



AR ID#: 39

Subject: [REDACTED]

land swap

[REDACTED]

sandy [REDACTED]

Fri, May 3, 2013 at 4:11 PM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

This is so wrong in so many ways! And you darn well know it. The wealthy should not be able to buy whatever they want.'

The story says they will give up development rights to 10 homes but in what area? Do you really think that the land owner would ever want to build 10 homes on his land? Please don't go through with this deal, please. It's not right and so unfair.

Sandra Aldersea



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(no subject)

To: [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Mon, May 20, 2013 at 11:36 AM

Paul E Andersen

[REDACTED]

[REDACTED]

[REDACTED]

The Sutey-Two Shoes land swap should be voided. Please to not make this trade for the following reasons:

1. This parcel is in fact not difficult to access. It comes within a couple hundred feet of Prince Creek

road at the lowest point. All you need is a short easement for a trail.

2. This parcel is the only piece of public land from Sopris Mountain Ranch to Highway 133. By trading

it you have locked the entire area to hunters and hikers.

3. Hunting is a long Colorado tradition that supports the Department of Wildlife. You are pushing all

of the local hunters onto the Crown. We have hunted on the BLM parcel you are thinking of trading since

I moved here in the 1970's.

4. This is winter Elk and Deer range. A couple years ago the Department of Wildlife spent

an entire summer with a D-9 bull dozer rehabilitating this land.

5. The population in the Roaring Fork Valley will increase dramatically in the near future. We need to retain public lands like this parcel and instead increase the portfolio.

Paul Andersen



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Ranch land exchange comments

1 message

Clark Anderson <CAnderson@sonoraninstitute.org>

Wed, May 29, 2013 at 9:55 PM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Please see comments attached. Thanks for the opportunity to comment.

Clark

Sonoran Institute

Colorado Program Director

office: 970.384.4364 x4000

cell: 970.390.7191

canderson@sonoraninstitute.org

817 Colorado Ave, Suite 201

Glenwood Springs, Colorado 81601



BLM Letter_SI_052913.pdf
299K



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Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senior, Realty Specialist
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Senior,

I am writing to provide the Sonoran Institute's comments on the April 2013 Environmental Assessment on the Sutey Ranch Land Exchange. We communicated with you in support of the exchange during your scoping last summer, and wish to offer the following thoughts on why we believe the exchange described in the EA represents sound planning. The Sonoran Institute is a west-wide non-profit 501(c) (3) organization that assists communities and other partners align conservation, community planning and economic development.

A major reason for our support for the land exchange is that it will prevent the subdivision of the beautiful Sutey Ranch on Missouri Heights near Carbondale. Preservation of the Sutey Ranch in BLM ownership is even more significant because it directly abuts your 3000 acre Red Hill Special Recreation Management and its acquisition will form a block of land more than 3,500 acres in size that will remain undeveloped in the future. As you are aware, the area around Carbondale and Missouri heights is experiencing rapid growth, which leads to an increase in traffic, human usage and wildlife habitat fragmentation. It is, therefore, increasingly important to protect blocks of land where wildlife can prosper with a minimum of human disturbance during important winter, breeding and shoulder season months. If the Sutey Ranch is developed with dozens of homes, as permitted by Garfield County zoning, the EA eloquently discusses the adverse impacts it will have on the environment and wildlife populations.

The Sonoran Institute is also pleased to see that an agreement between Pitkin County and Two Shoes Ranch will result in the actual "decommissioning", so to speak, of 10 approved homesites on the Two Shoes Ranch that lie along the lower Crystal River. This is a rural/agricultural area on the outskirts of Carbondale, where a lot of effort and money has been spent to keep the landscape open. Removing 10 scattered homesites in the area, on a hillside that is highly visible, will be significant in protecting scenic values along the river and Highway 133, which is part of the West Elks Scenic Byway - one of the loveliest rural drives in all of Colorado.

However, perhaps the real gem of the entire exchange is that all the land disposed of by BLM will immediately be protected for open space and wildlife by a permanent conservation easement that Two Shoes will donate to the Aspen Valley Land Trust (AVLT). The easement will keep the land as it is today for management as a ranch and wildlife habitat, with management

plans for both grazing and wildlife that will be prepared by experts in consultation with the Colorado Division of Wildlife. In short, the environmental values of the land will be fully protected (perhaps even more than they are now under BLM ownership), and the public will lose nothing except for public access to an area where the Colorado Division of Wildlife has actually stated that private ownership may benefit wildlife better than continued BLM stewardship.

In addition, a separate conservation easement on Two Shoes existing private land will protect another 365 acres, and the two easements combined will link with 1000+ acres of conservation easements that already exist. All told, AVLT will end up holding a block of 2700 acres of conservation easements on the unified Two Shoes Ranch. We have great respect for the work of AVLT, and are certain that they will be excellent stewards of the land. As just noted, they already have experience in administering 1000+ acres of existing conservation easements on the ranch which directly abut Parcel A.

I understand there are concerns that the easement will not adequately manage grazing. My experience with AVLT, which has a long history of holding conservation easements on ranches, makes me believe this will not be an issue. Their requirements for annual monitoring are solid – their executive director works at the state level helping to establish best practices – and will likely provide as much oversight of grazing as BLM does or more. With increasingly limited resources, it is unrealistic to expect BLM to monitor grazing allotments on an annual basis, particularly on more remote lands like Federal parcel A, and likely will never be able to afford to do so. So, we believe that the AVLT conservation easement requirements for Parcel A, which are similar to many conservation easements currently held by AVLT and Pitkin County on nearby lands, will achieve the desired conservation outcomes. It is also encouraging to read that Two Shoes voluntarily agreed to grazing reductions on Parcel A last year to help restore areas where grazing was impacting certain riparian areas. It is obvious they will work with AVLT to be good stewards of the land.

On balance, the proposed exchange seems to do exactly what land exchanges are supposed to do. Moreover, the \$1.8 million in private donations that the Wexners will make to manage the new lands BLM will acquire, and to promote a recreational easement and trail in the West Crown area, are above and beyond what we have ever seen for most land exchanges. They are truly cream on the top that makes the proposed exchange a real public win.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clark Anderson', with a stylized, cursive script.

Clark Anderson

an entire summer with a D-9 bull dozer rehabilitating this land.

5. The population in the Roaring Fork Valley will increase dramatically in the near future. We need to retain public lands like this parcel and instead increase the portfolio.

Paul Andersen

Glenn Auerbacher [REDACTED]
Reply-To: Glenn Auerbacher [REDACTED]
To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Mon, May 20, 2013 at 2:53 PM

From: Glenn J. Auerbacher
[REDACTED]

I totally agree with what Paul Andersen has written and every point he makes regarding the Two shoes Land swap. It should never have been considered its not in the public best interest. I've been hunting and camping on this beautiful hidden gem of public land for 25 years now. My 13 year old son camped and harvested a nice bull Elk in there last year and I a cow Elk. For the last 25 years we have filled our freezer with delicious Elk meat from this land. There is already many ranch's and much privet property in this valley ,what good is adding to it. But lower elevation good public hunting land is rare and worth protecting! The privet property they want to trade you is trashed and already being used and trespassed on by the public, the county's will end up with them anyway when the time is right. Your trading a hidden gem for a dog walk!

Sincerly Glenn Auerbacher

From: "p andersen" [REDACTED] >
To: "BLM CO SI CRVFO Webmail" <BLM_CO_SI_CRVFO_Webmail@blm.gov>
Sent: Monday, May 20, 2013 11:36:01 AM

[Quoted text hidden]



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Ranch comments

1 message

westelks <westelks@sopris.net>
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 1:30 PM



Sutey May 2013 comments.docx
54K

May 28, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management
Attn: Monty Senior, Realty Specialist
2300 River Frontage Rd.
Silt, CO 81652

Subject: Sutey Ranch Land Exchange

Dear Monty,

I understand that you have been coordinating the excellent EA that BLM released last month on the Sutey-Wexner land exchange. I want to congratulate you for the thorough job you have done with the EA, and for its tentative rejection of alternatives to the proposed exchange that do not provide the benefits of the "Proposed Action". As you know, I am a field biologist who does conservation easement monitoring for the Aspen Valley Land Trust, among other projects, on a contract basis. In that capacity, I have monitored the five conservation easements (totaling 1067 acres) which AVLTT already holds on the former Crystal Island Ranch over the past ten years, which are now part of the Two Shoes Ranch. Those lands lie on both sides of Federal Parcel A, so I am very familiar with Parcel A. In addition, for the past 23 years I have lived on a property which directly abuts the Sutey Ranch, and have visited the Sutey on many occasions with permission from the Sutey family and now, the Wexners.

I have seen many land transactions over the years, but cannot think of any that have as many public benefits as the Proposed Action. Not only does the exchange transfer the Sutey Ranch into BLM hands, but it also protects all of the 1240 acre Federal Parcel A with a conservation easement that ties into the five existing and adjacent Crystal Island easements. And, under separate arrangement with Pitkin County, a new 365 acre easement on Two Shoes land in Potato Bill Creek will form a solid 2700 acres block of conservation easements held by AVLTT - in prime wildlife habitat. So, in all practicality, nothing much will be lost to the public in the exchange, but the public will pick up very valuable new lands and key wildlife habitat at Sutey and West Crown. In addition, as AVLTT has noted, and as is elaborated on page 3-95 of the EA, the Sutey Ranch comes with considerable water rights that will provide an opportunity to improve the aquatic and riparian habitats of Cattle Creek where current low stream flows are impacting fish populations.

