

CANYONS OF THE ANCIENTS NATIONAL MONUMENT
Advisory Committee Meeting Minutes
March 30, 2004

Advisory Committee Attendees:

Bob Clayton Chris Majors Mark Varien
Bud Poe Chuck McAfee Kelly Wilson
Liz Tozer Duane Gerren

Bureau of Land Management Attendees:

LouAnn Jacobson, Monument Manager

Steve Kandell, Monument Land Use Planner

Victoria Atkins, Anasazi Heritage Center Interpretive Specialist

Laura Kochanski, Monument Archaeologist

John Lancelot, Colorado BLM State Office Lands Specialist

Jenny Saunder, Colorado BLM State Office Lands Specialist

Andy Senti, Colorado BLM State Office Lands Specialist

Charlie Higby, San Juan Public Lands Center Lands Specialist

Clyde Johnson, Monument Lands Specialist

Public Attendees:

Steve Grazer, Phil Weiser, George Greenbank, Don Randall, Darrell Veach, Chester Tozer, Gala Pock, Ruth Lambert, Dan Gregory, Rachel Vass, Penny Wu, Leslie Sesler, Tim Hovezak, Walt Heikes, Dewayne Findley, Gayle Alexander, M.B. McAfee, Chris Nickel, Dave Wood

Agenda

9:00am - 9:10am	Greetings and Introductions
9:10am - 9:20am	Approval of Minutes from the March 9 th Meeting
9:20am - 9:30am	Planning and Monument Manager Update
9:30am – 10:00am	Transportation and Infrastructure Working Group Report
10:00am - 10:10am	Break

10:10am - 11:10am	Discussion on Transportation and Infrastructure
11:10am - 11:30pm	Public Comment
11:30am – 12:00pm	Vote on Transportation and Infrastructure
12:00pm – 1:00pm	Lunch at Anasazi Heritage Center <ul style="list-style-type: none"> • Overview of Private Land
1:00pm - 1:30pm	Private Land Working Group Report
1:30pm – 3:00pm	Discussion on Private Land
3:00pm - 3:20pm	Public Comment
3:20pm - 3:30pm	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.

Approval of Minutes from the March 9th Meeting

Kelly Wilson asked the Committee if there were any requested changes to the minutes from the March 9, 2004 meeting. On page five “Bill Lip” was changed to “Bill Lipe” and on page seven “May 23” was changed to “March 23.” Bud Poe made a motion to approve the minutes. Chuck McAfee seconded the motion. The motion carried.

Planning and Monument Manager Update

Steve Kandell stated that Planning Newsletter #2 would be distributed to the public in the next few weeks. The focus of this newsletter would be to summarize information from the Scoping Report. Also, the Monument planning team is preparing for their first Alternative Development Workshop in late May and our continuing to revise the draft version of the Analysis of the Management Situation.

LouAnn Jacobson took a moment to introduce three BLM Colorado State Office employees in the audience. She noted they have expertise in easements, rights-of-way and lands issues. She also stated that the BLM’s computers were off the internet last week for several days, due to the Cobell lawsuit.

Transportation and Infrastructure Working Group Report

Kelly Wilson stated that he made some minor changes to his Transportation and Infrastructure write-up, after consulting with members of the public. He then referred to two maps he had displayed on the wall. The first one illustrated county roads and BLM's GPS coverage of routes in the Monument. Kelly noted that not much of Monument is roadless. The second map identified inholder access routes for all, but one private landowner in the Monument.

Kelly next reviewed the goal statements from his Transportation and Infrastructure write-up. Goal three highlighted a need to designate six to ten access points on the Monument. Mark Varien noted that Sand Canyon Pueblo was not a good point to access the southern portion of the Monument, because it doesn't connect with Yellow Jacket Canyon. Steve Kandell then referred to a handout entitled "Route Evaluation/Designation Decision Tree." He provided it to the Committee as an example of one approach that is being used, by some BLM field offices, to determine what roads should stay open or be closed.

Referring to Management Action 1-2, Bud Poe questioned what process would be used to "develop a road and trail system." Kelly Wilson responded that we need to start with accurate mapping of what routes and trails exist on the ground. From that point we need to agree on a step by step methodology for determining which ones will be closed or remain open. Chuck McAfee added that mapping was the first of several steps in developing a transportation plan. Bob Clayton indicated that "ground truthing" needed to be added to 1-2. As a result, 1-2 was revised to read "Formulate a preliminary concept, supported by maps, aerial photographs and ground truthing, of how existing roads and trails can be integrated into a road and trail system."

