

CANYONS OF THE ANCIENTS NATIONAL MONUMENT
Advisory Committee Meeting Minutes
January 11, 2005

Advisory Committee Attendees:

Kelly Wilson Chuck McAfee Bud Poe

Bob Clayton Chris Majors

Liz Tozer Mark Varien

BLM Attendees:

LouAnn Jacobson, Monument Manager

Steve Kandell, Monument Land Use Planner

Marissa Karchut, Museum Specialist

Public Attendees:

Gala Pock, Gay Ives, Al Heaton, Grady Gardner, Leslie Sessler, Tim Hovezak, Phil Wisser

Agenda

9:00am - 9:10am	Greetings and Introductions
9:10am – 9:30am	Planning and Monument Manager Update
9:30am - 10:30am	Review and Discuss Vision Statement, Overall Objective and Transportation Recommendation, Reburial Letter and Grazing Subcommittee Nominees
10:30am - 10:45pm	Public Comment
10:45am - 11:30pm	Vote on Vision Statement, Overall Objective and Transportation Recommendation, Reburial Letter and Grazing Subcommittee Nominees
11:30pm - 12:00pm	Approval of Minutes from the August 10 th , September 14 th and November 9 th Meetings and Next Agenda

Note, the remainder of these minutes describes the discussion associated with each agenda topic.

Greetings and Introductions

Kelly Wilson welcomed all participants. He addressed the Committee and stated that we had a quorum (i.e., at least seven members present). Kelly asked everyone (i.e., Committee members and the public) to introduce themselves.

Planning and Monument Manager Update

Steve Kandell stated that there is limited staffing at the Monument. Specifically, there are only two fulltime Monument employees (i.e., land use planner, archaeologist), with the rest of the staff shared between the BLM and Forest Service under a Service First Agreement. Under this agreement, the Monument must share employees (e.g., range specialists). As a result, the Monument has no choice, but to work with a private planning contractor to complete the Monument Plan. The old planning contractor has been terminated, due to poor performance. Currently, we are working to hire a new contractor by March 1, 2005.

Steve provide a list of the planning products that the Committee will have the option to review in the near future. They include: 1) the Analysis of Management Situation document; 2) the Draft Range of Alternatives; and 3) the Reasonable Foreseeable Development Scenario for oil, natural gas and Carbon Dioxide in the Monument.

Mark Varien asked for an overview of how the Monument will procure a new planning contractor. In brief the BLM National Business Center in Denver, Colorado sends out a request for proposals to interested consultants. After approximately two weeks, three BLM staff members convene to review and evaluate the contractors' proposals using established criteria. Last, based on the outcome of the evaluation and pricing proposals submitted by the contractors, BLM awards a single contractor the project. LouAnn stated that though this process takes time and slows the planning process, it will be in the best interest of the Monument to get a qualified contractor to assist in developing the plan.

LouAnn provided an update on the process for designating the Sand Canyon National Register District. Ron Wenker, Colorado BLM State Director approved designating Sand Canyon as a National Register District. The BLM Washington Office then certified this decision, officially designating the Sand Canyon National Register District. LouAnn stated that additional management decisions for this new designation will be made through the planning process.

LouAnn also signed the Decision Record and Finding of No Significant Impact (FONSI) for renewing grazing permits on seven allotments within the Monument. These seven allotments include the Yellow Jacket, Cahone Mesa, Goodman Gulch, Sand Canyon East, Sand Canyon West, Flodine Park and Hamilton Mesa Allotments. Livestock operators on these allotments include Wesley Wallace, Steve, Tim and Jay Wallace and the Laymon Family Living Trust. The Environmental Assessment (EA), Decision Record and FONSI will be mailed out in the next few days. Steve explained that the existing ten year grazing permits for these allotments had expired, and for another permit to be issued the potential impacts of this decision must be disclosed through an EA.

Referring to the renewed Committee charter included in the Committee members' handouts, LouAnn stated that the charter addresses Committee member attendance. Not having a quorum

over the past few meetings has slowed the Committee's ability to vote on recommendations. Specifically, Section 8d of the charter addresses attendance. Basically, it states that attendance needs to be regular or a member could forfeit his/her position on the Committee. If two consecutive meetings are missed, without good cause, the Designated Federal Officer (DFO) may replace that Committee member. At that point, the DFO (i.e., Monument Manager) would send out a letter asking if the member still wants to serve on the Committee. LouAnn noted that there are alternatives for those Committee members who are not able to physically attend meetings. For example, the Committee member could conference call into the meeting.