As I indicated, I am very familiar with the northern flanks of Mt. Sopris and the Two Shoes Ranch. I am gratified that the EA rejects the idea of building a new trail from the Prince Creek Road through Parcel A to connect to National Forest roadless lands in the Nettle Creek drainage and then up to Dinkle Lake. The EA correctly observes on page 2-8 that the 2011 White River Forest Travel Management plan decommissioned the only trails in the area, and I have heard Colorado Parks and Wildlife state on several occasions that this is an area best left without human interference. As others have noted in the past, the area is also part of the Town of Carbondale's municipal watershed, and recreation and municipal watersheds are generally not the best mix. Finally, the area has been proposed to Congress for Wilderness designation by

Wilderness Workshop, Pitkin County and others, and such designation would prohibit mountain bike travel. So, the trail suggestion is both impractical and inconsistent with affording bighorn sheep and other wildlife a sanctuary that is largely free of human intrusion and use.

My last comment is that Aspen Valley Land Trust has a policy that requires that their conservation easements be monitored on an annual basis, and that remedial action will be taken if conservation values are being jeopardized. I think that requirement will provide protection for Federal Parcel A that that equals, or exceeds, the current BLM protection. As the EA notes (page 3-131), Parcel A could someday be leased by BLM for oil and gas, even though its mineral potential appears to be low. As we know, mineral exploration can be disruptive to the land, so leasing the area is probably best avoided. The AVLT conservation easement will prevent any mineral leasing or development, and even the leasing of the parcel could lead to a controversy similar to what exists today directly across the valley in the Thompson Divide area. Thus, a mineral "withdrawal", as the AVLT conservation easement provides, probably provides the best long term protection for Parcel A.

Please contact me if you have questions or comments.

Sincerely,



Dawn Barton

West Elks Ecological Consulting
2079 County Road 112
Carbondale, CO 81623



SI_CRVFO_Webmail_BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Letter re: land exchange

From: Patsy

Patsy [REDACTED] >

Wed, May 29, 2013 at 3:54 PM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

U.S. Bureau of Land Management (BLM)

Colorado River Valley Field Office

Attn: Steve Bennett

2300 River Frontage Rd.

Silt, CO 81652

Dear Mr. Bennett,

BLM's environmental assessment on Sutey Ranch proves a point that some in our community should have realized all along. Namely, that it is not the gross amount of public owned acres in our area that ultimately matters, but how the public is able to enjoy and use those acres. In the proposed trade, BLM would gain ownership of lands that will either open up new public recreational opportunities, or prevent subdivision where it should not occur. This will be a real boon to wildlife.

I sit on the Board of the Sonoran Institute, which has supported the exchange for exactly those reasons: logical land ownership and smart land use planning. BLM's picking up the Sutey Ranch will end the development threat there for once and for all, and the Aspen Valley Land Trust will gain additional ownership of conservation easements at the Two Shoes Ranch. I have attended two AVLT events at the Tybar Ranch and happy that the exchange will greatly improve public access and safety along the Prince Creek Road. I have watched with interest as the exchange process has dragged on for more than 4 years. The opponents only seem concerned with which county is gaining public acres, and which county is losing. That shouldn't matter. When the Division of Wildlife, and Garfield, Eagle and Pitkin Counties all agree on something, it's time to get it done.

Respectfully,

Patricia A. Batchelder



Sutey/Two Shoes

Tom Cardamone [REDACTED] >
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Fri, May 17, 2013 at 12:00 PM

Steve Bennett, Area Manager
Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Bennett,

I and members of my family have written and testified in favor of the Sutey Ranch land exchange in the past because we believe that the wildlife, open space and recreational benefits that it will bring to our valley far outweigh the minor public recreational losses that will occur if BLM Parcel A is conveyed to the Two Shoes Ranch. A major factor in our support is that the Federal Parcel A will be 100% covered by a conservation easement held by the Aspen Valley Land Trust after it is privatized. Also, the conservation easement will link into more than 1,000 acres of conservation easements that AVLT already holds on the adjacent Crystal Island Ranch part of Two Shoes), plus a new 365 acre easement to AVLT that the Wexners will donate when the exchange closes. In total, those combined easements will cover 2700 acres under AVLT stewardship. I have great respect for AVLT and have worked cooperatively with them on many issues in my capacity with the Aspen Center for Environmental Studies over the years. I am confident they will do an excellent stewardship job with their easements.

Clearly, not an acre of open space will be lost in the exchange, and no landscapes will change from their current undeveloped status. Actually, an additional 669 acres of land (more than a square mile) will come into public ownership at the Sutey Ranch and West Crown areas. The Sutey, in particular, will be in long term danger of being heavily developed if it does not come into public hands. As your recently released EA on the land exchange observes, all 557 acres of the Sutey a key elk winter range, and it directly abuts the 3000 acre Red Hill Special Recreation Management Area. So, the Sutey represents a unique chance to block up 3500 acres of public land on Missouri Heights, where wildlife habitat fragmentation has been occurring with increasing frequency. Also, the water rights that accompany the Sutey Ranch are senior rights and comprise 2.25 CFS. That is a very significant amount of water. A portion of it may be used to augment Cattle Creek, which is an important drainage that is in dire need of assistance in low flow months.

I know that there has been a great deal of political controversy surrounding the exchange, but your EA reveals on pages 1-9 that almost 2/3rds of the public approves of it. I am also very pleased that Pitkin County, where I live, has now endorsed it too. Frankly, if one looks only at the impacts on the land itself, the exchange will be a great benefit for natural values. I am also encouraged that the Colorado Parks and Wildlife has, time and again,

voiced their support. They have made several suggestions for improvements in the past, and all of them are now incorporated in the exchange proposal analyzed in the EA as either direct or ³connected² actions of the exchange. Perhaps foremost of their sentiments is that the combined area comprising the southern portion of Federal Parcel A, Potato Bill Creek and National Forest lands nearby in Nettle Creek remain undeveloped and managed to benefit bighorn sheep, elk and other wildlife species. Once the exchange is completed almost that entire area will either be under conservation easement or managed by the Forest Service without permanent trails or other recreational developments. This harmonizes, also, with Nettle Creek's status as the Town of Carbondale's municipal watershed.

In summary, even though the exchange surrenders more BLM acreage than it acquires, the net benefit to the land and wildlife is what really matters—and is what should ultimately make the difference to BLM as decision-makers under FLPMA. The EA makes it clear that the proposed swap clearly meets all FLPMA tests for positive public benefit.

Sincerely,

Tom Cardamone
West Sopris Creek resident



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Land Exchange comments

1 message

Martha Cochran <marthac@avt.org>

Wed, May 29, 2013 at 10:14 AM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Mr. Senor:

Please accept the attached letter as formal comment on the Sutey Land Exchange Environmental Assessment.

Thank you.

Martha

Martha Cochran

Aspen Valley Land Trust

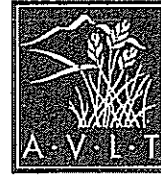
320 Main Street, #204

Carbondale, CO 81623

970.963.8440

www.avt.org

 **Ltr-AVLT re Sutey Exchange 5-28-13.pdf**
106K



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Melissa Sumera
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May 27, 2013

Bureau of Land Management
Attn: Monty Senior
2300 River Frontage Road
Silt, CO 81652

RE: Environmental Assessment, Sutey Land Exchange-April 2013

Dear Mr. Senior:

This comprehensive, scientific, "outside" analysis of the social and environmental impacts of the proposed land exchange which quantifies the many benefits of the proposed Sutey Land Exchange is an important milestone in completing the exchange for the benefit the people and environment of the Roaring Fork Valley. The EA provided a thorough look at much of the misinformation surrounding the proposed exchange as well as a scientific assessment of potential impacts in a variety of areas. It is significant to note that the study found that approval of the exchange would improve public access, wildlife habitat, recreational opportunities and management, and protection of wetlands, floodplains and riparian areas. Of the twenty areas of environmental and social impacts studied, the study concluded the proposed exchange would have a negative impact on none.

AVLT would like to offer the following specific comments for inclusion in the record:

- Pages 2.4, 3.54 and perhaps elsewhere, the EA notes that the conservation easement on Federal Parcel A requires a grazing management plan prepared by a professional approved by AVLT. The easement also requires the approval of Colorado Parks and Wildlife.
- Page 3.8 states there is no legal motorized access and no Forest Service or BLM roads or trails in the vicinity of Federal Parcel A. It should also be noted that access by foot to the south boundary bisects a creek which provides Carbondale's drinking water, passes through critical wildlife habitat, and has been excluded from the Forest Service trails system.

- Page 3.125 identifies the large stand of Harrington's penstemon on Federal Parcel A. It should be noted that the conservation easement provides for habitat protection specifically for that species.
- Grazing activities have resulted in the degradation of certain areas of Thomas Creek and other specific areas of the Federal Parcels. As noted above, the conservation easements require a grazing management plan which will address those issues and by federal law, AVLT is required to monitor the conditions on the property at least annually. This is a more frequent and comprehensive review than BLM is currently able to provide. It also deserves additional mention that the landowners' voluntary reductions in the number of animals and length of grazing on the federal parcels, and the commitment to build four stock ponds should significantly reduce the impacts on Thomas Creek and other areas currently in poor condition.
- While not a direct part of the proposed land exchange, the EA acknowledged the many public benefits resulting from the January 22, 2013 agreement between the proponents and Pitkin County. The agreement, which would result in the elimination of ten approved home sites, conservation of an additional 365 acres and funding for a potential parking area and trail to address the trespass issues and unsafe conditions on Prince Creek, provides tremendous long-term benefit for all residents and visitors.
- The EA quantified the quality and importance of the wildlife habitat at Sutey Ranch, as well as the extensive public access and recreational opportunities. It was helpful to identify the process and guidelines for a management plan for the property, which reiterates the importance of the included cash contribution to assure that BLM has the resources for development of the plan and management of future activities.