Referring to Objective Two, Bud Poe indicated that some of the management actions (e.g., 2-1) overlap with recommendations he has identified in his Private Land write-up. Bob Clayton asked how Kelly Wilson intended to educate Monument users in Management Action 2-2. Kelly stated that he envisioned using visitor brochures and signage in the field. Referring to Objective Three, Chris Majors commented that designating six to ten access points may be too many. He felt that dispersing visitors throughout the Monument could stretch resources (e.g., search and rescue, maintenance, user conflicts) too thin. Instead, he suggested that development (e.g., parking areas, restrooms) should be limited to fewer areas within the Monument. This approach would allow undeveloped areas of the Monument to remain pristine.

Mark Varien stated that there should be good access throughout the Monument; however, this doesn't mean that infrastructure (e.g., parking areas, picnic tables) needs to be constructed to support this access. Referring to the "CANM Conceptual Trailhead Access Plan" on the last page of Kelly's write-up, Mark commented he would only see this level of development at a small number of locations in the Monument. Chris Majors noted that if some areas of the Monument (e.g., Ruin Canyon) were over developed their natural character would be lost. Mark suggested that a management action be added for BLM to "determine the appropriate level of development at access points during the planning process." After some discussion, the Committee agreed to add Management Action 3-9. This action reads "Determine an appropriate level of development at access points to minimize impacts to other multiple uses (e.g., grazing,

fluid minerals), maintain the character of an area (e.g., solitude, scenic value, cultural resources) and meet the needs (e.g., parking) of users.”

Mark Varien added that access points should not create more visitor use than an area can sustain. Chuck McAfee noted that the north and east portions of the Monument are not very accessible, as result of private land holdings adjacent to the Monument boundary. Mark Varien made the analogy that the Monument is shaped like a triangle and that the hypotenuse of that triangle (i.e., eastern boundary) has complex access issues. Again, this is largely due to the large amount of private land adjacent to the Monument’s eastern boundary. Chuck McAfee noted that the Monument isn’t under any mandate to enhance visitor experiences. However, it is required to protect the objects identified in the proclamation (e.g., cultural resources). Bud Poe stated that visitors are going to come to the Monument and therefore, we need to direct them to areas where resources won’t be impacted.

Kelly Wilson called for a break.

Break

During the break Steve Kandell wrote Management Action 3-9 on a flipchart for the Committee to review.

Discussion on Transportation and Infrastructure

Referring to Objective Four, Chuck McAfee suggested replacing “of” with “on.” As a result the objective reads “Avoid detrimental impacts on privately held resources within and immediately adjacent to the CANM boundaries.” The Committee agreed to the edit. Chuck then asked how practical it would be to survey and mark the entire Monument boundary. LouAnn Jacobson responded that completing a survey along the entire Monument boundary is dependent on funding. Currently, the Monument doesn’t receive funding each year to perform surveys. Instead, the Monument has to make a special request for this funding and it’s always uncertain if the money will be obligated. Chris Majors suggested looking into a cost sharing approach between the Monument and landowners to complete this work. LouAnn stated that cost sharing would increase the chances of receiving funding for this type of work.

Chuck McAfee then suggested that a management action be added, recommending BLM pursue cost sharing agreements with landowners to complete surveying of the Monument boundary. Based on this comment the Committee agreed to add Management Action 4-4 which reads “Pursue cost sharing agreements with private landowners, within and adjacent to the Monument, to survey the Monument boundary.” Chris Majors asked if BLM recognizes private surveys or if they have to be completed through BLM cadastral? Andy Senti responded that a private surveyor can be used; however, BLM would review the survey to be sure it met certain standards. Clyde Johnson added that he only knows of a few situations where a licensed surveyor’s findings were not consistent with BLMs.

Referring to Management Action 4-2, Duane Gerren stated that he is more concerned about liability issues than trespass. Due to this concern Management Action 4-2 was edited to read “Boundary lines need to be marked to reduce trespass and landowner liability.” Bud Poe suggested identifying, priority areas for surveying where visitor use is high.

Public Comment

Chester Tozer commented that visitors often leave gates open between public and private lands. As a result, cattle often get onto BLM land by accident. He suggested that more cattle guards are necessary to resolve this problem. Mr. Tozer also asked why there were signs up on the Monument saying “No Woodcutting”. LouAnn Jacobson responded that some areas of the Monument remain open to woodcutting with a permit. She added that some areas previously used for woodcutting had to be closed, due to an increase in cross country travel in these areas.

Mr. Tozer then commented that the rocks recently moved to manage parking in the Castle Rock area have degraded the landscape. Furthermore, he felt that the rocks limited that parking area too much. Penny Wu responded that the rocks at Castle Rock were moved at the request of adjacent private landowners, who were concerned with individuals parking on their property. Penny also stated that BLM met with interested citizens (e.g., John Sutcliff, Bruce Tozer) at Castle Rock a year ago to discuss the parking problem. It was the group’s decision to use rocks in the area to manage parking. Mr. Tozer then stated that he knew of a situation where the BLM told a landowner that his privately developed survey was not acceptable.

