

**Sentinel and Transcript Newspapers, Golden Transcript, Sabrina Henderson, Golden Editor, Email Message March 24, 2003. D**

-----Original Message-----

From: Sabrina Henderson [mailto:shenderson@jeffconews.com]

Sent: Monday, March 24, 2003 10:14 AM

To: Drahushak-Crow, Roselle; Schmitz, Gary; Public Affairs; Barba, Sarah

Subject: <no subject>

Can someone please give me some information about this proposed new construction on the slope and side of South Table Mountain? I've heard from a stakeholder you all contacted, and I'd like some kind of press release if you have one. Also, please let me know if you have scheduled any public meetings to discuss the proposal. Thanks.

--

Sabrina Henderson

Golden Editor

Sentinel and Transcript Newspapers

303-279-5541, ext. 233

1000 10th Street, Golden, CO 80401

} D.1  
} D.2

**A. United States Department of the Interior, Fish and Wildlife Service, Ecological Services, Colorado Field Office, LeRoy W. Carlson, Colorado Field Supervisor, March 27, 2003.**

**A.1 Response:** The comment is noted.

**A.2 Response:** The following response provides additional information about the Migratory Bird Treaty Act and then provides background information, impact findings and mitigation measures in response to this comment. The related text from Sections 3.8 and 4.8 of the Draft EA have been revised as a result of the following response to this comment.

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Under the Act, taking, killing or possessing migratory birds is unlawful. Jefferson County, Colorado encompasses a diverse array of habitats in which 246 bird species have been identified (NDIS, 2000). In and around Golden, Colorado, at least 235 species of birds have been identified and about 90 of those species have been observed on or near North Table Mountain (Foster, 2001). Thirty-five bird species have been identified as present or likely to occur on the STM project area (see Table 3-9). Of these 35 species, 33 are protected under the MBTA, which protects bird species native to North America (USDI/USFWS, 2001). The migratory status of these birds in Colorado includes 20 residents, 5 altitudinal migrants, 7 short distance migrants and 3 neotropical migrants. Additional species, especially during migration, may be present in the STM area. A formal survey of the STM site for migratory birds protected by the MBTA has not been conducted.

Spring migration generally occurs between March and May and fall migration generally occurs between August and October. Migratory bird use on or adjacent to the STM area may include breeding, nesting, foraging, perching and roosting activities. Species most likely to nest in the grasslands include killdeer, common nighthawk, horned lark, and western meadowlark. Species that typically nest in shrubland include green-tailed towhee, Brewer's blackbird, and mourning dove. Other species may nest in trees on or near the STM area including red-tailed hawk, American robin, blue jay, black-capped chickadee, and black-billed magpie.

The STM area provides foraging habitat for all of these species and may be used for perching or roosting by these and other bird species during migration. Raptors may perch on trees while hunting for small mammals and birds located in the grassland and shrubland areas. Other smaller birds, such as the western meadowlark, consume insects that occur in the grassland area.

Breeding generally occurs between May and July. Courtship may begin as early as March for species such as the horned lark. Young birds generally fledge from the nest in August but some species may fledge as late as September (Kingery, 1998).

### **Best Management Practices**

NREL's site planning, decision protocol, and environmental management commitments are described in Section 1.2.3 of the EA. DOE's natural resource commitments are described in Section 1.2.6. In response to potential impacts on migratory bird species, DOE will implement the following BMPs to protect migratory bird species on the site:

- DOE will conduct a field survey of the site for migratory birds and raptors to update existing data and establish general BMPs for the STM site.
- As more specific site plans are developed, DOE will identify any appropriate field surveys needed to clarify potential future impacts and will develop customized BMPs to be applied during and after construction, if necessary. An example of a customized BMP may involve delaying construction until identified nests are no longer being used for the season.

The implementation of these measures is consistent with NREL's overall practices at the STM site and will be incorporated into NRELs environmental management policies and practices.