As you are aware, Aspen Valley Land Trust holds conservation easements on approximately 1,067 acres of the Two Shoes Ranch and, if the exchange is approved, will hold the easements on an additional 1,600 acres creating a four-square-mile area of high-quality wildlife habitat and agricultural lands which will be protected in perpetuity.

Thank you for your commitment to what has been an open, informative process on an exchange that will benefit area residents and wildlife for generations to come.

Sincerely,



Martha Cochran
Executive Director



Sutey Exchange

Message

Larry Cohen [REDACTED] >
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 22, 2013 at 1:56 PM

Dear Sir or Madam,

My name is Larry Cohen. I live in Pinyon Peaks [REDACTED]. Our HOA is across CR112 from the Sutey Ranch.

I have been attending meetings and following the progress of the exchange for the Sutey Ranch since the beginning. I have followed the discussions about why it should be conserved and available for use by members of the public. I am strongly in favor of this exchange. Expanding the Red hill area by the inclusion of the Sutey Ranch will be a real benefit.

It appears that all parties have reached agreement and I now believe it is time to complete the exchange.

Thank you for all your work and this process of improving the environment and its thoughtful use.

Make it a Great Day, Larry Cohen



Request for extension of comment period

Chuck & Doris Downey <[REDACTED]>
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 1, 2013 at 2:12 PM

Monte:

I am president of the Crystal Valley Environmental Protection Association (CVEPA), which is headquartered in Carbondale and has a membership of about 100. We are in receipt of the 286 page EA for the Sutey/Two Shoes land exchange. I am requesting a 60 day extension of the comment period as it is not possible for us to review and analyze a document of this size and complexity in the currently allocated 30 day comment period.

Please advise me of any change in the deadline for the comment period.

Chuck Downey

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Re: CRVFO_Webmail (BLM_CO_CO_SI_CRVFO_Webmail@blm.gov)

Sutey Ranch Land Exchange EA comments

Attachments

Chuck & Doris Downey [REDACTED] >

Tue, May 28, 2013 at 7:50 PM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Mr. Senor:

Attached is a letter containing comments about the draft Environmental Assessment for the proposed Sutey Ranch Land Exchange from the Crystal Valley Environmental Association. Thank you for giving us the opportunity to comment on this issue that is critically important to the Roaring Fork valley.

Chuck Downey

President, Crystal Valley Environmental Protection Association



Sutey Ranch land exchange EA comments 3-28-13.docx

46K

The Crystal Valley Environmental Protection Association
PO Box 921, Carbondale, CO 81623



May 28, 2013

Mr. Monte Senior
Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 61652

Subject: Comments for Sutey Ranch draft Environmental Assessment

Dear Mr. Senior,

The Crystal Valley Environmental Protection Association (CVEPA) is responding to the draft Environmental Assessment for the Sutey Ranch Land Exchange. CVEPA is dedicated to the protection and preservation of the natural environment and is a leader in promoting environmentally sound practices within the watershed of the Crystal River. CVEPA was formed in 1972 and has a membership of over 100.

Primarily because of concerns over the acquisition of public land by private parties, the CVEPA nine-member board of directors is about evenly split over whether the Sutey Ranch land exchange should be allowed. However, we recognize that the exchange will provide benefits both to the public as well as the environment, particularly if habitat protection measures discussed below are strengthened.

Conservation Easements: The proposed land exchange would convey into private ownership several BLM parcels in our watershed, the most notable being "Parcel A" of some 1240 acres which stretches several miles from a low point of 6720 ft very near Prince Creek Road, to a highpoint of 8040 ft at a common boundary with USFS lands at the foot of Mount Sopris. This parcel is known to be habitat for Big Horn Sheep, Elk, Peregrine Falcons, and a globally vulnerable plant, Harrington's Penstemon.

CVEPA believes that the draft EA does not adequately consider the potential negative impact on natural resources due to the end of federal land management oversight of Parcel A, and the reliance instead on the conservation easements as proposed. The draft EA notes that under the "no action" alternative, BLM Land Health Standards would continue to apply to the current federal lands, and that grazing reductions would be available to the BLM to address the current habitat concerns, as also documented in photos showing riparian degradation from livestock in the Biological Resources Summary Report.

In contrast, the conservation easements as proposed do not include comparable provisions that would continue to empower any party with the authority to *require* adjustment of agricultural or other human activities to protect or enhance the current habitat.

Please note that CVEPA believes that conservation easements, properly crafted, could achieve an appropriate balance between private and public management control in such sensitive habitat.

Board of Directors: John Armstrong Michael Mechau, Bill Spence, John Stickney, Peter Westcott, Dale Will, Chuck Downey, John Emerick, Dorothea Farris, John Hoffmann, Bill Jochems,

The Crystal Valley Environmental Protection Association
PO Box 921, Carbondale, CO 81623



For example, other federal agencies, such as the Fish and Wildlife Service, and private entities such as the Nature Conservancy, have each utilized conservation easements that empower themselves as the Grantees to require changes to land management practices as a result of habitat monitoring. We believe that similar measures should be part of the proposed conservation easements.

We note that the proposed EA states that the effectiveness of conservation easements for protecting the impacted species was analyzed in a non-public report that is in the “project file.” If such a report exists, it should have been made available during the public comment period on this EA. The failure of the BLM to allow public review of this analysis is of concern to us.

The EA tacitly acknowledges that the conservation easements as proposed, *lack* effective grazing management provisions by stating that it is “likely” that such measures will eventually be included in management plans that would be developed later. (See EA at pg 3-97) Unfortunately, the EA does not provide any support for this conclusion. We ask the following questions and request that the responses be included in the final EA:

- Why is it likely that a management plan (that does not yet exist) will cure the rather lenient structure of the proposed conservation easements?
- As noted above, there are ample precedents for including habitat management oversight provisions in conservation easements comparable to those possessed by the BLM for oversight of grazing and other land uses based on Land Health Standards. We therefore request that such provisions be included in the conservation easements to be administered by the two land trusts involved in this exchange.

Public Benefits: While we are aware there will be a number of public benefits resulting from the exchange, in the interest of full disclosure, we would recommend including an analysis or summary of the benefits versus detriments for the exchange. This, along with the financial analysis which will be forthcoming, forms the basis of the justification for the exchange. We recognize that such an analysis does not lend itself to numeric techniques, but we recommend that a qualitative approach be used and the results included in the final EA.

Thank you for your consideration of these comments.

Respectfully,

Chuck Downey
President, Crystal Valley Environmental Protection Association

*Board of Directors: John Armstrong Michael Mechau, Bill Spence, John Stickney, Peter Westcott, Dale Will,
Chuck Downey, John Emerick, Dorothea Farris, John Hoffmann, Bill Jochems,*



SI_CRVFO_Webmail@Blm_CO - Blm_co_si_crvfo_webmail@blm.gov

Comments for Sutey Ranch EA

Download

Chuck & Doris Downey [REDACTED] >
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 7:56 PM

Mr. Monte Senor:

Attached is a comment relating to the Sutey/Two Shoes draft Environmental Assessment.

Doris M. Downey



Downey comment on Sutey EA 5-28-13.docx
32K

May 29, 2013

Mr. Monte Senior
Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 61652

Subject: Comments for Sutey Ranch draft Environmental Assessment

Dear Mr. Senior:

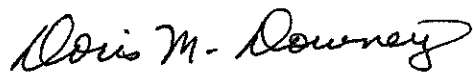
I am writing to comment on the draft Environmental Assessment for the Sutey Ranch land exchange.

Article 2.D (11) on page 2-8 excludes consideration of a public access through a parcel owned by the Wexner family along the east side of the Crystal River because it is "beyond the scope of analysis" and therefore "not considered". I disagree with this claim and request that a public easement be included through this parcel as part of the Sutey/Two Shoes land exchange.

I point out that providing a public access through this parcel on the old Crystal Railroad ROW would significantly enhance the Public Benefit of the overall land exchange. This parcel, sometimes referred to as "the Dodd parcel," is contiguous with the Wexner's 1,240 acre "Parcel A". Access through this parcel would also enable the next phase of the Carbondale to Crested Butte trail to proceed and physically separate trail users from automobiles on State Highway 133, which is on the opposite side of the Crystal River.

Thank you for the opportunity to comment.

Sincerely,



Doris M. Downey, Ph.D.





Proposed Sutey-Two Shoes Land Exchange

4/29/2013 9:26 PM

[Redacted]

Mon, Apr 29, 2013 at 9:26 PM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Sirs:

Although the acquisition of the Sutey property would be wonderful for habitat and the land along Prince Creek is much needed, I do not believe that the proposed exchange is equitable for the public. The BLM land that would be traded away is not as inaccessible as it has been portrayed, and blocks one of the few remaining public access points to Mt. Sopris. The value of the Two Shoes Ranch would increase considerably, much more than the figure based on the current appraised value of the BLM land. When the holdings are consolidated, the value of every Two Shoes acre will increase.

I could support this proposal if one more element were provided for the public good. The owners of the Two Shoes ranch recently purchased land along the Crystal which includes a service road which is the old railroad grade. At this time we have a "bike trail to nowhere" that runs from Carbondale approximately five miles toward Redstone. Many bikers go between this two communities, or would like to; however, biking on the paved road has become hazardous due to increased general traffic and logging traffic specifically. If the Two Shoes owners were to grant an easement for the continuation of the bicycle trail along the river through the lots they purchased, then I think the public value of the trade would be more equitable.

Sincerely,

[Redacted signature]

I prefer that my name not be published (sign it "a Carbondale citizen if possible). My comment stands, however, whether or not you can honor this.