Phil Weiser asked how many Wilderness Study Areas (WSAs) are in the Monument. He then submitted a report to Committee members entitled “Politically Motivated, Technically Flawed, A Review of the BLM Wilderness Re-inventory in the State of Utah.”

Glenna Harris thanked the BLM for limiting woodcutting on the Monument. She also noted that the Monument should limit transportation on the Monument to designated roads.

Ruth Lambert of the San Juan Mountain Association stated that the policy of her organization is to request permission from landowners before crossing private property.

Dani Gregory of the Kokopelli Bike Club commented that Sand Canyon is a very unique and special area in the Monument. Furthermore, she noted that if it’s the only developed area on the Monument then visitors won’t be distributed very well. She also stated that the Kokopelli Bike Club is willing to work with the BLM to manage and monitor areas in the Monument.

Chris Nickell from Hovenweep National Monument suggested that in Management Action 2-1, Hovenweep would like to be a participant in the work sessions mentioned.

Darrel Veach commented that Sand Canyon is a difficult management situation. In addition, he stated that the Monument shouldn’t be managed like a national park with too many regulations. Mr. Veach also suggested adding landowners to the list of “users” in Management Action 3-9.

Referring to Management Action 1-3, Penny Wu stated that the BLM road inventory completed in 2002, includes information on “type of user,” width of route or trail” and “if the route leads to a significant point.” Referring Management Action 2-2, Penny listed several ways to educate users. Some of these included signs and kiosks, working with the San Juan Mountain Association’s site stewards and having a seasonal ranger in Sand Canyon. Penny then stated that the Monument should only develop additional infrastructure (e.g., trailheads, picnic tables,

restrooms) as needed. She also noted that in planning for the development of additional infrastructure, maintenance requirements should be kept in mind.

Glenna Harris commented that BLM needs to request permission to cross her property. She feels that BLM is currently crossing her property without permission.

Gayle Alexander commented that the use of vans and buses to provide educational tours of the Monument should be explored.

Vote on Transportation and Infrastructure

Prior to voting on the Transportation and Infrastructure recommendations, the Committee continued its discussion. Referring to Management Actions 5-1 and 5-2, Mark Varien suggested combining them. Also Mark suggested reading through all the management actions in the document to make sure they start with a verb. Steve Kandell agreed to address these comments.

Referring to Objective Six, Chris Majors suggested adding a management action to address cost sharing between BLM and the counties on maintenance of roads. More specifically, Chris was concerned with the increased cost of road maintenance counties might incur, as a result of an increase in Monument visitors. Steve Kandell suggested adding Management Action 6-5 to read “Pursue cost sharing agreements with Montezuma and Dolores Counties for maintenance of roads receiving increased traffic as a result of Monument designation and management.” The Committee agreed to add this management action. Mark Varien then suggested editing Objective Six to include the actual maintenance of roads and not just access for maintenance. Steve Kandell agreed to incorporate this change.

Jenny Saunders added that BLM used to have opportunities for sharing road maintenance costs with local governments; however, this funding doesn’t exist anymore. Duane Gerren asked who maintains BLM roads on the Monument. LouAnn Jacobson responded that these roads are maintained under a contract with the Forest Service.

To clarify Objective Seven, Kelly Wilson suggested adding the term “planning” in front of contractors. It was also suggested to change the word “formalize” to “formulate” in Management Action 7-1. Referring to Management Action 7-4, Mark Varien suggested replacing the word “each” with “selected” to give BLM more discretion. Chuck McAfee then suggested adding “private landowners” as an example of a “user” in Objective Seven.

Chris Majors made a motion to accept the Transportation and Infrastructure recommendations as revised. Liz Tozer seconded the motion. Kelly Wilson asked if there was another discussion. He then asked the Committee all in favor say “aye.” All Committee members present said “aye.”

Private Land Working Group Report

Liz Tozer provided a two page handout. The first page identified the acreages of different landowners (e.g., tribal, private) within and adjacent to the Monument. The second page had photos of different locations on the Monument, tribal land and private land. Liz made the point that without signage you often don’t know what land you’re on. Bud Poe then handed out his Private Land recommendations to the Committee. Prior to reviewing the recommendations, Bud

noted that he and Liz held a public meeting, several weeks prior to this meeting, to discuss private land issues. Several of the issues and concerns identified at this meeting were incorporated into the Private Land write-up. Bud noted that the primary goal of his write-up was to make certain the valid existing rights of landowners are protected.

