It is not anticipated that a 404 permit would be required. Recommended providing a summary of the project and overview maps before the project initiation for review of potential impacts.
U.S. Environmental Protection Agency (EPA)	Authority for Clean Water Act and Clean Air Act delegated to the State of Colorado.	See Colorado Department of Health and Environment (CDPHE).	See CDPHE.	See CDPHE.

Agency	Permit or Consultation/Authority	Regulatory Action	Expected review time	Comments/Issues
STATE OF COLORADO				
Colorado State Historic Preservation Officer (SHPO)	Review under Section 106 of the National Historic Preservation Act (NHPA)	Compliance with Section 106 of the NHPA, which requires consultation with SHPO.	Review conducted concurrent with NEPA process.	Process of identification, evaluation, and resolution of effects to historic properties resulting in agreement among the consulting parties about measures to avoid or mitigate adverse effects.
Colorado State Parks (State Parks) – Arkansas Headwaters Recreation Area (AHRA)	State Parks Memorandum of Agreement (MOA)	Details State Parks terms and conditions, approvals, and fees associated with the event. Requires approval from the State Parks Board.	An MOA with OTR has been approved by the State Parks Board. This MOA authorizes OTR to access managed or owned by State Parks to install, exhibit and remove the project, and provides for a lump sum payment to State Parks.	The MOA would serve as the final permitting mechanism for State Parks, pending BLM approval of the project.
Colorado State Land Board (SLB)	Planning Lease and Construction Lease	Details SLB terms and conditions, approvals, bonds, and fees associated with lease to SLB lands. Subject to review by the Board of Land Commissioners.	Review conducted subsequent to the NEPA process. Timeframes dependent on when pre-read material provided to the board and placed on the board agenda. Approximately 3 months, but may be longer if controversial.	OTR Corp has filed an application to use a section of SLB Land. This application is being held until the completion of the EIS and request for re-initiation of review by OTR Corp.
Colorado Department of Transportation (CDOT) Regions 2 and 5	Special Use Permit for any work which requires lane closure or other use of US 50	Permit establishes terms and conditions to ensure the use of the ROW does not create traffic conflicts, hinder traffic flows, create public and vehicular safety issues, or hinder future use of the ROW for highway improvements.	Review conducted subsequent to the NEPA process. Approximately 2 weeks is needed for permit review.	Special use permit required to work, and/or park vehicles/equipment within CDOT's right-of-way. A Right of Way utility permit and construction access permit may also be required. An Incident Management Plan and Traffic Management Plan may also be required as part of the Permit.
Colorado State Patrol (CSP)	Special Event Permit	Permit establishes terms and conditions, CSP labor and project costs, and insurance.	Review conducted subsequent to the NEPA process. 90 days is required for review of the permit.	A Traffic Management Plan may also be required as part of this permit.

Agency	Permit or Consultation/Authority	Regulatory Action	Expected review time	Comments/Issues
Colorado Department of Public Health & Environment (CDPHE)	Construction Permit for air emissions under the Clean Air Act	Permit for air emissions that exceed air pollutant thresholds.	Review conducted concurrent with the NEPA process.	It is not anticipated that an air emissions permit would be required for the proposed activities.
	Stormwater Permit under Section 401 of the Clean Water Act, Water Quality Certification	Permit for soil disturbance greater than one acre.	Review conducted subsequent to the NEPA process. Review time is approximately 1 week to 10 days.	A Storm Water Management Plan should accompany the permit when submitted.
Colorado Division of Wildlife (CDOW)	Wildlife Permit for intentional harm or take out-of-season	Permit for take of wildlife.	n/a	It is not anticipated that the wildlife permit would be required for the proposed activities. There are no CDOW permits for the inadvertent take of any wildlife.
LOCAL				
Fremont County	Temporary Use Permit or Special Land Use Permit	Project evaluated for conformance with the County comprehensive plan and zoning regulations. Subject to review by the County Board of Commissioners.	Review conducted subsequent to the NEPA process. Review time is typically one month.	A drinking water plan, sanitation plan, concession plan, emergency operation plan, fire protection plan, event parking plan, and proof of liability insurance, and cash, surety or other bond would be required. Other permits that may be required include: flood damage prevention permit, street cut permit, individual sewage disposal, and driveway access permit.
	Building permit	Permit for permanent structures and compliance with building codes.	Review conducted subsequent to the NEPA process. Review time is up to a month.	No hard copy permits available. Permit would be issued as part of the construction phase.
	Crossing Permits	Permit for any altering of county roads.	Review conducted subsequent to the NEPA process. Review time is dependent on office backlog.	Only needed if crossing county roads.