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Red Hill Comments on Sutey Ranch Land Exchange EA

1 Attachment

Davis Farrar <wsconsulting@sopris.net>
To: BLM_CO_SI_CRVFO_Webmail@blm.gov
Cc: gregory_wolfgang@blm.gov

Wed, May 29, 2013 at 1:36 AM

Sir,

Attached, please find comments from the Red Hill Council on the proposed Sutey/Wexner Land Exchange Environmental Assessment. Please feel free to contact me if you have any questions. Please confirm receipt of this letter.

Thank you,

Davis Farrar

Red Hill Council President

970-963-7172

 **BLM Exchange EA Support Letter.pdf**
129K

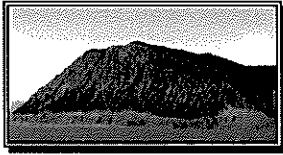
SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>
To: Davis Farrar <wsconsulting@sopris.net>

Wed, May 29, 2013 at 7:39 AM

Receipt confirmed.

Thanks,
Monte

[Quoted text hidden]



Red Hill Project

A Private Non-Profit Organization Supported by BLM, The Town of Carbondale & Aspen Skiing Company Environment Foundation

May 29, 2013

Mr. Monte Senor
Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 81652

Dear Sir:

The Red Hill Council is writing to support the recently completed Environmental Assessment (EA) and the draft "finding of no significant impact" on the proposed Sutey/Wexner/Horse Mountain land exchange that spans the three Colorado counties of Garfield, Eagle and Pitkin. The Red Hill Council is very familiar with the Sutey/Wexner land exchange through its work with the BLM on establishing the Red Hill SRMA and work the Red Hill Council has completed over the years in support of protecting the Sutey Ranch from residential development.

We found the environmental assessment to be very thorough and complete in its analysis of each of the issues described in the document. We applaud BLM for its work and the work of its consultants evaluating the myriad of topics in a high level of detail. We agree with the "Draft Finding of No Significant Impact" conclusions that are based upon the exhaustive research and analysis in the EA.

Protection of the Sutey Ranch has been a priority of the Red Hill Council for at least a decade. We have pursued a variety of options to protect this important property that included discussions with Aspen Valley Land Trust, Garfield County and support for a Garfield County open space program. Unfortunately, none of these options offered a solution to protect the ranch. The proposed Sutey/Wexner/Horse Mountain exchange surfaced as the only viable option.

The Sutey Ranch occupies a critical location northeast of the Red Hill SRMA. As is noted in the EA, the ranch offers important and critical wildlife habitat for deer and elk. The property has valuable water rights that should be retained with the ranch. This property serves as a key linkage between the Red Hill SRMA and the Fisher Creek area. The linkage benefits wildlife by providing a movement corridor and it benefits recreation users because it connects these two large and important areas of public lands. Sutey Ranch is a missing piece in a larger puzzle that has a multiplier benefit to the Red Hill SRMA and Fisher Creek.

The Sutey property offers an opportunity for dispersed access to Red Hill that only has one other access option at the existing Highway 82/133 trailhead. An alternative access point will help spread the use to the area and improve the user experience, minimize environmental damage and will provide a small parking area for visitors.

At the same time, the BLM exchange parcel that would become private has minimal use by the public because of restricted and difficult access as is identified in the EA. The proposed conservation easements and other restrictions on the BLM exchange property will serve to protect the existing and substantial environmental values on the property in perpetuity. These values would be protected even under private ownership and would not place any financial burdens on the public.

The proposed transfer of the private land on Prince Creek sometimes known as the Haines parcel or described as the Monte Carlo property (a.k.a. West Crown Area), to BLM is another substantial public benefit. This property is the gateway to "The Crown" under BLM ownership. This property is heavily used by recreation users that are largely unaware that it is private land. Loss of this access to The Crown would be disastrous to recreation use in that area.

The "no action" alternative described in the EA is a requirement of this type of analysis. Red Hill Council, however, believes that a no action alternative would be completely inappropriate and ultimately would serve as a public detriment. It is unlikely that the benefits of the proposed exchange could ever be achieved at the level proposed by the Wexner's. The public would lose the proposed \$1.1 million donation to plan and manage the Sutey Ranch and West Crown area. The extensive and generous conservation easements that will protect wildlife and habitat proposed by the

Wexner's would evaporate. This is an opportunity that should be aggressively pursued by the Bureau of Land Management because of the tremendous public value that will be achieved through the exchange.

The discussion of the minerals in the EA on pages 3-131 and 3-132 does not indicate that BLM would withdraw the minerals acquired from the Sutey Ranch. The SRMA for Red Hill specifies no surface occupancy for mineral extraction. Similarly, the Sutey Ranch should not be available for mineral extraction purposes, so BLM should take the extra step to eliminate mineral extraction as an option on the ranch because of its important wildlife, conservation and recreation characteristics.

The land exchange is a net benefit to the public environmentally, financially and for recreation. The fact that Garfield County gains some new public lands and Pitkin County loses some public lands in this exchange is largely irrelevant due to the arbitrary nature of the county boundaries in relation to the geography of the Roaring Fork Valley. Since 1984, Pitkin County has benefited from a net gain of public land through various exchanges. Pitkin County has increased public lands within its boundaries through public land exchanges by 11 square miles (7,026 square acres). However, the public lands in question are lands that benefit all citizens of the United States whether they are in Pitkin, Eagle or Garfield counties. That should be a primary consideration of the Bureau of Land Management in this exchange.

The Red Hill Council looks forward to working closely with BLM and other agencies in preparing a management plan for the Sutey Ranch property. It is our belief that the environmental, wildlife and recreational values of these lands can coexist without detriment through a carefully considered planning process that incorporates broad-based public involvement and input. We look forward to being part of that public process.

Thank you for the opportunity to offer our comments on the Sutey Ranch Land Exchange Environmental Assessment Number BLM-CO-040-2013-0061-EA.

Sincerely,



Davis Farrar
Red Hill Council - President



Subject: Wexner NEPA letter.docx

Wexner exchange comment letter

Dorothea Farris <[REDACTED]>
To: BLM_CO_SI_CRVFO_Webmail@blm.gov
Cc: Steve Bennett <steve_bennett@blm.gov>

Tue, May 14, 2013 at 10:37 AM

Please see attached letter. Dorothea

SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>
To: Dorothea Farris <[REDACTED]>

Tue, May 14, 2013 at 2:31 PM

Email did not arrive with attachments.

Thanks,

On Tue, May 14, 2013 at 10:37 AM, Dorothea Farris <[REDACTED]> wrote:

Please see attached letter. Dorothea

Dorothea Farris <[REDACTED]>
To: "SI_CRVFO_Webmail, BLM_CO" <blm_co_si_crvfo_webmail@blm.gov>

Tue, May 14, 2013 at 3:59 PM

Sorry about that – here it is. Dorothea

From: msenor@blm.gov [mailto:msenor@blm.gov] **On Behalf Of** SI_CRVFO_Webmail, BLM_CO
Sent: Tuesday, May 14, 2013 2:31 PM
To: Dorothea Farris
Subject: Re: Wexner exchange comment letter

[Quoted text hidden]

 **Wexner NEPA letter.docx**
19K

Dorothea Farris

May 14, 2013

Mr. Steve Bennett
U.S. Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Rd.
Silt, CO 81652

RE: Sutey Ranch Land Exchange and EA

Dear Mr. Bennett,

We have talked on many occasions about the proposed Sutey-Two Shoes land exchange, and I am happy to see that BLM has now released its Environmental Assessment on the project under NEPA. By way of information, I live above the Prince Creek Road, a very short distance from Federal Parcel A that would be disposed of by BLM, and near the West Crown Parcel (non-Federal parcel 2) that would be acquired. When the exchange was undergoing scoping, I was a member of the Colorado Wildlife Commission, and although I no longer serve in that capacity, I currently serve on the Colorado Natural Areas Council. From 1996-2008 I was a Pitkin County Commissioner.

I am writing because I am very familiar with the proposed exchange and agree with your EA analysis that it provides a lot of new public benefits in return for the public giving land that sees very little public use and is difficult to access. In summary, as the A indicates, the BLM will be trading away land that is isolated and difficult to manage for parcels of land and other benefits that will provide very significant opportunities for land conservation, wildlife habitat protection, and improved public recreation.

As you know, the Colorado Division of Wildlife has been a strong supporter of the exchange, not only for the benefits it will bring at the Sutey Ranch, but also because the conservation easements on lands on Federal Parcel A and Potato Bill Creek will likely bring better wildlife management opportunities there. By privatizing Federal Parcel A and acquiring the conservation easement on Wexner's existing 365 acres at Potato Bill Creek, the area will be off limits to public recreation. This will enable the area, and the adjacent National Forest land in Nettle Creek (an important water source for the town of Carbondale, and an area where trails were recently decommissioned by the White River National Forest Travel Management Plan) to be managed with minimal human incursions to benefit bighorn sheep and other wildlife species, and to allow habitat recovery. Some places are best left in their wild state for wildlife to prosper.

The list of benefits of the exchange in our area are well explained in the EA. However, I would like to highlight a few of the more important ones:

-the West Crown /Prince Creek area is very near my home, and is one that currently experiences heavy human visitation, especially by mountain bikers and hikers. Much of this use, and the parking for it, is currently on the Prince Creek Road, which poses serious risks for traffic accidents by mixing car, bike and pedestrian traffic. The parking situation at the base of the Prince Creek Subdivision road is not a good situation. Fortunately, negotiations are underway for Pitkin County to acquire an easement and build a bike/foot trail on the TyBar Ranch to alleviate the situation. By agreement between Pitkin County with the Wexners last fall, the Wexners will donate \$700,000 (EA page 2-6) to the County to complete the project. That is another major benefit of the exchange.