**Table 5-1. Migratory bird species observed and/or likely to be present within National Renewable Energy Laboratory South Table Mountain Site, Golden, Colorado<sup>1</sup>**

Common Name	Scientific Name	Migratory Status in Colorado <sup>2</sup>	Nest Site			
			Grass/ground	Shrub	Tree	Other <sup>3</sup>
American crow	<i>Corvus brachyrhynchos</i>	Resident		X	X	
American goldfinch	<i>Carduelis tristis</i>	Resident		X	X	
American kestrel	<i>Falco sparverius</i>	Resident			X	
American robin	<i>Turdus migratorius</i>	Altitudinal migrant			X	
Black-billed magpie	<i>Pica pica</i>	Resident			X	
Black-capped chickadee	<i>Parus atricapillus</i>	Resident			X	
Blue jay	<i>Cyanocitta cristata</i>	Resident			X	
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	Altitudinal migrant		X		
Brown-headed cowbird	<i>Molothrus ater</i>	Short distance migrant			X	
Chipping sparrow	<i>Spizella passerina</i>	Short distance migrant		X	X	
Common nighthawk	<i>Chordeiles minor</i>	Neotropical migrant	X			
Common raven	<i>Corvus corax</i>	Resident				X
Cooper's hawk	<i>Accipiter cooperii</i>	Resident			X	
Dark-eyed junco	<i>Junco hyemalis</i>	Resident	X			
European starling <sup>4</sup>	<i>Sturnus vulgaris</i>	Resident			X	X
Great-horned owl	<i>Bubo virginianus</i>	Resident			X	
Green-tailed towhee	<i>Pipilo chlorurus</i>	Short distance migrant		X		
Horned lark	<i>Eremophila alpestris</i>	Resident	X			
Killdeer	<i>Charadrius vociferous</i>	Altitudinal migrant	X			
Lark bunting	<i>Calamospiza melanocorys</i>	Short distance migrant	X			
Lark sparrow	<i>Chondestes grammacus</i>	Short distance migrant	X	X		
MacGillivray's warbler	<i>Oporornis tolmiei</i>	Neotropical migrant	X	X		
Mountain bluebird	<i>Sialia currucoides</i>	Altitudinal migrant			X	
Mourning dove	<i>Zenaida macroura</i>	Altitudinal migrant		X		
Northern flicker	<i>Colaptes auratus</i>	Resident			X	
Northern harrier	<i>Circus cyaneus</i>	Resident	X			

Common Name	Scientific Name	Migratory Status in Colorado <sup>2</sup>	Nest Site			
			Grass/ ground	Shrub	Tree	Other <sup>3</sup>
Prairie falcon	<i>Falco mexicanus</i>	Resident				X
Red-tailed hawk	<i>Buteo jamaicensis</i>	Resident			X	
Red-winged blackbird	<i>Euphagus cyanocephalus</i>	Resident	X	X		
Rock dove <sup>4</sup>	<i>Columba livia</i>	Resident				X
Say's phoebe	<i>Sayornis saya</i>	Short distance migrant				X
Vesper sparrow	<i>Pooecetes gramineus</i>	Short distance migrant	X	X		
Western bluebird	<i>Sialia mexicana</i>	Resident foothills			X	
Western kingbird	<i>Tyrannus verticalis</i>	Neotropical migrant			X	
Western meadowlark	<i>Sturnella neglecta</i>	Resident	X			

1 Sources: NREL (Dames & Moore) 1999; ERO, 1998; NDIS, 2000; Kingery, 1998; Forum, 1987.

2 Sources: Andrews and Righter 1992, DeGraaf and Rappole 1995

3 Other category includes cliffs, manmade structures, etc.

4 Not protected under the Migratory Bird Treaty Act

## References:

Andrews, R. and R. Righter. 1992. Colorado Birds: A Reference to their Distribution and Habitat. Denver, Colorado: Denver Museum of Natural History.

DeGraaf, R.M. and J.H. Rappole. 1995. Neotropical Migratory Birds: Natural History, Distribution, and Population Change. Ithaca, New York: Comstock Publishing Associates.

DOE and Dames & Moore. 1999. National Renewable Energy Laboratory Site Conservation Easement Baseline Inventory.

ERO Resources Corporation. 1998. South Table Mountain Conservation Easement Baseline Inventory.

Foster, M. 2001. Birds of the Golden, Colorado Area. Table Mountains Conservation Fund, Inc. Available: <http://www.tablemountains.org>. (Accessed April 21, 2003).

