

**Proposed Over the River Project
Issues and Topics to be Addressed in Compliance with
National Environmental Policy Act (NEPA)**

Issues and Topics

The Resource Advisory Council (RAC) believes that the following issues and topics relating to “human health and the environment” under the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) implementing regulations contained in 36 Code of Federal Regulations (CFR) 1500 – 1508 will need to be addressed in the environmental impact statement (EIS) for the Over the River (OTR) project.

Traffic and Transportation

The general traffic load on Highway 50 would be affected. In addition, safety on Highway 50 may be compromised.

Commerce

National, regional, and local commerce depends on Highway 50. Delays and temporary closures could affect shipping of livestock, mining industry products and equipment, grocery supplies, fuel supplies, and other key resources.

Recreation

Recreational activities, such as fly fishing, hunting, private boating, and other activities are connected to the river and the canyon. The EIS must carefully consider the impacts of the project on recreationalists

Wildlife

Bighorn sheep (gene pool), raptors, songbirds, aquatic and terrestrial wildlife depend on the canyon habitat for existence and could be impacted by the project.

Threatened or Endangered Species

Raptors, fish, and plants listed on federal or state lists of threatened, endangered, or sensitive species could be impacted.

Areas of Environmental Concern (ACEC)

According to the BLM Resource Management Plan (RMP), all or portions of Browns Canyon, Mosquito Pass, Grape Creek, and Arkansas Canyonlands are designated ACECs and must be managed to protect and enhance their values. The project may not be in compliance with the RMP.

Noise

Drill equipment would be operating day and night during emplacement of anchors. Impacts to ambient noise and to sensitive receptors, both human and animal, need to be carefully considered.

Geology & Soils

Drilling for anchors requires movement of heavy equipment across geologic fractures and potentially unstable soils. This could cause adverse impacts to geologic formations and soils.

Water Quality

Sedimentation resulting from use of heavy equipment near the river could impact water quality, with secondary impacts to aquatic life.

Socioeconomics

Proponents' claims of economic benefits to the residents of the Arkansas Valley need to be closely studied.

Monitoring and Enforcement

While we assume that BLM will conduct a thorough analysis of the proposed actions, we do have concerns that the conclusions reached may be very dependent on a large number of proposed mitigation actions. The proponent of the OTR has already promised to take a number of steps to mitigate potential impacts. They should be given credit for their attempt to address these potential impacts. However, what monitoring and enforcement regime will be put in place to assure that mitigation measures proposed will in fact take place?

There are a large number of agencies involved in the approval of the proposal. Many of the issues raised for study in the NEPA process will involve jurisdiction of these other agencies. If the final BLM decision is, ultimately, to approve the OTR project based on proposed mitigations that are under jurisdictions of other agencies, what assurances will the public have that those measures will be enforced?

The proposal calls for drilling for the anchors to rotate from the road to the railroad the side of the river depending on the time of day. This creates a potential 24-hour window per day for activities during parts of the project schedule. Proper monitoring and enforcement by any one agency will be difficult using existing personnel.

Given the above, the RAC would strongly recommend that a monitoring and enforcement plan be jointly developed by all the participating agencies with consideration being given to having a designated monitor(s) on site during the time operations are being conducted. That monitor(s) could document and report compliance deficiencies to the proponent and appropriate agencies for action. As lead agency for the EIS, the primary responsibility for monitoring the overall project should fall on BLM. The cost of the monitor(s) could be covered by the proponent. Also, a joint agency plan could also address necessary bonding levels to assure reclamation and mitigation activities can be conducted, if the proponent defaults on its responsibilities. We believe a comprehensive approach to bonding would be more appropriate than a patchwork approach to assure the bond is

adequate without unnecessary double counting independently by many individual agencies.