-I was on the Pitkin County BOCC when it approved 28 new housing sites on what has now become the combined Two Shoes Ranch. Under agreement with Pitkin County, (EA page 2-6) Two Shoes will surrender 10 of the 28 homesites if the exchange is approved. This will benefit both wildlife and scenic values along the lower Crystal River by removing homesites that were approved east (and uphill) of the Thomas Creek bridge. Two Shoes has also agreed to relocate a possible indoor riding ring in the area, if they ever decide to build one. Once again, this will help preserve the current scenic integrity along the river corridor and State Highway 133. As you know, State Highway 133 is one of the very scenic drives in Colorado. As a member of the West Elk Loop Scenic and Historic Byway Commission since its creation, I am very concerned about the protection of its environmental and historic integrity.

-The Aspen Valley Land Trust has indicated that if the exchange goes through, it will hold total conservation easements covering more than 2700 acres (4+ square miles) on the Two Shoes Ranch itself, plus additional easements held by AVLT and/or Pitkin County nearby. This combined open space and habitat protection will be another very beneficial impact of the exchange.

-Under land trust policies, the Aspen Valley Land Trust must engage in annual monitoring of the conservation easements it holds. Annual monitoring will include inspecting lands grazed by livestock under the conservation easement grazing plan that must be developed by Two Shoes and AVLT by an expert acceptable to AVLT and Colorado Parks and Wildlife. If anything, this monitoring is likely to provide a more frequent indication of range conditions, and implementation of any necessary corrective actions, than BLM normally does. AVLT has extensive experience in range management and co-holds many conservation easements with Pitkin County that have similar range provisions to what the Parcel A easement will require. It is also significant to note that in 2011 Two Shoes offered BLM (EA page 3-91) voluntary reductions in livestock AUMS and grazing days on Federal Parcel A to improve riparian habitat there. This augurs well for future for future grazing management efforts by Two Shoes and AVLT on the parcel, as Two Shoes has shown itself to be interested in healthy land stewardship.

-Two Shoes has agreed not to graze sheep on Federal Parcel A, or on its 365 acres of existing land in Potato Bill Creek, unless CPW approves. This should help insure that the important bighorn sheep population in both areas avoids exposure to sheep borne diseases.

-I am currently working to support a project in Coal Basin with the United States Forest Service, Sopris Ranger District, to restore areas damaged by the intense coal mining operations that existed there at the turn of the century until the 1990's. This project involves collaboration among governmental agencies, environmental organizations, and the Cattleman's Association. Its success will improve habitat, restore native vegetation, manage grazing, and assist in river recovery for Coal Creek and the Crystal River, one of the America's designated Most Endangered Rivers.

-The Two Shoes ranch is one of the largest ranching operations in Pitkin County. It is good to see that the conservation easement on Parcel A allows for continued ranching, as it has been a long term policy of Pitkin County to encourage of it ranching heritage.

I have followed the development of the Sutey Ranch land exchange proposal throughout its public consideration over the past 4 years. I think it is fair to say that the Wexner family has been exceedingly accommodating and generous, and has offered monetary and other considerations that most other land exchange proponents would not ever consider, including the \$1 million donation for Sutey and West Crown management, and the aforementioned \$700,000 for trail acquisition and construction on the Tybar Ranch. As I said at the outset of this letter, the land BLM is giving up has little public value, other than its scenic and open space qualities, and those qualities will be entirely preserved by the conservation easements to AVLT. However, if this exchange were to be rejected, and the "no action" alternative selected, the public would lose tremendously...and critical wildlife habitat conservation and winter range would be exposed to intensive development at the Sutey Ranch. To me, the only wise course of action, for appropriate land use, is to approve the exchange as currently described in your eloquent EA.

Sincerely,

Dorothea Farris

Dorothea Farris

[REDACTED]



BLM SON CONNECT

Sutey Land Exchange comment

Linda SingerFroning [REDACTED] >

Thu, May 16, 2013 at 12:41 PM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <blm_co_si_crvo_webmail@blm.gov>

I would like to comment on the Sutey Ranch Land Exchange. I am against the exchange.

First of all, I don't think it is ethical to change public land to private land. Also, exchanging 557 acres for 1268 acres of prime public land at the base of Sopris is not at all fair to the public. The Wexner's do not need a gift of almost 600 acres and the public does not need to lose it. The water rights are also something the public should control.

Second, the Red Hill Council wants more biking the the Red Hill area. This area is already overused, has major access problems and is a parking disaster. The road that hikers and bikers must use to access the trails has become very dangerous to drive with dogs, kids, baby carriages and people all over the road. The parking area is a mess with people blocking the road. It will probably take someone getting seriously hurt before that road is closed to hikers and bikers. Unfortunately, the person who gets hit and the person trying to drive on the road will be seriously affected the rest of their lives. This is such an ill-conceived project and should not be expanded but should be shut-down.

Please deny this exchange one and for all.

Thank you,

Linda Singer Froning

Linda Singer Froning

Mark Fuller
0238 Fawn Drive
Carbondale, CO 81623

FULLER CONSULTING SERVICES

Phone (970) 963-4959
Fax (970) 963-4959
E-Mail: fulcon@rof.net

May 23, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 81652
Attn: Monty Senior



Subject: Sutey Ranch Land Exchange

Dear BLM,

As a former Director of the Pitkin County Open Space and Trails Program, I have followed the proposed Sutey Ranch land exchange closely as it has evolved over the past 4 years. The current exchange proposal, described and analyzed in your April, 2013, Environmental Assessment (EA), is desirable from the standpoint of public policy and sound land management. The proposed exchange would trade 1268 acres of BLM land in exchange for several parcels and other concessions that will greatly benefit the public. To assure ongoing preservation of open space and protection of wildlife habitat, the 1268 acres traded away by the BLM will be permanently protected in its natural state, with no subdivision or development allowed. As the Colorado Department of Parks and Wildlife has stated on several occasions, wildlife on the southern end of the 1268 acres may actually fare better over the long run with the land in private hands.

The open space, habitat and recreational benefits of the lands to be acquired by the public are significant. The 557 acre Sutey Ranch will transfer to BLM and be permanently removed from the threat of subdivision and development. Current Garfield County zoning on this parcel could permit up to 92 houses. That level of development would change the nature of the entire area and impact the adjacent Special Recreation Management Area (SRMA). The Aspen Valley Land Trust listed the Sutey Ranch as its number one priority for conservation a number of years ago in direct response to this development threat.

As a resident of the Missouri Heights area, I have seen development encroach onto, and diminish wildlife habitat over the last 30 years. Large lot subdivisions, ranchettes and accompanying roads and infrastructure have segmented habitat and compromised natural systems. Preserving 557 acres of the Sutey Ranch immediately next to the existing 3,000 acre Red Hill SRMA will permanently protect approximately 5.5 square miles at the north end of Missouri Heights in an undeveloped state. This is especially important for our local elk herd, which, according to the EA, depends on the critical winter range found on Sutey Ranch.

We would encourage the BLM to utilize the 2.25 cfs of water rights which will accompany the Sutey Ranch conveyance to augment streamflow in Cattle Creek, which lies only about ½ mile north of Sutey. This will help restore a healthy stream environment in that area;

The Wexners proposed donation of \$1.1 million to plan and manage Sutey and West Crown is an offer that should be accepted. The donation can be used to develop a management plan that balances the needs of wildlife and recreation on the acquired public property and it can also seed an endowment fund to hire the personnel necessary to enforce the plan. Ongoing management of the Sutey property and enforcement of appropriate restrictions and regulations will be critical to maintaining the values associated with the Sutey property.

Pitkin County's separate agreement with the Wexners to eliminate 10 housing sites that were approved on the Two Shoes (then Crystal Island) Ranch several years ago will preserve as open space an area that is highly visible from Highway 133 and the Crystal River. Pitkin's agreement with the Wexners also secures a new 365 acre conservation easement on the Wexner's existing ranch land in Potato Bill Creek. The easement will adjoin other easements held by the Aspen Valley Land Trust in the area, for a total protected area of 2700 acres. While Pitkin's separate agreement is not part of the land exchange itself, it is listed as a "connected action" in the EA, because it will only occur if the land exchange is completed. The elements of the Pitkin County agreement are valuable and desirable in their own right and should be secured through the BLM action.

The issue of bandit bike trails has been one of growing significance in Pitkin County and elsewhere in our area. The inclusion of the West Crown parcel, with its numerous existing bandit bike trails, in the exchange will convey those trails to BLM. This is a very significant part of the exchange, as the area is heavily used by the public and the bandit trails connect into the southwest side of the Crown. As the EA also highlights on page 3-17, Pitkin County is working on securing a 1 mile trail easement through the Tybar Ranch which would connect directly into the West Crown parcel. The Wexners have agreed to donate \$700,000 to the County to help fund that effort. This is very significant from a planning standpoint, because when the exchange and Tybar projects are completed, the public will be able to enjoy more than 2 miles of new or legalized trails, which avoid the traffic on the Prince Creek road, and connect all the way into the vast trail BLM network on the Crown.

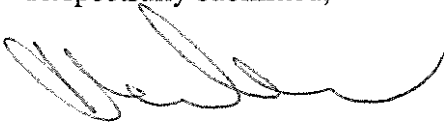
I am pleased to note that the EA rejected the proposal to develop a loop trail between Hay Park, Dinkle Lake and Prince Creek Road. It was unwise for several reasons: 1) the Colorado Department of Parks and Wildlife opposes this development because they want to minimize human visitation in this important wildlife habitat; 2) In support of CDPW policy, the 2011 White River Forest Travel Management Plan decommissioned the only trails in the area (EA page 2-8); 3) the proposed trail loop would have traversed critical bighorn sheep range; and 4) part of the area comprises the Town of Carbondale's municipal watershed. In general, municipal watershed areas are not compatible with significant public recreational use.