Kingery, H. 1998. Colorado Breeding Bird Atlas. Denver, Colorado: Colorado Bird Atlas Partnership and Colorado Division of Wildlife.

Colorado National Diversity Information Source (NDIS). 2000. Jefferson County Species Level Occurrence and Abundance. Available: <http://ndis.nrel.colostate.edu/countyab/index.html>. (Accessed April 21, 2003).

United States Department of the Interior (USDI), Fish and Wildlife Service. 2001. General Provisions; Revised List of Migratory Birds. 50 CFR Part 10. RIN 1018-AB72.

Solar Energy Research Institute, The Forum Associates, Inc. 1987. *Wildlife Report*.

**B. Southern Ute Indian Tribe, Tribal Information Services, Edna Frost, Director, February 25, 2002.**

**B.1 Response:** The comment is noted.

**B.2 Response:** The comment is noted.

**C. Jefferson County Planning and Zoning Department, Michael Smyth, AICP, Planner, April 14, 2003.**

**C.1 Response:** Page 3-7 of the Draft EA states the following: "Although the land use plans and policies of local governments are not applicable to federal lands, these plans and policies set forth important affected environment context for the site and surrounding areas. The Draft EA summarizes applicable local government policies and clarifies how the project would relate to those policies. As stated elsewhere in the Jefferson County letter (Comments C.14 and C.21), Jefferson County does not "exercise jurisdiction over any Federal projects."

**C.2 Response:** The comment is noted (see Response to Comment C.1).

**C.3 Response:** The comment is noted (see Response to Comment C.1).

**C.4 Response:** The traffic study conducted as part of this EA process looked at higher occupancy figures than those presented in the EA (see Section 1.5.1). Although speculative, this higher occupancy could represent a 20-year projection. A copy of the traffic study has been provided to Jefferson County.

**C.5 Response:** The comment is noted. There is no construction proposed in the area designated as a conservation easement. The only development likely in the conservation easement area will be trail construction and maintenance performed by Jefferson County according to the terms of the Conservation Easement Agreement. At this time Jefferson County has not identified any specific trail plans. The visual impact analysis in Section 4.5.1 of the Draft EA is summarized as follows:

The Proposed Action would modify existing facilities and add new features to the STM site that would increase development scale and density at the site, thereby increasing site visibility from numerous off-site vantage points. Although future changes might be noticeable from off-site vantage points, they would not be considered significant adverse visual impacts for the following reasons: 1) the new facilities and features would be reasonably consistent with existing development in the vicinity, 2) views of the mesa top and slopes would not be substantially altered from public vantage points, 3) views from primary public vantage points would not be blocked or substantially degraded, 4) further development of the site as a renewable energy research facility has been anticipated since the STM site was given to DOE by the State of Colorado, and 5) final designs for new development would be subject to review by NREL's DAB and their recommendations would be followed to address visual and aesthetic impacts.

**C.6 Response:** The comment is noted.

**C.7 Response:** Information pertaining to NREL's operations and safeguards can be found on NREL's ES&H website at [www.nrel.gov/esh](http://www.nrel.gov/esh). Specific questions pertaining to areas of Jefferson County jurisdiction can be directed to Maureen Jordan, Senior Environmental Engineer, at 303-275-3248.

**C.8 Response:** Please see response to Comment C.7.

**C.9 Response:** Please see response to Comment C.7.

**C.10 Response:** The comment is noted.

**C.11 Response:** Construction noise impacts are addressed in Section 4.4.1 of the Draft EA, and post-construction operational noise is addressed in Section 4.4.2. NREL construction project managers are sensitive to noise issues and the potential affect on neighbors. Outdoor construction activities that generate noise will be conducted only during daylight hours.

**C.12 Response:** Please see response to Comment C.7.

**C.13 Response:** Pursuant to State of Colorado requirements for Independent Sewage Disposal Systems with a capacity of less than 2,000 gallons per day, NREL/DOE obtained Jefferson County Permit Number 17787 on September 17, 1998 for the sewage disposal system at the Solar Radiation Research Laboratory. A copy of the permit with the County Engineer's signature certifying final inspection has been sent to the Jefferson County Department of Health and Environment as requested.