Referring to Section 8c of the charter, Kelly Wilson asked who will decide if he continues to serve on the Committee once his position as a Montezuma County Commissioner ends this August. LouAnn responded that ultimately the Montezuma County Commissioners will decide this; however, she understands that they want him to continue to serve on the Committee. LouAnn reminded everyone that she sent a letter to each Committee member to determine if they wanted to continue serving. Currently, she is waiting for responses to this letter from a few Committee members. Chuck McAfee asked if a Committee member doesn't respond to the letter are you assuming they don't want to continue serving. LouAnn responded yes.

Kelly Wilson asked if BLM needs a letter from the Montezuma County Commissioners, regarding their desire for him to continue serving on the Committee. Steve responded that a letter was not necessary.

Last, Steve reminded the Committee that Section 10 of the charter requires that new officers be elected annually. The current Committee chairperson and vice chairperson were elected over a year ago on October 21, 2003. It was agreed that electing new officers would take place at the next meeting. LouAnn, again, reminded the Committee to respond to her letter concerning their intentions to either continue or stop serving as a member.

Review and Discuss Vision Statement, Overall Objective and Transportation Recommendation, Reburial Letter and Grazing Subcommittee Nominees

Vision Statement and Overall Objective

Steve Kandell reminded Committee members of the evolution of the draft vision statement and overall objective. He also referred to draft versions of these recommendations along with specific written comments from Bill Lipe. Steve and Bill worked together, prior to the Committee meeting, to edit the recommendations. Steve also read from an email provided by Bill Lipe summarizing some of his key comments. In particular, Bill stressed that the word "resources" should be replaced with "objects." By doing this, the language in the Committee's recommendations would be more consistent with the Proclamation establishing the Monument and Antiquities Act. Steve then asked the Committee members to take a few minutes to review the edited recommendations.

Chris Majors raised two issues concerning the recommendations. First, Chris suggested removing the word "preventing" from the objective statement which reads "Permit economic uses of the Monument resources (e.g., grazing, fluid mineral recovery, recreational and educational outfitting) while *preventing* or minimizing impacts on the objects..." By removing

this word Chris felt there would be more consistency with similar statements made. Chris also felt that the term “preventing” had a negative connotation to the uses listed in the recommendation. After limited discussion the Committee agreed to the suggested edit.

Secondly, referring to the draft vision statement Chris Majors suggested that the last sentence should be made part of the first sentence. The last sentence states in part that the BLM will “apply the principles of multiple-use management and of community-based stewardship.” These are important aspects to BLM’s management approach and as a result should be listed as such. The Committee agreed to this edit of the vision statement.

Kelly Wilson asked if there were any public comments, before the Committee votes on the suggested edits to the vision and overall objective statements.

Public Comment

Gala Pock stated that the overall objective doesn’t address adjacent private property or in-holdings. Mark Varien responded that the objective statements are supposed to be general in nature, and that more specific direction will be provided through the management plan.

Chris Majors felt that the statement “considering the effects of management decisions...” should refer to landowners as well as local economy and culture. Mark Varien stated that inholders and edgeholders are important stakeholders, and as a result BLM should be certain to consider their input. Chris feels whether the Monument is working to manage fluid minerals, grazing, etc., they should always consider input from private landowners.

Chris suggests changing the objective statement to read “local economy, culture, and landowners.” LouAnn felt that the landowner is already addressed under next bullet statement that reads “Implementing management policies effectively and consistently...” Mark Varien suggested combining the two bullet statements. Chris Majors stated that he is not concerned with the two bullets. Instead, he just wants the objective to be sensitive to adjacent landowners, outside the affects of economy and culture.

LouAnn suggested editing the statement to read “*Protect* and respect the rights of owners of adjacent property and in holdings by.” The Committee agreed to the edits.

Transportation Recommendation

Steve pointed out an edited version of the transportation, cross country travel recommendations, with edits. Committee members took a few minutes to read through the recommendations.

Kelly Wilson asked for comments from the Committee.

Referring to the statement under 8-5, Bob Clayton suggested making the wording stricter by replacing the word “reduce” with “eliminate.” Chris Majors stated if that edit is to be made then the word “authorized” should be added. The Committee agreed to edit 8-5 to read “Partner with willing, private land owners, within and adjacent to the Monument, to eliminate unauthorized cross-country travel by motorized and mechanized vehicles.”