Agency	Permit or Consultation/Authority	Regulatory Action	Expected review time	Comments/Issues
Chaffee County	Special Land Use Permit	Project evaluated for conformance with the county comprehensive plan and zoning regulations. Subject to review by the County Board of Commissioners.	Review conducted subsequent to the NEPA process. Review time is typically 2 months, but may take 4 months as a result of public comments.	Other requirements include a weed mitigation plan and security deposit and mutual aid agreements between the public safety agencies of the County, the City of Salida, and fire protection districts.
	Building and Electrical Permits	Permit for permanent structures and compliance with building codes.	Review conducted subsequent to the NEPA process. Review time is up to a month.	Not needed unless a permanent structure is constructed. Structure would be subject to inspection.
	Temporary Construction Permit	Permit for temporary structures and compliance with building codes.	Review conducted subsequent to the NEPA process. Review time is up to a month.	Not needed unless a temporary structure is constructed. Structure would be subject to inspection.
	Road Construction and/or Road Cut Permits	Permit for any altering of county roads.	Review conducted subsequent to the NEPA process. Review time is one week.	Not required, unless county roads will be altered.
	Crossing Permits	Permit for crossing county roads.	Review conducted subsequent to the NEPA process. Review time is one week or less depending on type and size of the road crossing.	Only needed if crossing county roads.
OTHER				
Union Pacific Railroad	Right of Access Contract	Permit for accessing the UPRR right-of-way.	Contract executed subsequent to the NEPA process, prior to construction.	It is not anticipated that there would be any terms or requirements that would change the design or implementation of the OTR project from its current form.

1.8 MAJOR APPLICABLE LAWS AND REGULATIONS

The following laws and regulations (in chronological order) are pertinent to the proposed project and management of federal lands in the Project Area. For the protection of BLM lands and resources, the project alternatives, design features, and mitigation measures will be developed in conformance with the following legislation:

- Antiquities Act of 1906 (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433)
- Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755), as amended.
- Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 et seq.), as amended in 1954.
- Historic Sites Act of 1935 (P.L. 74-292; 49 Stat. 666; 16 U.S.C. 461)
- Archeological and Historic Preservation Act of 1960 (P.L. 86-523, 16 U.S.C. 469-469c-2), as amended.
- National Historic Preservation Act (NHPA) of 1966 (P.L. 89-665; 16 U.S.C. 470 et seq.).
- National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.).
- Clean Air Act (CAA) of 1970 (42 U.S.C. 7401 et seq.), as amended.
- Executive Order 11593 ("Protection and Enhancement of the Cultural Environment," 36 F.R. 8921, May 13, 1971)
- Federal Water Pollution Control Act (Clean Water Act) (CWA) of 1972 (33 U.S.C. §1251 et seq.), as amended.
- Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended.
- The Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668c), as amended.
- The Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2814)
- FLPMA of 1976, as amended (43 U.S.C.1701 et seq.)
- Safe Drinking Water Act Amendments of 1977 (42 U.S.C. 201)
- Executive Order 11990, Protection of Wetlands, May 24, 1977.
- Archaeological Resources Protection Act of 1979 (P.L. 96-95; 16 U.S.C. 470aa-mm), as amended.
- Executive Order 12875, Enhancing the Intergovernmental Partnership, October 26, 1983.
- Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001).
- Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.)
- Executive Order 12898, Environmental Justice, February 11, 1994.
- Colorado Public Land Health Standards and Guidelines (BLM 1997).
- Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, May 14, 1998.
- Noxious Weed Control Act of 2004 (P.L. 108-412)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (P.L. 96-51026; 26 U.S.C. 4611-4682)
- Resource Conservation and Recovery Act (RCRA) (P.L. 96-510; 42 U.S.C. 9601)
- Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9601-9675)
- Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11001 et seq)

1.9 PUBLIC INVOLVEMENT SUMMARY

Over The River™ was informally proposed by the Artists, Christo and Jeanne-Claude, in 1996 for the Arkansas River between Cañon City and Salida, Colorado. Based on OTR Corp's verbal proposal, BLM started conducting an EA and held public meetings between 1997 and 2000. An informal scoping period was initiated by the BLM, with eight public meetings held in communities within the proposed Project Area from April 1997-October 2000. Christo and Jeanne-Claude made no further contact with the BLM in regards to the project proposal until August 2005. Scoping meeting dates and locations were as follows:

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

OTR Corp re-approached the BLM about the proposed project in August 2005. Additional EA based scoping occurred January-February 2006. The BLM also hosted interagency meetings with CDOT, CDNR, Fremont County, Chaffee County, and CSP on May 24, 2006 to discuss and understand the public comments and questions. The official NEPA scoping period for this project began in January 2006 following the published NOI in the *Federal Register*, when the BLM hosted three additional public meetings:

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

The scoping comments led to an NOI published in the *Federal Register* on June 19, 2006, announcing the intent to prepare an EIS based on several factors, including a specific request from the applicants; the increasing complexity of the project; the level of controversy related to the project; and the level of involvement during the scoping process. The NOI was also advertised in local newspapers. A Memorandum of Understanding (MOU) between OTR Corp and BLM was developed and signed for preparation of an EIS in May 2007. In 2007, OTR Corp delivered a Design and Planning Report that included EIS-level alternatives. In April 2008, BLM received additional information with the required level of detail to move forward with the EIS. This led to the process of filing, upper-level agency review of, and publication of a NORA in the *Federal Register* (pub. October 31, 2008).

The BLM created a database of public comments. The agency divided comments contained in the 1,351 letters into categories representing critical project issues. Because letters included more than one area of discussion, 3,934 individual comments were categorized. Many comments reasonably fit into more than one category; for example, an emergency response concern could also be a concern about traffic congestion, or an engineering concern may also be a concern about wildlife. Over 30 cooperating and

consulting agencies have also participated in discussions about the project. BLM compiled public comments, reviewed public comment substance, compiled a public comments database, and published a scoping report available at http://www.blm.gov/co/st/en/fo/rgfo/planning/OTR_documents.html.

As required by Section 106 of the NHPA, BLM identified and contacted potential consulting parties (OTR, Colorado Preservation Inc., the National Trust for Historic Preservation, the Chaffee County Heritage Area Advisory Board, the Fremont County Heritage Commission, and the Fremont Custer Historical Society) and only OTR asked for and received consulting party status.

All relevant issues raised by the public and other agencies during the EIS scoping process are considered in alternatives development. The issues identified by the BLM for further analysis are presented in Section 1.10.

1.10 ISSUES IDENTIFIED

This section briefly describes the issues identified for further analysis in this EIS, as well as the issues identified but dismissed from further analysis. The following discussion incorporates issues raised during public scoping, as well as internal BLM and Cooperating Agency scoping.

1.10.1 Issues Identified for Analysis in the EIS

The following issues were identified for further analysis in this EIS through the scoping process for the project. In many cases, these issues were considered in the development of project alternatives (described in Chapter 2.0). In all cases, these issues will be further described and analyzed in Chapters 3.0, 4.0, and 5.0. The issues presented in Table 1-3 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.

Table 1-3. Summary of Issues Identified for Further Analysis

Resource	Installation and Removal Phases	Exhibition Window
Emergency Response	<ul style="list-style-type: none"> • Response to industrial accidents • Response to hazardous material spills • Response to recreational accidents (rafting, ATV use, hiking, fishing, and climbing) • Search and rescue incidents • Motor vehicle and aircraft accidents • Wildfire and stormwater events • Crime incidents • Accessibility for canyon resident health issues • Response times • Adequacy of resources to respond to incidents and existing capabilities of response teams • Accessibility to canyon and evacuation 	<ul style="list-style-type: none"> • Response to recreational accidents (rafting, ATV use, hiking, fishing, and climbing) • Search and rescue incidents • Motor vehicle and aircraft accidents • Wildfire and stormwater events • Crime incidents • Accessibility for canyon resident health issues • Response times • Accessibility to canyon and evacuation • Adequacy of resources to respond to incidents and existing capabilities of response teams • Emergency coordination and communication issues • Weather and air travel constraints