**C.14 Response:** The comment is noted. Please see response to Comment C.1.

**C.15 Response:** West Metro Fire Protection District (West Metro) is on the distribution list and did receive notification of the Draft EA. West Metro did not provide scoping input and did not comment on the Draft EA. David Abbink, Fire Marshall/Division Chief, provided input to the preparers of the Draft EA in August 2002 (see Sections 3.11.5 and 4.11.5 Emergency Response and Fire Protection). In the referenced conversation, Mr. Abbink stated that no additional off-site infrastructure upgrades would be needed, and the capacity of on-site and local infrastructure and service would not be disrupted by the proposed improvements or new demands for fire protection services.

West Metro routinely inspects the South Table Mountain site and has issued hazardous materials permits to NREL/DOE for every building in which hazardous materials are used or stored.

**C.16 Response:** Please see response to Comment C.7.

**C.17 Response:** Following construction, no ambient air monitoring will be conducted. However, inspections by trained NREL staff to prevent particulate emissions will continue until areas disturbed by construction are permanently revegetated or otherwise stabilized. In compliance with NREL/DOE's coverage under EPA's general permit for storm water discharge associated with construction, NREL's Storm Water Pollution Prevention Program requires that all areas disturbed by construction be permanently stabilized to prevent erosion and airborne particulate emissions (See Section 1.2.3).

**C.18 Response:** Please see response to Comment C.7.

**C.19 Response:** Please see response to Comment C.7.

**C.20 Response:** Please see response to Comment C.7.

**C.21 Response:** The comment is noted. Please see response to Comment C.1.

**C.22 Response:** The comment is noted.

**C.23 Response:** The comment is noted.

**C.24 Response:** The Site Development Plan will be outdated with the completion of the 25-Year General Development Plan (GDP), expected early this summer. NREL will send a copy of the 25-Year GDP to Jefferson County when it is complete.

**C.25 Response:** The comment is noted. The development planned in Zone 1 is limited and associated with specialized activities such as solar collection and solar radiation (see Sections 2.1.1, 2.1.3 and 2.1.4). The Proposed Action includes potentially expanding the SRRL by approximately 1,350 square feet, one-half of its current size. No other buildings are proposed. The other mesa top components of the proposed action could include equipment and infrastructure modifications. All of these changes will "be of minimal size, low occupancy, and designed for minimal disruption to views of the mesa."

One letter expressing community concern about potential development of the mesa top was received during the scoping process (see Appendix B). Except for this comment from Jefferson County, DOE received no other comments reflecting community concern during the public comment period for the Draft EA.

**C.26 Response:** There are currently no plans to make Zone 7 accessible to the public.

**C.27 Response:** NREL has no development plans that would impact these resources and plans to leave them in place as they are today (see Sections 2.1.1, 2.1.3 and 2.1.4).

**C.28 Response:** As stated in the Final EA, NREL plans to obtain water for the S&TF and other development from Consolidated Mutual (see Sections 3.11.3 and 4.11.3).

**C.29 Response:** The EA addressed water supply questions based on information available at the time the Draft EA was prepared, including incremental and cumulative impacts on Consolidated Mutual's water supplies (see Sections 3.11.3 and 4.11.3). Based on consultation with Neal Santangelo, Project Engineer with Consolidated Mutual on April 30, 2003, the water supply issue for the S&TF and other future development is as follows:

- Consolidated Mutual has a tap moratorium in place that applies to new users only.
- NREL's STM Complex is an existing user not subject to the tap moratorium.
- Water supplies, taps and service are available for the proposed S&TF and the other STM Complex development described in the Draft EA.

**C.30 Response:** The comment is noted.

**C.31 Response:** The text of the Final EA has been revised to include the proposed text recommended by Jefferson County (see Section 3.1.2 of the Final EA).

**C.32 Response:** The intent of both the Lakewood and Jefferson County PD Districts was discussed in Section 3.1.2 of the Draft EA in the subsection titled, "Jefferson County." In the Final EA, the intent of the PD District in the City of Lakewood has been moved to the subsection titled, "Lakewood, Golden, Denver West, Pleasant View."