Chuck McAfee suggested editing 8-3 to read “restore *and/or protect sensitive areas...*”

Kelly Wilson asked to have references to specific groups (e.g., Kokopelli Bike Club) removed. Chris suggested adding a recommendation, similar to 8-5.a that provides user groups (e.g., mountain bikers) with a phone number to report cross country travel occurring in the Monument.

Kelly Wilson asked if there were any public comments, before the Committee votes on the suggested edits to the transportation recommendations.

Public Comment

Tim Hovezak felt that the wording in recommendation 8.5 suggests there is no difference in policy addressing cross country travel, by motorized and mechanized vehicles, on private land versus public land. Chuck McAfee stated that the intent of the recommendation is for BLM and willing landowners to work together in addressing unauthorized cross country travel. Chris Majors still felt the statement should be removed, because it gives the impression that BLM wants to regulate cross country travel on private land.

Liz Tozer stated that there is definitely a problem with unauthorized cross country travel on private land adjacent to and within the Monument. Chuck McAfee suggests adding the word “their” to infer willing private land owners. Chris Majors suggested altering the sentences to include a phrase about “willing landowners.” Steve Kandell suggested that the changes can be made by inserting the term “unauthorized users.”

Leslie Sessler asked if activities associated with wood cutting activities (e.g., unauthorized cross country travel) would be affected by these recommendations. LouAnn stated that unauthorized travel off-road is already prohibited by the Proclamation and; therefore, law enforcement officers can currently issue citations.

Chuck summarized the edits: replacing the word “reducing” to “eliminate”, remove references to specific user group names, add recommendation 8-2.b, and replace the word “trespassing” to “unauthorized user.” The Committee agreed to the edits.

Public Comment

Leslie Sessler thought the Committee was doing a thorough job and was very thoughtful in addressing issues.

Al Heaton said he was just here to learn, and he also thought the Committee was doing a great job.

Phil Weiser said he sent in several comments to the Committee and wanted to know how, or if they were being addressed. Kelly Wilson said they are working on integrating all the comments. Phil said he sent in scoping comments from last February and still hadn’t heard anything. Steve stated that much of the information provided by Phil didn’t have a question within it. Furthermore, the information provided was extensive. Steve suggested that Phil summarize his questions for the Committee to respond to. Phil thought that what he submitted before was sufficient. Steve said he would pull out Phil’s questions and provide them to Kelly Wilson to review again.

Reburial Letter and Grazing Subcommittee Nominees (continued)

Steve updated the Committee on previous Committee discussions concerning the reburial of human remains and funerary objects on BLM managed lands. A letter to Colorado BLM State Director Ron Wenker, from the Committee was provided to the Committee members for their review and approval. LouAnn Jacobson noted that the letter would go directly to Ron Wenker and not the BLM Washington Office. Ron does not have the authority to change the BLM's policy on reburial of human remains and funerary objects, but he can discuss the issue with the BLM Washington Office.

Mark Varien noted that the BLM will not allow the reburial of human remains on public lands. Furthermore, this is something the tribes would like to do.

Bob Clayton wants to know where human remains removed from BLM land are housed. LouAnn explained that the Anasazi Heritage Center stores human remains from all over the Four Corners region. New human remains located on BLM lands are assessed and processed under the authority of the Native American Graves and Repatriation Action (NAGPRA). Ultimately, the remains are repatriated and returned to the tribe determined to have the closest cultural affiliation.

LouAnn stated that per BLM regulation, reburials cannot be performed on public land. Mark Varien clarified that the letter they are approving to go to Ron Wenker is only asking him to reconsider BLM's policy in this area. Furthermore, the letter urges BLM to have the option of working directly with local tribes to develop a solution to the issue.

Bob Clayton asked what Crow Canyon does when they find human remains. Mark replied that they stop excavations according to an agreement they've developed with the tribes. LouAnn said that on public land the Federal Agency must do consultation to determine what the tribes want done with the remains.

Chuck McAfee suggested a wording change in the letter from "according to" to "according with."

The Committee members all agreed to forward the letter to Ron Wenker. Chuck McAfee requested a final copy of the letter. Steve replied that he would provide copies of the letter at the next meeting.

The next issue for discussion was the Range Subcommittee Proposal. Steve reminded Committee members that this subcommittee was the idea of Chris Majors and has been discussed at several previous meetings. The role of the subcommittee would be to work for the full Committee. The subcommittee would not be autonomous, but would instead serve the needs of the full Committee.