Resource	Installation and Removal Phases	Exhibition Window
	<ul style="list-style-type: none"> • Emergency coordination and communication issues • Weather and air travel constraints 	
Engineering	<ul style="list-style-type: none"> • Glues and bonding chemicals used during installation • Anchor hole patching during removal 	<ul style="list-style-type: none"> • Artwork’s durability for wind and hail • Geological hazard (fault impacts) • Adequacy of engineering assumptions
Natural and Cultural Resources (including soils, geology, noxious weeds, and wildland fire)	<ul style="list-style-type: none"> • Potential for erosion and river sedimentation • Potential for noxious weed infestation • Potential for rock instability • Assurance of adequate restoration • Stress on natural resources beyond typical current conditions in canyon • Potential damage to cultural resources 	<ul style="list-style-type: none"> • Shading effects on river ecology • Geological hazard from cable vibrations • Potential for erosion and river sedimentation • Potential for noxious weed infestation • Fire danger • Stress on natural resources beyond typical current conditions in canyon • Potential damage to cultural resources
Pollution and Sanitation	<ul style="list-style-type: none"> • Potential for river contamination and water quality • Site aesthetics • Noise and dust resulting from drilling • Potential for river contamination and water quality • Hazardous materials spills • Capacity of area for sanitation, toilet facilities, and trash removal/recycling 	<ul style="list-style-type: none"> • Debris if artwork collapsed • Potential for river contamination and water quality • Hazardous materials spills • Capacity of area for sanitation, toilet facilities, and trash removal/recycling
Public Safety	<ul style="list-style-type: none"> • Insurance and liability issues • Accident potential during construction/removal • Public safety risks and dangers in relation to activity 	<ul style="list-style-type: none"> • Harm if artwork collapsed • Insurance and liability issues • General public safety • Potential for threat of terrorism • Considerations of public safety from operation planning
Recreation	<ul style="list-style-type: none"> • Economic impacts to recreation industries (fishing, rafting/kayaking) • Duration of installation and removal impacts on river and river access for recreation • Effects on natural canyon/river experience and natural beauty • Impacts on nearby area’s bicycle and hiking trails and off-road use 	<ul style="list-style-type: none"> • Cable and fabric panel impacts on recreation, including fishing activities and rafting • Effects on natural canyon/river experience and natural beauty • River safety and conflicts with fabric panels • Exceeding visitor carrying capacity during the busy summer season • Impacts on area’s nearby bicycle and hiking trails and off-road use • Recreational experience of viewing artwork • Attraction of new types of visitors to area • Railroad access and use potential

Resource	Installation and Removal Phases	Exhibition Window
Socioeconomics	<ul style="list-style-type: none"> • Costs to area, including disruption of life, work, and recreation in canyon • Commercial traffic impacts • Potential for increased crime • Boost for local economy (visitor expenditures) 	<ul style="list-style-type: none"> • Exceeding visitor carrying capacity during the busy summer season • Commercial traffic impacts • Potential for increased crime • Effect on local economy (visitor expenditures) • Long-term social effect from work-of-art • Costs paid by Artists • Costs to area, including disruption of life, work, and recreation in canyon
Transportation	<ul style="list-style-type: none"> • Narrow US 50 cross-section • Delays - increased travel times • Duration and lane closures • Local traffic congestion and access 	<ul style="list-style-type: none"> • Delays - increased travel times • Local traffic congestion and access • Temporary air pollution • Potential for increased crashes • Narrow US 50 cross-section and narrow canyon constraints • Lack of alternate routes • Traffic Management Plan • Drivers' unfamiliarity with environment • Alternate display locations and times • Decreased speed to possibly reduce accidents
Wildlife	<ul style="list-style-type: none"> • Noise and vibration impacts • Physical disturbance • Wildlife accustomed to human presence, cars, boats, and previously to trains • Habitat and water access limitations • Increased vehicular traffic 	<ul style="list-style-type: none"> • Potential cable and fabric hazards to wildlife • Increased vehicular traffic • Stress induced by visitor population • Shading effects of fabric panels on wildlife and river ecology • Habitat and water access limitations • Harm if artwork collapsed

1.10.2 Issues Eliminated from Further Analysis

Wild horses and burros – In accordance with the Wild Free-Roaming Horses and Burros Act of 1971, the BLM protects and manages wild horses and burros on public rangelands in 10 Western states, including Colorado. The BLM controls four Herd Management Areas (HMAs) in Colorado: the Sand Wash, Spring Creek Basin, Piceance-East Douglas, and Little Book Cliffs HMA. All four Colorado HMAs are located in the far western part of the state, outside the Project Area and the Royal Gorge Resource Area. Wild horses and burros are not expected to be affected by any of the proposed project activities, and are therefore dismissed from further analysis in this EIS.

Farmlands (Prime or Unique) – No prime or unique farmlands, as categorized by the Natural Resource Conservation Service (NRCS 1995), exist within the Project Area because of the short growing season and unsuitable soils. The nearest area of prime farmlands is east of Cañon City. The majority of the Arkansas River corridor is made up of forest and wooded land. Privately owned irrigated cropland occurs near Howard, Cotopaxi, Texas Creek, and Parkdale, primarily on the south side of US 50. The 1996

RGFO RMP did not specifically address prime or unique farmlands. Prime and unique farmlands are not expected to be affected by any of the proposed project activities and are therefore dismissed from further analysis in this EIS.

