



SCOPING NOTICE
Alta Town-site Road and Utilities Access
“Alta Access Project”
U.S.D.A., Forest Service
Grand Mesa, Uncompahgre and Gunnison
National Forest
Norwood Ranger District

This is a request for public comment. To be most helpful your comments should be received by **April 20**. See this Notice and associated map posted at <http://www.fs.fed.us/r2/gmug/policy/#lands>

INTRODUCTION/BACKGROUND

The Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forest is initiating an environmental analysis in response to an application submitted by Silver Mountain Industries, Inc (SMI) for road and utility improvements, and year round access to SMI owned properties at and around the town-site of Alta. The SMI Property is located about one mile south of the incorporated limits of the Town of Mountain Village, in San Miguel County, Colorado. This project is commonly referred to as the Alta Access project.

SMI is planning the development of 28 residential lots on 540 acres of SMI owned private land at Alta. The application to the Forest Service for road and utility improvements is to support this planned residential development. The SMI cluster development plan has been approved by the San Miguel County Board of County Commissioners. Portions of the proposed road improvements would occur on National Forest System lands; others would occur on private property over which the Forest Service has easements for existing National Forest System Road (NFSR) 632.

The Colorado Department of Transportation (CDOT) has determined that the existing intersection of Alta Access Road with State Highway 145 fails to meet AASHTO road design standards, is unsafe, and needs to be corrected.

The Alta Access Road is designated as both NFSR 632 and San Miguel County Road 64F. This road is currently used primarily by persons visiting the USFS managed Alta Lakes dispersed recreation area. SMI visitation generates modest traffic on the road, as do visits or trips to other privately owned lands in the area.

SMI claims, and the Forest Service agrees, that SMI does have a right of access to their property under the Alaska National Interest Lands Conservation Act (ANILCA).

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA) OF 1980

Section 1323 of ANILCA granted non-federal landowners the statutory right of access over public lands administered by the BLM (in Alaska only), and National Forest System lands anywhere, when such lands are needed to provide for the reasonable use and enjoyment of non-federal lands. The landowner’s statutory right of access is limited to that which is adequate to secure to the owner the reasonable use and enjoyment of the subject non-federal land. The right of



access is also subject to the reasonable rules and regulations of the Secretaries of Interior and Agriculture.

An ANILCA access situation exists where NFS lands are the only reasonable option available for the landowner to access their land for its reasonable use and enjoyment. In such cases, the Forest Service is obligated by the statute to grant such an access. However, the Forest Service has discretion in determining the location, design, and type of access that it will grant across federal land. The type of access should be consistent with access to similarly situated lands in the area.

NEPA PROCESS

In October 2008, SMI submitted a Special Use Permit Application. The Forest Service has accepted the application. In accordance with the National Environmental Policy Act (NEPA), the Forest Service is initiating the NEPA Scoping Process to notify the public and agencies of the project and to request comments. The Forest Service will prepare either an Environmental Assessment (EA), or, if through scoping or the EA analysis it is determined that significant impacts may result from the proposed action, an Environmental Impact Statement (EIS).

SCOPING:

Scoping is the process by which the scope of the issues and alternatives to be examined in our analysis is determined.

More specifically, the objectives of scoping are: (a) to identify the affected public, and agency concerns; (b) to facilitate an efficient environmental analysis preparation process, through assembling the cooperating agencies, assigning writing tasks, ascertaining all the related permits and reviews that must be scheduled concurrently, and setting time or page limits; (c) to define the issues and alternatives that will be examined in detail in the NEPA document while simultaneously devoting less attention and time to issues which cause no concern; and (d) to save time in the overall process by helping to ensure that draft statements adequately address relevant issues, reducing the possibility that new comments will cause a statement to be rewritten or supplemented. (excerpted from April 30, 1981, CEQ "Memorandum For General Counsels, NEPA Liaisons And Participants In Scoping")

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the scoping period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

This project will be added to the GMUG Schedule of Proposed Actions.



PROPONENT FINANCED NEPA/THIRD PARTY CONSULTANT/COST RECOVERY

SMI's application has been formally accepted in accordance with 36 CFR 251, in a letter to SMI dated November 24, 2008.

This proposal has been brought to the Forest Service by SMI, a proponent willing to finance the preparation of necessary analysis and documentation required by NEPA and other laws through a third party consultant, and through Cost Recovery. Under the third party consultant arrangement, the selected consultant works directly for the Forest Service, but is paid by SMI. Under Cost Recovery, SMI makes a deposit of funds with the Forest Service from which Forest Service direct costs are paid.

The consultant has been selected and is View Point West, of Montrose. An MOU establishing expectations and roles has been entered into between SMI and the Forest Service. A contract between SMI and View Point West has been executed.

This proposal fits the definition of projects subject to Cost Recovery under 36 CFR 251.Subpart B. An agreement has been executed by SMI and the Forest Supervisor to provide for funding for Forest Service time and expense.