Chuck McAfee suggested that the composition of the subcommittee include people of different specialties and backgrounds, so the subcommittee is well rounded. Steve reminded everyone

that potential subcommittee member names were discussed at the July 6, 2004 Committee meeting.

Mark Varien questioned whether placing another biologist or ecologist on the subcommittee would be appropriate. His understanding was that the subcommittee was a forum for grazing permittees to communicate. Actually resolving disputes and making final recommendations would occur at the full Committee level. Mark is willing to participate as a member of the Advisory Committee and add what input he can. Mark's understanding of the functioning of the subcommittee is that they will have discussions and then make recommendations to the full Committee to consider. Serving on both the full Committee and subcommittee, Mark hopes to provide input on issues and then foster communication between the two groups. More importantly, Mark sees this as an opportunity for Mike Jensen to have productive discussions with the grazing permittees.

Chris Majors sees this subcommittee as allowing the grazing permittees to work with both Mike and Mark to discuss different approaches for managing rangeland resources. LouAnn reminded everyone that the subcommittee meetings would be open to the public and would be accepting public comment.

Kelly Wilson asked if a subcommittee formed for archaeological resources would function in a similar manner. Mark Varien stated it would likely be different. Kelly Wilson questioned if the approach used by the range subcommittee would set a precedent for other subcommittees. Referring to the previous meeting minutes, Kelly stated that at the last meeting we agreed to form the range subcommittee, and now the Committee needs to approve the members.

Chuck stated that the full Committee has benefited by having a diverse membership. He thinks it's good to have people who ask hard questions. He feels that Mark's participation will be positive, since he has a broad perspective. Chris Majors stated the subcommittee will be a great opportunity for the BLM and grazing permittees to talk more, and believes the more difficult issues will be discussed with the full Committee.

Kelly Wilson asked if there were any public comments, before the Committee votes on the membership for the grazing subcommittee.

Public Comment

Kelly Wilson reminded everyone that the formation of the grazing subcommittee has already been approved, and that the task at hand is to approve the members.

Al Heaton stated he supports Steve Wallace's participation on the grazing subcommittee and that he will help this group communicate with the Stewardship Committee. He thinks it is important to have someone from that Stewardship Committee on the grazing subcommittee. Also, Al pointed out that the current subcommittee proposal doesn't clearly state if seven or four members must be present to vote.

Kelly Wilson asked for nominees to be an alternate. Liz Tozer, Bob Clayton and Chuck McAfee were nominated. Bob Clayton stated that he would like to participate on the subcommittee,

because he wants to know what's occurring on public lands close to his fluid mineral operations. LouAnn stated that Bob is on the user group side not the conservation, and that to maintain diverse representation she suggested Chuck should serve in the position.

Chuck was selected to serve in the alternate position on the grazing subcommittee. All members present supported the decision, except Bob Clayton who was opposed.

Kelly asked for a vote on the other grazing subcommittee nominees. Chris Majors nominated Steve Wallace, Glenna Harris and Casey Veach. All Committee members were in favor of the nominees. Chris stated that he would like to have an initial meeting for the members to get to know each other. Steve reminded Chris that the meetings must be advertised in the Federal Register and local news papers. Chris noted that he would select a date and get with Steve to coordinate holding the first meeting.

Approval of Minutes from the August 10th, September 14th and November 9th Meetings

Steve stated that a quorum hasn't been present at the last few meetings. As a result, there is a backlog of meeting minutes that need to be approved. For the August 10, 2004 meeting minutes Committee members identified the following edits: 1) typo on page two, 4th line from bottom should be "n"; 2) states that Bob Clayton said "well pad served six separate CO2 wells," but it was only one; and 3) Chris Major's name was listed twice in the attendance. All suggested changes were approved by the Committee.

Meeting minutes from the September 14, 2004 meeting were approved without edit.

For the November 9, 2004 meeting minutes Committee members identified the following edits: 1) page two, 2nd paragraph states "loaded seeded" should read "not seeded"; 2) page six, "Varien stated" in line three, from should be from; and 3) page six, 1st paragraph, "Steve said should slow don" should be "down". All suggested changes were approved by the Committee.

Next Agenda

Steve recommended not setting a time and date for the next meeting. He stated that brining on a new contractor needed to be completed before the next meeting could be scheduled. The exact time frame for completing this task is unknown. The Committee agreed to wait until a new contractor was hired to set a date for their next meeting.

Kelly Wilson asked the Committee if they had any other items to discuss. The Committee responded no.

Meeting was adjourned