This land exchange has been opposed by some parties on the grounds that public land should never be transferred into private hands and that the public is, by definition, the loser in such transactions. The fact is that land exchanges are fairly common and each is evaluated individually for the public and private trade-offs involved. When a trade has the significant public benefits that this one does, to oppose it strictly because some public lands will move into private ownership is short-sighted and, I would argue, counter to the best interests of both the environment and the public. Support for this argument is found in the EA, which does an

excellent job of explaining why the Proposed Action (approving the exchange) is far preferable to the No Action Alternative. In almost every respect the Proposed Action will generate positive public benefits, whereas under the No Action Alternative those benefits will be lost.

I support this exchange and urge the BLM to move quickly to finalize it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Fuller', with a long, sweeping underline.

Mark Fuller
Fuller Consulting Services
Carbondale, Co 81623

FULLER CONSULTING SERVICES

0238 Fawn Drive
Carbondale, CO 81623

GRAND JUNCTION CO 815

24 MAY 2013 PM 2 L



Colorado River Valley Field Office
U.S. Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 81652



Attn: Monty Senior

8165288633





SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Land Exchange

Attachments:

Mark Fuller <fulcon@comcast.net>

Thu, May 23, 2013 at 8:09 AM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Please accept the attached letter in reference to the Sutey Land Exchange. Hard copy to follow.
Thanks, Mark Fuller



Suteyletter52213.docx

19K

May 23, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management
2300 River Frontage Rd.
Silt, CO 81652
Attn: Monty Senor

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We would encourage the BLM to utilize the 2.25 cfs of water rights which will accompany the Sutey Ranch conveyance to augment streamflow in Cattle Creek, which lies only about ½ mile north of Sutey. This will help restore a healthy stream environment in that area;

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I am pleased to note that the EA rejected the proposal to develop a loop trail between Hay Park, Dinkle Lake and Prince Creek Road. It was unwise for several reasons: 1) the Colorado Department of Parks and Wildlife opposes this development because they want to minimize human visitation in this important wildlife habitat; 2) In support of CDPW policy, the 2011 White River Forest Travel Management Plan decommissioned the only trails in the area (EA page 2-8); 3) the proposed trail loop would have traversed critical bighorn sheep range; and 4) part of the area comprises the Town of Carbondale's municipal watershed. In general, municipal watershed areas are not compatible with significant public recreational use.

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I support this exchange and urge the BLM to move quickly to finalize it.

Respectfully submitted,

Mark Fuller
Fuller Consulting Services
Carbondale, Co 81623



SI_CRVFO_Webmail@blm.gov <si_crvfo_webmail@blm.gov>

Sutey Exchange

1 message

Hawk and Shelley [REDACTED] >

Wed, May 29, 2013 at 3:57 PM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

seeattached WORD.DOc



Sutey-comments-submitted.doc

45K

Hawk Greenway [REDACTED]

To: BLM

RE: "Sutey" Land exchange, AKA "Sutey-Two Shoes", AKA Wexner Land Exchange.

Date : May 29, 2013

Comments regarding the published EA:

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transportation are championed and celebrated is of great importance. This is legal access and important to the recreational diversity and economy of the local area. There are, in fact, USFS recognized trails in the vicinity of the Parcel A. The trails are historic in nature, built over many years by public use, by grazing and outfitting permittees. They are recognized by the USFS, even if they are only recognized enough to be listed as "unmaintained" in the recent travel management plan. The entire White River National Forest is open to foot traffic and used by hunters, fishermen, hikers, climbers, and skiers. Mount Sopris itself has many thousands of ascents a year by the public. Again, this is legal access. Parcel A is adjacent to, and as easily accessible to those who want to enjoy it as any of the rest of the Forest is, LEGALLY.

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-The "Non-monetary" values of the federal parcels vs the values of the private parcels. The EA cites, as justification for including the non-disposal parcel A in a disposal action, the "public value of the land that is acquired meets or exceeds the public value of the land that is disposed of". Then it continues " The Non-Federal parcels have non-monetary values (ie recreation, habitat, watershed, etc.) that are of public value, as discussed throughout this ea". This is a rather astounding claim, as the document goes on to show, in each category cited, how the exchange does not meet this standard at all, but rather the opposite. Miles of riparian habitat, acres of mule deer habitat, migratory bird habitat, , no matter the metric, each value cited is a loss to the public in this lopsided exchange. Recreation itself only increases if one ignores that all the adjacent public lands to the non-federal parcels are currently accessible and near maximum carrying capacity for recreation. The only way they can enhance recreation is to consider the Crown as in-accessible. This is not the case, and were the proponents to close parcel 2 , the Hanes parcel, to public access (the "trespass" cited as a public benefit to be cured by the exchange) the public would simply access the Crown at any one of the multiple other public access points. Actually and in fact, Recreation itself also suffers a loss if this land exchange goes through. The fact that the parcel A is adjacent to millions of acres of National Forest and Wilderness lands means certain things are different on this land. For one thing, non-motorized access is the norm, and not unusual. Two, it is a part of a larger recreational landscape than mountain biking, and should be considered using that larger metric. Three, the very different nature of the landscape brings recreational diversity

to the table, whether it be hiking, picnicing, skiing or snowshoeing in the winter, or birding along the miles of streamside habitat, it is the variety of options which add to the full range of recreational experiences available. One key word here is available. Any particular point in the Wilderness need not be easily available, or accessible to motorized users, to be a hugely valuable part of the recreational landscape. Parcel A is accessible, it would be lost to the public if exchanged. The crown is accessible, it would still be accessible if there were no exchange, so the value calculation is wrong as cited in this EA.

- Page 2-16 The EA document repeatedly refers to the CE's covering the exchanged private lands. The high quality riparian habitat crossed by the small parcel B-1 is not going to be covered by the CE's contemplated, so any reference to "All the parcels" is not strictly speaking, true. this could be simply sloppy writing, or it could be because the proponents would like to do something with Parcel B-1 that would be precluded by a CE. Small parcels can be protected by CE, so unless there is a better reason than "too small", put an easement on it. Look at the included photo of the spot to see its habitat value.



4 CRVFO Webmail, BLM_CO_SI_CRVFO_Webmail@blm.gov

Sutey comment

1 comment

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Wed, May 29, 2013 at 4:03 PM

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of the exchange land, and not the rest of the parcel, is a "defacto subdivision" and thus not allowed under the terms of the CE.

- Page 3-6 the description of Parcel A and its inclusion in a disposal action is particularly egregious. It is not qualified for disposal by the BLM's own criteria. It is not difficult to manage, having been used as a successful grazing SAllotment for many years without complaint by any of the parties involved. It is not difficult to access (for the grazing allotment operator), having the afore-mentioned 18 miles of roads, trails, and ATV routes on it. It does not create any trespass issues in and of itself, and the claimed trespass problems the exchange would solve have never been attempted to be solved by the simple expediency of posting the property involved (for example). The interest expressed in this exchange came from the proponent, not from the managing agency. Citing "management efficiency" as a reason to get rid of perfectly good BLM lands with high quality wildlife, riparian, and scenic habitat, lands which have been managed for generations as an integral part of the public landscape makes no sense. To trade such lands for private, irrigated land which requires entirely new managerial directions, expensive management planning and endowments is not "efficient". It is a step backward for the BLM, an abdication of responsible management.

-The "Non-monetary" values of the federal parcels vs the values of the private parcels. The EA cites, as justification for including the non-disposal parcel A in a disposal action, the "public value of the land that is acquired meets or exceeds the public value of the land that is disposed of". Then it continues " The Non-Federal parcels have non-monetary values (ie recreation, habitat, watershed, etc.) that are of public value, as discussed throughout this ea". This is a rather astounding claim, as the document goes on to show, in each category cited, how the exchange does not meet this standard at all, but rather the opposite. Miles of riparian habitat, acres of mule deer habitat, migratory bird habitat, , no matter the metric, each value cited is a loss to the public in this lopsided exchange. Recreation itself only increases if one ignores that all the adjacent public lands to the non-federal parcels are currently accessible and near maximum carrying capacity for recreation. The only way they can enhance recreation is to consider the Crown as in-accessible. This is not the case, and were the proponents to close parcel 2 , the Hanes parcel, to public access (the "trespass" cited as a public benefit to be cured by the exchange) the public would simply access the Crown at any one of the multiple other public access points. Actually and in fact, Recreation itself also suffers a loss if this land exchange goes through. The fact that the parcel A is adjacent to millions of acres of National Forest and Wilderness lands means certain things are different on this land. For one thing, non-motorized access is the norm, and not unusual. Two, it is a part of a larger recreational landscape than mountain biking, and should be considered using that larger metric. Three, the very different nature of the landscape brings recreational diversity

to the table, whether it be hiking, picnicing, skiing or snowshoeing in the winter, or birding along the miles of streamside habitat, it is the variety of options which add to the full range of recreational experiences available. One key word here is available. Any particular point in the Wilderness need not be easily available, or accessible to motorized users, to be a hugely valuable part of the recreational landscape. Parcel A is accessible, it would be lost to the public if exchanged. The crown is accessible, it would still be accessible if there were no exchange, so the value calculation is wrong as cited in this EA.

- Page 2-16 The EA document repeatedly refers to the CE's covering the exchanged private lands. The high quality riparian habitat crossed by the small parcel B-1 is not going to be covered by the CE's contemplated, so any reference to "All the parcels" is not strictly speaking, true. this could be simply sloppy writing, or it could be because the proponents would like to do something with Parcel B-1 that would be precluded by a CE. Small parcels can be protected by CE, so unless there is a better reason than "too small", put an easement on it. Look at the included photo of the spot to see its habitat value.