THE INTERDISCIPLINARY TEAM

Under this arrangement the makeup of the Interdisciplinary Team is a combination of Forest Service and outside consultant specialists. The full ID Team consists of all of these parties.

PURPOSE AND NEED

The primary purpose and need for this project is to provide adequate access to the SMI property at Alta, as required by the Alaska National Interest Lands Conservation Act (ANILCA).

There is a need to correct unsafe conditions with regard to the current design of the intersection with State Highway 145, and the location of the first segment of NFSR 632 above the State Highway. There is also a need to provide adequate access to secure reasonable use and enjoyment of the county approved subdivision located at Alta, including year round access. Current access is not maintained in winter, nor will it provide for the predicted year-round increase in use.

There is a need to reach SMI privately owned land with natural gas and phone/fiber optic services.

PROPOSED ACTION/PRELIMINARY ALTERNATIVES

In general terms, the proposed Alta Access Road and Utility improvements would entail granting SMI authority for the following actions on national forest lands: 1) making improvements to Alta Access Road and Highway 145 Intersection, 2) relocating the lower section of the Alta Access Road and decommissioning the



portion of existing road that has been replaced; 3) making improvements to the upper section of Alta access Road; 4) establishing road and utility easements across two short segments of National Forest of odd shaped ownership, for internal subdivision purposes; 5) long term use and maintenance of the proposed road and utility improvements; 6) granting a driveway easement access for an adjoining private land parcel; and 7) permitting SMI to erect private signs along NFSR 632 directing people to their subdivision.

The attached Map shows the project vicinity and proposed action elements.

More specifically, the proposed action follows:

1. Road construction/reconstruction of NFSR 632 to provide access to Alta Townsite
 - a. Reconstruction of the intersection of NFSR 632 and Hwy145 to comply with the ASHTO standards and in compliance with CDOT requirements. The relocated Alta Access Road/Hwy145 Intersection is proposed by SMI to occur approximately 50 feet to the north of the existing Alta Access Road/Hwy145 Intersection within the area of the Hwy145 ROW. An alternative being considered is locating this intersection at the point of intersection of the old highway with Hwy 145, which is approximately ½ mile north of the existing intersection, across from the entrance to Sunshine campground. In either case this intersection with the highway would require construction of turning lanes and/or blending lanes on Hwy 145.
 - b. Relocation and construction as two 9-foot lanes, either paved or gravel, with 2 foot shoulders on either side, of the lower segment of NFSR 632 commencing at the Hwy145 intersection and continuing to a point where it reconnects with the existing alignment. See Attached Map. Use of retaining walls would be emphasized to provide stability and reduce the area impacted, rather than expansive cuts and fills. Options to be considered in the analysis include the level of/standard of construction this road would be built to, including paving or gravel, width, turning radius of curves, design speed, and treatment of cut and fill.
 - c. Obliteration of, or decommissioning of, the segment of NFSR 632 that is being replaced. Options to be considered would address the level of ground disturbance for rehabilitation of this road alignment, or the use of it as a trail.
 - d. Re-construction as two 9 foot lanes, either paved or gravel, with 2-foot shoulders on either side plus ditches and other drainage structures, of the upper segment of NFSR 632 from the point where the relocated lower section joins the existing road, on the existing alignment to the SMI Property. Use of retaining walls would be



consistent with the new construction, also to provide stability. Options in terms of road standards considered for this segment are the same as just above.

2. Use, repair and maintain the newly constructed/reconstructed road for year round access to Alta. This would include snowplowing. A small parking area for winter access beyond Alta would be one option considered.
3. Construction of short segments crossing National Forest System (NFS) lands of internal subdivision roads and utility extensions at two locations. These are the small triangle shaped inclusion of NFS land, and a short segment where lower road crosses NFS to reach SMI. These would be built to the same standards as internal roads and utilities within the Alta subdivision.
4. Installation, operation, use, repair, and maintenance of utilities (specifically natural gas, phone/fiber optic) to the SMI property. Alternative routes for this access are a) along the old Boomerang Road from Mountain Village (this is the preferred route by the proponent), and b) along the newly constructed and reconstructed NFSR 632 from Hwy 145.
5. "Signage" at the intersection of NFSR 632 with Hwy 145 indicating that this is the location of the access to Alta Subdivision.
6. Maintenance of a short segment of the old road alignment, instead of obliterating it with the replaced segment of lower NFSR 632, to serve as a driveway for property owner Richard Mayo.

As part of SMI proposals to mitigate impacts to recreation use of the Alta Lakes area, SMI has indicated plans to build a public parking area along the Alta Lakes access road, on SMI land to replace the parking that now takes place at the intersection with Hwy 145. As proposed by SMI, this parking area would accommodate approximately the same number of cars parking as are currently using the area at the bottom of the road near the highway.

DECISION TO BE MADE/AUTHORITIES:

Several specific decisions are to be made through this process:

- 1) Whether to authorize new construction of a segment of road, as proposed, connecting Highway 145 with upper portion of Alta lakes road, or to authorize this segment of road elsewhere.
- 2) Whether to authorize the upgrade of the upper portion of Alta Lakes road (NFSR 632) to just below the town-site of Alta, as proposed
- 3) Associated with 1 through 2 above, subject to what terms and conditions in terms of standards/specifications of construction and maintenance.
- 4) What to do with the abandoned segment of NFSR 632.