1.11 DRAFT EIS

1.11.1 Public Comment Period

A Notice of Availability (NOA) for the Draft EIS was published in the *Federal Register* on July 16, 2010, commencing a 45-day public comment period. On August 14, 2010, the BLM announced a 15-day extension of the public comment period to September 14, 2010. The public had the opportunity to comment on the Draft EIS through the project website, at public meetings, via postal mail, email, or fax.

1.11.2 Public Meetings

Four public meetings/hearings for the Draft EIS were held between August 9 – 12 in Cañon City, Salida, Cotopaxi, and Denver. Each meeting began with an open house and the opportunity to speak with resource specialists about the Draft EIS. This was followed by a formal public hearing with a court reporter, who recorded all oral comments. Written comments were also accepted at the meetings.

1.11.3 Public Comments and Responses

All comment submissions received by the BLM during the public comment period were reviewed and evaluated for substantive comments. Over 3,500 submissions were received during the comment period. Within these submissions, more than 4,558 comments were recorded. A summary of substantive comments received and responses to comment summaries are included in Appendix F.

1.12 FINAL EIS

A NOA for the Final EIS was published in the *Federal Register*, commencing a 30-day availability period. Postcards announcing availability of the Final EIS were distributed to the BLM mailing list of individuals, businesses, special interest groups, and government representatives that have expressed interest in the OTR EIS and/or provided comment on the Draft EIS.

The Final EIS is available for public review at the BLM RGFO, the BLM Colorado State Office, and local libraries, and is also available for download from the BLM website at:

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

Key changes from Draft to Final EIS are summarized below:

- Alternative 1a, with modifications, was identified as the Preferred Alternative.
- At OTR Corp's request, the viewing center at Parkdale, including the parking area, temporary bridge, and related facilities, was eliminated from all alternatives. The need for acceleration and deceleration lanes, which was identified as a mitigation measure in the Draft EIS, was also eliminated through the removal of the Parkdale Viewing Center. Elimination of the Parkdale facilities reduces impacts on traffic flow, the amount of ground disturbance, and impacts to a variety of resource considerations. These facilities were eliminated in recognition of these impacts

and through consideration of the added costs associated with their development. Services that were to be provided at Parkdale would be provided at other AHRA sites or information centers.

- In recognition of the need for further coordination with state and local jurisdictions and other considerations, the exhibition would occur one year later than was indicated in the DEIS, August of 2014 instead of 2013. This change was made at the request of OTR Corp and would apply to Alternative 1a and all alternatives with a 2-year construction schedule.
- In response to mitigation requirements, the overall project construction schedule was modified. These modifications included changes to the timing and duration of cable installation, and are reflected in Tables 2-5 and 2-6 of the Final EIS. At some panel locations, cable installation would commence up to 4 months prior to exhibition. Lane closures, lane shifts, and lane delays that would occur under the revised schedule have been clarified in Table 4-56 of the Final EIS.
- Minor modifications were made to Alternative 1a, including elimination of a waste storage pit at Texas Creek and selection of a specific site for the Salida Information Center. Clarifications on construction methods and equipment were also incorporated. These changes occurred as a result of OTR Corp's further project planning and design efforts.
- Additional mitigation measures were developed to reduce impacts to bighorn sheep. These measures, which are described in Chapter 5.0, include habitat improvements and additional seasonal restrictions on construction activities. As a result, predicted impacts to bighorn sheep were reduced to the moderate level in both the short and long term.
- Additional mitigation measures were developed for a variety of resources, including avian species, threatened and endangered species, water resources, geology, recreation, transportation, cultural resources, and others. These measures are described in Chapter 5.0.
- A temporary rationing and permit program for boating would be implemented under Alternative 1a, which would provide for increased boating use during the 2-week exhibition period, blossoming, and fabric panel removal (4-6 weeks total).
- Additional analysis of potential impacts to angling use was conducted and incorporated in the Final EIS. The most current angling use data available was used to quantify direct displacement of anglers from immediate panel areas due to the presence of cables and fabric panels in the Project Area. These calculations were used to support impact conclusions in Section 4.20.

Each of these changes was either included in the range of alternatives analyzed in the Draft EIS or reflect minor clarifications or modifications to project planning and design.