May 21, 2013

Mr. Monty Senior
Colorado River Valley Field Office
U.S. Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652



Dear Mr. Senior,

I am a long time member of the Crystal River Caucus and live in the Crystal River Valley near Avalanche Creek and am presently a member of the Caucus board of directors. I am quite familiar with the lands involved in the Sutey Ranch Land Exchange and believe the exchange is a great opportunity for the public to acquire lands with very appreciable public value in exchange for BLM lands that might never receive large public use due to the lack of accessibility and narrow configuration. The following facts convince me that this is a good deal for the public and wildlife.

1. The 1,240 acre Federal Parcel A that the BLM would trade away is a strip of land that that appears to be only $\frac{1}{4}$ to $\frac{1}{2}$ miles wide in most places. According to page 1-1 of your Environmental Assessment (EA), the strip is some distance away from any public road and is almost entirely surrounded by lands owned by Two Shoes Ranch. The parcel appears to only be accessible from Forest lands to the south. Anyone who wants to use the parcel would be confined to a narrow land parcel 3 miles long and would have to return back the way they came in. With all the scrub oak and low elevation habitat and high summer temperatures it would not seem to be attractive for a lot of public use. It has no past history as a point of public access to Mt. Sopris as you point out on page 3-10 of the EA. Some propaganda has been spread that access to Mt. Sopris would be lost. This would not appear to be true.
2. Early in the exchange process, Pitkin County OST has advocated that a bike and pedestrian trail be built in the Crystal River Valley to connect to a now deactivated trail on the rail grade near the Potato Bill and Nettle Creek drainages and connect upslope to the Dinkle Lake area. I believe that BLM staff were at the March 2010 Carbondale Town meeting where the Colorado Parks and Wildlife officials testified that such a trail would seriously impact elk and bighorn winter and summer habitat. Forest service personnel have also said that access to the deactivated trail would probably not be granted by their decommissioning the trail grade in 2011 in the Nettle Creek area. This is also an access area to the Carbondale municipal watershed. I believe this is also addressed on page 2-8 of the EA, suggesting that opening the area to additional public exposure is not in the best interest of Wildlife. The same is true of the bike path that OST has advocated through the former Dodd parcel near Nettle Creek and that the BLM should acquire a trail easement for that trail, (page 2-9 of the EA) as part of the land exchange. The Newland study did not support any

specific route and the Carbondale Trustees rejected the same request. It is my understanding that the BLM does not hold trail easements on private land that do not connect to BLM land. I think the BLM correctly concludes in the EA that this is not a matter suitable for inclusion in the Sutey land exchange. Along with the Caucus, I support the Crystal Trail to be constructed on the six miles, between Bill Creek and Avalanche Creek on the west side of the Crystal River within the 133 Hwy. ROW, where ample space exists.. A Caucus Wildlife study in 2007 determined this was the appropriate alignment to protect the critical habitat on the east side of the river.

3. Once privatized to Two Shoes, it appears Federal Parcel A will be protected by a permanent conservation easement that prevents all development. The Aspen Valley Land Trust (AVLT) will hold the easement, which combined with others would seem to guarantee that the scenic and wildlife values will be preserved. The AVLT has a much better track record than OST and also supports cattle ranching within the valley. I believe they also have endorsed the exchange.
4. As a Crystal River Caucus board member, I also support the addition of the West Crown parcel to the exchange. This should result in better facilitated and safer public access to the Crown by way of the Tybar Ranch.
5. In contrast to the Federal Parcel A, the Sutey Ranch and West Crown parcels afford exceptional recreational opportunities. Even though I live in the Crystal Valley, I fully support the BLM acquisition of the nearby Sutey Ranch. The acquisition is consistent with preserving and protecting the wildlife values along with providing public recreation opportunities.

In Summary:

* I fully support the Colorado Parks and Wildlife recommendations and I believe that in combination with the AVLT there is a much better chance for the management of wildlife herds and grazing permits. Pitkin County OST Land Managements Plans place recreation values far ahead of wildlife and agriculture. My experience is that once OST acquires large parcels they develop them to a point that requires unenforceable closure mitigation to protect the very lands they have acquired. The U.S. Forest Service, Colorado Parks and Wildlife, and the AVLT all have admirable track records in contrast to OST.

*In the charts in the EA, 3-186 thru 3-189, it seems that since 1984, exchanges have been good for the Crystal River Valley. The Sutey exchange would appear to provide a net gain of new Federal land by way of exchange.

I congratulate the BLM on a good EA and completing the Sutey Ranch Land Exchange deserves to be finalized. Thank you for your efforts. Respectfully,



William A. "Bill" Hanks,
Crystal River Caucus Board member



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Land Exchange comments

1 message

William Hanks [REDACTED]
To: "SI_CRVFO_Webmail, BLM_CO" <blm_co_si_crvfo_webmail@blm.gov>

Tue, May 21, 2013 at 8:15 AM

Mr. Senor,

Please find attached, comments on the Sutey Land Exchange. Follow-up by regular mail will also occur.
Thank you for your efforts.

Respectfully,

Bill Hanks,

[REDACTED]

 **Sutey Land Exchange.pdf**
43K

May 21, 2013

Mr. Monty Senior
Colorado River Valley Field Office
U.S. Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Dear Mr. Senior,

I am a long time member of the Crystal River Caucus and live in the Crystal River Valley near Avalanche Creek and am presently a member of the Caucus board of directors. I am quite familiar with the lands involved in the Sutey Ranch Land Exchange and believe the exchange is a great opportunity for the public to acquire lands with very appreciable public value in exchange for BLM lands that might never receive large public use due to the lack of accessibility and narrow configuration. The following facts convince me that this is a good deal for the public and wildlife.

1. The 1,240 acre Federal Parcel A that the BLM would trade away is a strip of land that that appears to be only $\frac{1}{4}$ to $\frac{1}{2}$ miles wide in most places. According to page 1-1 of your Environmental Assessment (EA), the strip is some distance away from any public road and is almost entirely surrounded by lands owned by Two Shoes Ranch. The parcel appears to only be accessible from Forest lands to the south. Anyone who wants to use the parcel would be confined to a narrow land parcel 3 miles long and would have to return back the way they came in. With all the scrub oak and low elevation habitat and high summer temperatures it would not seem to be attractive for a lot of public use. It has no past history as a point of public access to Mt. Sopris as you point out on page 3-10 of the EA. Some propaganda has been spread that access to Mt. Sopris would be lost. This would not appear to be true.
2. Early in the exchange process, Pitkin County OST has advocated that a bike and pedestrian trail be built in the Crystal River Valley to connect to a now deactivated trail on the rail grade near the Potato Bill and Nettle Creek drainages and connect upslope to the Dinkle Lake area. I believe that BLM staff were at the March 2010 Carbondale Town meeting where the Colorado Parks and Wildlife officials testified that such a trail would seriously impact elk and bighorn winter and summer habitat. Forest service personnel have also said that access to the deactivated trail would probably not be granted by their decommissioning the trail grade in 2011 in the Nettle Creek area. This is also an access area to the Carbondale municipal watershed. I believe this is also addressed on page 2-8 of the EA, suggesting that opening the area to additional public exposure is not in the best interest of Wildlife. The same is true of the bike path that OST has advocated through the former Dodd parcel near Nettle Creek and that the BLM should acquire a trail easement for that trail, (page 2-9 of the EA) as part of the land exchange. The Newland study did not support any

specific route and the Carbondale Trustees rejected the same request. It is my understanding that the BLM does not hold trail easements on private land that do not connect to BLM land. I think the BLM correctly concludes in the EA that this is not a matter suitable for inclusion in the Sutey land exchange. Along with the Caucus, I support the Crystal Trail to be constructed on the six miles, between Bill Creek and Avalanche Creek on the west side of the Crystal River within the 133 Hwy. ROW, where ample space exists.. A Caucus Wildlife study in 2007 determined this was the appropriate alignment to protect the critical habitat on the east side of the river.

3. Once privatized to Two Shoes, it appears Federal Parcel A will be protected by a permanent conservation easement that prevents all development. The Aspen Valley Land Trust (AVLT) will hold the easement, which combined with others would seem to guarantee that the scenic and wildlife values will be preserved. The AVLT has a much better track record than OST and also supports cattle ranching within the valley. I believe they also have endorsed the exchange.
4. As a Crystal River Caucus board member, I also support the addition of the West Crown parcel to the exchange. This should result in better facilitated and safer public access to the Crown by way of the Tybar Ranch.
5. In contrast to the Federal Parcel A, the Sutey Ranch and West Crown parcels afford exceptional recreational opportunities. Even though I live in the Crystal Valley, I fully support the BLM acquisition of the nearby Sutey Ranch. The acquisition is consistent with preserving and protecting the wildlife values along with providing public recreation opportunities.

In Summary:

* I fully support the Colorado Parks and Wildlife recommendations and I believe that in combination with the AVLT there is a much better chance for the management of wildlife herds and grazing permits. Pitkin County OST Land Managements Plans place recreation values far ahead of wildlife and agriculture. My experience is that once OST acquires large parcels they develop them to a point that requires unenforceable closure mitigation to protect the very lands they have acquired. The U.S. Forest Service, Colorado Parks and Wildlife, and the AVLT all have admirable track records in contrast to OST.

*In the charts in the EA, 3-186 thru 3-189, it seems that since 1984, exchanges have been good for the Crystal River Valley. The Sutey exchange would appear to provide a net gain of new Federal land by way of exchange.