5) By what route and subject to what conditions to allow utilities access for phone/fiber optic and natural gas to the SMI property.

All of items 1-3 just above are being taken up under, and will be undertaken in accordance with authorities of, the Alaska National Interest Lands Act (ANICLA) as amended, and associated regulations at 36 CFR 251.

Several decisions and decision authorities are part of this action. The following table displays these, as we understand them.

Action	Decision to be made	Applicant	Instrument Implementing Decision	Issued to whom	Authorized Officer
Intersection of NFSR 632 with State Highway 145	Location/Specifications/mitigation measures	FS applies to DOT for highway access	Permit Issued to FS, as landowner, by CDOT	Forest Service	CDOT
Relocation/Improvement of Alta Lakes Road crossing National Forest	Location/alignment and specifications/mitigation measures of road from highway 145 reconnection with existing alignment on National Forest System lands	SMI	FLPMA SUA	SMI	Forest Supervisor
Improvement of Alta Lakes Road crossing private lands with National Forest Easements	Specifications and mitigation measures for road upgrade on existing easements crossing private lands between National Forest and SMI property	SMI	FLPMA SUA	SMI	Forest Supervisor
Utility access for Natural Gas to Alta	Location/alignment, specifications mitigation measures for buried utilities	SMI for Source Gas	Amend Existing Special Use Authorization	Source Gas	Forest Supervisor
Utility access for Phone/fiber optic to Alta	Location/alignment, specifications mitigation measures for buried utilities	SMI for Bresnan	Amend Existing Special Use Authorization	Bresnan	Forest Supervisor
Private signs to be allowed along NFSR 632 at or near intersection with Hwy 145	What type, size, location	SMI	Permit	SMI	Forest Supervisor



COOPERATING AGENCIES

Two entities have the potential to be Cooperating Agencies as defined in CEQ regulations at 40 CFR 1501.6: San Miguel County, and Colorado Department of Transportation. Both will be invited to become Cooperating Agencies, and if they accept, relationships and expectations will be formalized in MOU's with each. Whether or not Cooperating Agency status is accepted, all efforts will be made to work with these entities in the integration of their authorities and decision making with ours.

PRELIMINARY ISSUES/ENVIRONMENTAL EFFECTS TO CONSIDER:

1. Physical effects of road reconstruction and maintenance, including soil and geology;
2. Issues of safety related to highway intersection and access on Highway 145;
3. Potential effects on biological resources, including plants and wildlife;
4. Potential impacts on recreation setting of the Alta Lakes;
5. Effects of improved access on nearby private land owners;
6. Invasive species spread related to ground disturbing activities of road construction and obliteration;
7. Effects of new and improved road on potential cultural resources;
8. Potential effects on visual resources.

ANALYSIS OF IMPACTS AND EFFECTS:

The Forest Service will produce an analysis of effects. The analysis will focus on the significant issues, but will also address factors necessary to inform the decision beyond issues raised by the public. The analysis will discuss direct, indirect and cumulative effects of the proposed action and alternatives in terms of factors identified per above, and those which may form the basis for a Finding of No Significant Impact per 36 CFR 220.7(b)(3).

COMPLIANCE WITH OTHER LAWS

As part of the analysis process, compliance with other laws, regulations, and policies must be assured, including National Forest Management Act, National Historic Preservation Act, the Endangered Species Act (ESA), Clean Water Act, and others. Consistency with the Forest Plan must be assured, or an amendment proposed.

OTHER ACCESS

As a broader question of access, we contemplate, as part of the Forest Service Proposed action, assurance of public access along the entire length of the new road, and through SMI properties to the Alta Lakes area. This may be secured in the form of a reciprocal right of way with SMI.



We will also consider the need for trail easements through SMI lands for bike trails connecting to routes in use on National Forest.

TIME SCHEDULE:

We are aware this project is the subject of considerable interest in the area of Alta Lakes, and for San Miguel County, all of which will require coordination and consideration for those entities. However, we also have an obligation to process this application fairly and expeditiously. We will make all efforts to be able to make a decision by December of 2009, if an EA is prepared, or by June of 2010 if an EIS is prepared.

COMMENT PERIOD

The Forest Service is requesting your comments.

While we will accept and consider scoping comments at any time during this analysis process, to be most helpful, and to be fully considered in the analysis and decision process, comments should be received by April 20, 2009.

CONTACT PERSON AND COMMENT ADDRESS/NOTICE OF PUBLIC INFORMATION

For additional information concerning this proposal contact Jeff Burch, 2250 Highway 50, Delta, Colorado 81416, 970-874-6600. Please direct written comments to this address, to the attention of "ALTA ACCESS SCOPING COMMENT". To comment via email direct comments to jburch@fs.fed.us.

Please note that comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer."