Bud noted that one concern that came up at the private land meeting was the creation of a buffer zone around the Monument. LouAnn Jacobson asked what was meant by a buffer zone. Bud responded it would be an area outside the Monument boundary that has some level of federal control. Jenny Saunders stated that the federal government cannot place controls on private property; therefore, the rumor of a buffer zone is false. Bud Poe then read through his private land write-up.

Mark Varien suggested deleting the “planning area” in the goal statement. The Committee agreed to this edit. Referring to the goal statement, Chris Majors felt that “promoting cooperation between BLM and adjacent landowners to further resource protection” should be added. Referring to Objective One, Jenny Saunders noted that there is a large volume of policies and procedures dealing with private land, adjacent to and within public land. Steve Kandell suggested adding a management action under Objective One to “identify key issues and concerns of landowners” first, and then develop a list of policies and procedures to address them.

Bud Poe noted that there is a lot of misinformation, among landowners, that needs to be addressed. LouAnn stated that some type of brochure or newsletter could be developed to address this issue. Chuck McAfee suggested adding language to Objective One to clear up these misunderstandings. Chris Majors added that Objective One should include a management action to “Prepare an informative manual that explains the rights of private property owners within and adjacent to the Monument.” Mark Varien stated that this information should be concise and not a list of every regulation and policy on the books. Duane Gerren noted that rights are rights, regardless if you are adjacent to public land or not.

Reviewing Objective Two, Bob Clayton suggested deleting the phrase “that existed prior to the establishment of the CANM.” He felt this phrase insinuates that the Monument designation took away valid existing rights of landowners. Referring to Management Action 2-1, Chris Majors questioned what the term “reasonable” means. Does it mean “historic”, “unrestricted” or other? Jenny Saunders responded that the term “reasonable access” is defined on a case by case situation, but historic use is usually acceptable to BLM. The problem that usually arises is when a private landowner wants to expand their access. Following that explanation the Committee decided to keep the term “reasonable” in Management Action 2-1.

Bud Poe then requested some help on Management Action 2-4. He questioned what water rights BLM have. LouAnn Jacobson stated that BLM has to file for a water right just like any individual in Colorado (i.e., through State authorities). Chuck McAfee noted that water rights are already addressed in the Monument proclamation. They state that “Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.”

Referring to Management Action 2-1, 2-2 and 2-4, Mark Varien suggested replacing the term “adopt” with “follow.” Referring to Management Action 2-5, LouAnn Jacobson stated that private landowners have the same rights to access the Monument as any other member of the public.

Kelly Wilson called for a break.

Public Comment

Gayle Alexander commented that the term “reasonable access” needs to be defined by BLM. Referring to Management Action 2-3, she asked why the public would need to be involved in completing a survey. Bud Poe responded that this management action doesn’t suggest the public be involved in this process.

Chester Tozer commented that the recent grazing permit renewal EA blames upstream agricultural activities for water quality problems in McElmo Creek.

Phil Weiser asked if an endangered species crossed over from public to private land what actions the BLM would take. Steve Kandell responded that BLM still doesn’t have a right to manage private land in this situation. Mr. Weiser then distributed a map to the Committee developed by the Wildlands Project.

Carl Knight commented that BLM is not complying with the executive order (i.e., proclamation). He felt that BLM needs to come to the Ute Mountain Ute Tribal Council. Last, he stated that the National Park Service tried to establish a buffer zone on tribal lands south of Mesa Verde, but could not because it was trust land.

George Greenbank stated that following the Committee’s discussion he was uncertain if private landowners had any rights. Mr. Greenbank was referring to the rights of land owners to access the Monument from their private property. LouAnn Jacobson reiterated that land owners have the same rights to access land from their property as any other member of the public.

Gala Pock stated that poor farmers with land within or adjacent to the Monument can’t afford to pay for fences to keep visitors out. Also, Ms. Pock stated that the Dirk Hood property was recently acquired by the BLM through coercion. She noted that BLM did this by not providing Dirk Hood with reasonable access to his property. Charlie Higby stated Dirk Hood had reasonable access, but he wanted to upgrade the road. There was an archaeological site along the road that needed to be addressed. Dirk Hood chose to sell his property instead.

Next Agenda

Kelly Wilson asked the Committee if they wanted to continue discussing the Private Land recommendations or continue the discussion at the next meeting. The Committee agreed Bud Poe would make edits to his write-up and they would continue to discuss it at the next meeting. Steve Kandell stated that at the next meeting the Committee would take a second look at Private Land and then revisit the recreation recommendations. If time permits, the Committee could also begin looking at all the recommendations together to identify redundancies and/or omissions.

The Committee agreed to meet on May 19th to continue looking at all of the recommendations.

Meeting was adjourned.