**C.33 Response:** The comment is noted.

**C.34 Response:** The traffic study indicated that the projected growth rate for the STM Complex over the long term (beyond the 5-year time frame of this EA), DOE would need to consider another access route to help traffic flow, in addition to its current Denver West Parkway main entrance. Completion of Isabell Street would be one possible way for DOE to meet this long-term need. DOE has provided Jefferson County with a copy of the traffic study (see response to Comment C.4), and would like to remain informed on the progress of the County's Isabell Street study.

**C.35 Response:** Ms. Stephanie O'Hara from the Jefferson County Planning and Zoning Department is the County Liaison for the County's Historical Commission. Ms. O'Hara was contacted on April 30, 2003. Based on this consultation, a letter summarizing the project's related issues and impacts was requested and then submitted to Ms. O'Hara. No further consultation and coordination was requested.

**C.36 Response:** As described on page 1-15 of the Draft EA, the Design Advisory Board is comprised of professionals in the fields of architecture, landscape, and building design and planning; a member of the Pleasant View community; DOE representatives; and NREL staff.

**C.37 Response:** The comment is noted.

**C.38 Response:** The comment is noted.

**C.39 Response:** The comment is noted. Section 4.5 of the Draft EA states that views from primary public vantage points would not be blocked or substantially degraded. Figure 4-4, photographs 1 and 2, illustrate the approximate perimeter of anticipated development under buildout conditions. The Draft EA states that views of the slopes of South Table Mountain from certain private properties would be blocked and clarifies that those impacts would not be considered significant because development of the site and related infill of the property have been anticipated and the changes would be reasonably consistent with other nearby development on the STM site and elsewhere in the vicinity. Final designs for new development would be subject to review by NREL's DAB, and their recommendations would be followed to address visual and aesthetic impacts.

**C.40 Response:** The comment is noted. The existence of a substantial controversy over the proposed improvements is not supported by scoping letters or by comment letters on the Draft EA. Please see response to Comment C.25 regarding the absence of letters received expressing community concern.

When specific facilities are proposed in the future, additional visual analysis will be conducted through the NEPA process. This analysis will consider the overall NREL planning process, including the work of the DAB.

**C.41 Response:** Based on additional consultation with Jefferson County representatives (Newman, 2003), the actual median household income for Census Tract 101 is \$40,872, not \$52,422 as stated in the letter from Jefferson County. Text in Sections 3.1.4 and 4.1.3 of the Final EA has been modified to indicate that Census Tract 101 should be considered a concentration of low income persons.

**C.42 Response:** Impacts from increased impervious surface at the STM site were addressed qualitatively within the Draft EA. Section 4.6.1 Surface Water and Stormwater Impacts addresses stormwater quantities, runoff, and surface water quality caused by increases in impervious surface. Related impacts on groundwater were addressed in Section 4.6.2 Groundwater Impacts.

Urban heat was not a relevant issue identified during scoping, so impacts on urban heat from an increase in impervious surface were not addressed in the Draft EA.

**D. Sentinel and Transcript Newspapers, Golden Transcript, Sabrina Henderson, Golden Editor, Email Message March 24, 2003.**

**D.1 Response:** Ms. Henderson was contacted by telephone by Mr. John Horst of the DOE Golden Field Office on March 24, 2003. Mr. Horst explained that NREL was opening its Draft STM Site-Wide EA on proposed future development up for public comment. Ms. Henderson determined that she did not need a press release.

**D.2 Response:** No public meetings were scheduled or held specifically for the purpose of discussing the Draft EA. According to Council on Environmental Quality regulations and DOE NEPA implementing guidance, a public meeting is warranted if there is:

- substantial environmental controversy concerning the proposed action, or
- substantial interest in holding a hearing or meeting, or
- a request for a hearing or meeting by another agency with jurisdiction over the action, supported by reasons why it would be useful (40 CFR 1506.6(c)).

DOE's scoping letter and the comments received are presented in Appendix B of the Final EA. The letter distributing the Draft EA for public comment and comments received are presented in Appendix D of the Final EA. All issues identified by the public during scoping or public review of the Draft EA have been addressed in this Final EA.

DOE holds public meetings on a regular basis for the purpose of discussing NREL's initiatives and site development proposals. These meetings are open to all interested member of the public.