I congratulate the BLM on a good EA and completing the Sutey Ranch Land Exchange deserves to be finalized. Thank you for your efforts. Respectfully,

William A. "Bill" Hanks,
Crystal River Caucus Board member



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Land Exchange Support Letter

1 message

Chris Harrison

Wed, May 29, 2013 at 11:51 AM

Reply-To: Chris Harrison

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Hello,

Please accept the attached letter in support of the Wexner/Sutey Land Exchange Proposal.

Thank you,
Chris Harrison

 **Land Exchange Support Letter.doc**
27K

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Steve Bennett
2300 River Frontage Rd.
Silt, CO 81652

Dear BLM,

I am a resident of Glenwood Springs and avid mountain biker who has supported the Sutey Ranch land exchange from the outset. However, I am particularly pleased that the exchange proposal has evolved to include the West Crown Parcel along Prince Creek Road, and that Pitkin County has further negotiated a \$700,000 donation from the Wexner family to construct a connecting trail through the Tybar Ranch.

As a past board member of Carbondale Parks & Rec., and as a mountain biker, I was involved in a field tour and discussions early on to see if the public could acquire the 112 acre West Crown parcel from its previous out-of-state owner. As you are probably aware, Pitkin County attempted to buy the parcel several years ago, but was thwarted by appraisal and other difficulties. All of us who use the area were very pleased, therefore, when the Wexners were able to acquire the land and add it to the land exchange mix. The land currently receives very heavy, but technically unauthorized, mountain bike use on several trails, including the main "user-created" trail which roughly parallels the Prince Creek Road and connects into the Crown. There are also several popular downhill biking trails which tie into the main trail. What makes the entire exchange proposal even more exciting from a recreational perspective is the "connected" action to the exchange described in your EA whereby the Wexners will also fund a new trail on the Tybar Ranch that connects directly into West Crown and the Crown itself. When that trail is completed, the public will be able to enjoy more than 2 miles of new, or legitimized, trails on what is probably the most popular way for the public to access the Crown from Carbondale. As your EA also illustrates, the exchange will also remedy the current unsafe parking situation along Prince Creek Road, which poses an increasing hazard to public safety.

Of course, I would be remiss if I didn't not also mention the wonderful opportunity that the exchange offers for BLM to acquire the Sutey Ranch and add it to the Red Hill SRMA. Conservation of Sutey has been a driving force for exchange supporters from the very beginning, because of the incredible recreational and wildlife benefits the Sutey provides. I am glad that BLM has recognized that it is not just public land acres that matter in an exchange, but whether those acres will be of use to the public and wildlife. It is clear from your EA that the acres the public will be gaining will have far greater public values than what is being given up.

Sincerely,
Chris Harrison.



Comments on proposed Sutey land exchange

1 attachment

Connie Harvey [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 3:37 AM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

May 29, 2013

U.S. Bureau of Land Management

Colorado River Valley Field Office

Attn: Monty Senior

2300 River Frontage Rd.

Silt, CO 81652

Subject: Sutey Ranch Land Exchange

Dear Mr. Senior,

I have communicated with you and Pitkin County several times in the past about the Sutey Ranch, and wish to add the following thoughts about the exchange in response to your recently issued Environmental Assessment.

I have always thought that this is a good exchange, and I think most of the people who oppose it are trying to apply a "One size fits all" rule, that simply doesn't make sense in looking at a land transaction. It's important to examine individual cases, rather than starting with the premise that all that matters is the number of acres being traded.

While everything has its plusses and minuses, the overwhelming totality of the plusses in this case make the exchange proposal strongly in the public interest. In an attempt to succinctly summarize the exchange proposal in a FLPMA style "public interest" test, I list the advantages and disadvantages of the exchange as I see them below:

Disadvantages

-the public loses 1168 acres of BLM land. However, the land mostly comprises a rugged, narrow and remote strip sandwiched by the Two Shoes Ranch. As the EA states, this land is hard for BLM to manage, and difficult for the public to access.

Advantages

-the public gains the 557 acre Sutey Ranch, which the EA demonstrates is unlikely to be acquired by any other (LWCF, etc.) means. Sutey is easy to access from BLM's nearby SRMA and County Road 112. If it is not acquired by BLM, likely Garfield County zoning would likely approve 55-92 homes on Sutey (EA page 2-15) ;

-the public gains the Sutey's 2.25 CFS of senior water rights, which among other uses, can be dedicated to improve water flows in nearby Cattle Creek;

-the public acquires the 112 acre West Crown parcel, which is already heavily used (albeit illegally) to access the Crown;

-the Wexners donate \$1.1 million to BLM to plan and manage both parcels;

-the 1,268 acres BLM "loses" will not be developed, as it will be protected by permanent conservation easements held by the Aspen Valley Land Trust which prohibit development of any kind, other than minor improvements for ranching. Thus, open space and wildlife values on the 1,268 acres will be permanently protected (as noted by the Colorado Division of Wildlife);

-Two Shoes places an additional conservation easement of 365 acres of its existing private land in Potato Bill Creek;

-Two Shoes donates \$700,000 to Pitkin County to fund a bike trail easement and construction on the Tybar Ranch adjacent to the West Crown parcel BLM acquires.

-Two Shoes surrenders the right to develop 10 homesites previously approved for development by Pitkin County;

-Two Shoes will move the potential location of an approved indoor riding ring on Two Shoes to a less visible location in Crystal River corridor, if and when Two Shoes ever builds the riding ring; and

-the Colorado Division of Wildlife indicates that the exchange is in the best interest of wildlife.

I think the above summarizes it all...as does your very well produced EA. It would be hard to conceive of a land exchange that has more positive benefits to the public.

Sincerely yours,

Connie Harvey



EAGLE VALLEY LAND TRUST

May 17, 2013



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Dr. Tom Steinberg, *President Emeritus*
Tom Edwards, *Emeritus*
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Frank Navarro
Alex Iskenderian
Robert Holmes
Steve Suggs

Executive Director

Kara Heide
kara@evlt.org

**Director of Communications
and Development**

Jason Denhart
jdenhart@evlt.org

Projects Manager

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sconklin@evlt.org

Mailing Address
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Edwards, CO 81632

Physical Address
51 Eagle Road #1
Avon, CO 81620

970.748.7654 Voice
970.949.1357 Fax

www.evlt.org



Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senor
2300 River Frontage Road
Silt, CO 81652

Dear Mr. Senor,

I appreciate the opportunity to underscore our continued enthusiasm and support for the Sutey Ranch land exchange. Eagle Valley Land Trust has been a vocal supporter since its inception.

The Horse Mountain parcel is the only one in Eagle County and its preservation is critical for conservation as well as a significant value to our local and guest communities. Wildlife habitat, spectacular view sheds and open space will be protected for perpetuity by placing a conservation easement on this property.

In the past there was a real threat of access and development on this mountain. The advancement of technology provides the opportunity to work in non-urban environments thus making mountain properties more attractive.

The completion of this land exchange benefits Eagle, Garfield and Pitkin Counties and aligns with BLM's Colorado River Valley Draft Resource Management Plan, specifically *Alternative C*, by "sustaining relatively unmodified physical landscapes and natural and cultural resource values for current and future generation." We are thrilled that 201 acres of this exchange resides in Eagle County.

There is much positive momentum for conservation and it is our hope that this land exchange will continue to move towards the finish line for the exceptional benefit for people and our fragile environment.

Sincerely,

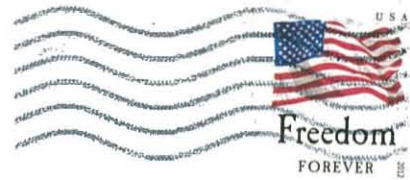
Kara Heide
Executive Director



EAGLE VALLEY LAND TRUST
POST OFFICE BOX 3016
EDWARDS, CO 81632

GRAND JUNCTION CO 815

24 MAY 2013 PM 2 T



COLORADO RIVER VALLEY FIELD OFFICE
U.S. BUREAU OF LAND MANAGEMENT (BLM)
ATTN: MONTY SENOR
2300 RIVER FRONTAGE RD
SILT, CO. 81652



0105280633





SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey land exchange

Message

Charles Hopton [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 1:48 PM

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)

Attn: Monty Senior, Realty Specialist
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Senior,

The Sutey exchange is a very good deal for the BLM and the Public.

The 1268 acres of BLM land has very little public access due to surrounding private land. The USFS and CDOW have designated adjacent land "critical wildlife habitat". The USFS even decommissioned a trail on nearby property. And the CDOW has stated that wildlife may actually fare better long-term under private ownership with a conservation easement than under continued BLM ownership;

All 1268 acres of BLM land disposed of is put under permanent conservation easement with Aspen Valley Land Trust, which requires wildlife and grazing management plans prepared by an expert acceptable to Colorado Division of Wildlife;

An additional 365 acres of Two Shoes land at Potato Bill Creek will be placed in a conservation easement with Aspen Valley Land Trust to protect critical bighorn sheep habitat.

BLM acquires the 557 acre Sutey Ranch and its critical winter range for elk and deer and BLM acquires Sutey's 2.25 CFS of senior water rights.

BLM acquires the West Crown land (113 acres) and its numerous trails leading in and out of the Crown.

BLM receives a \$1.1 million planning and endowment donation to manage Sutey and West Crown.

Pitkin County receives a \$700,000 donation to build a long sought trail connecting Tybar Ranch, West Crown and the Crown.

Two Shoes gives up 10 house development sites previously approved by Pitkin County on Two Shoes lower ranch near Crystal River. This protects the Highway 133 visual corridor.

As an environmentalist, I look very hard at any land exchange. I am very concerned about wildlife habitat. I can't recall having seen another land exchange with so many benefits for the public and wildlife.

I strongly recommend approval of this land exchange.

Sincerely,

Charles H. Hopton





Sutey Ranch Land Exchange EA

1 message

Tresi Houpt [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 12:08 PM

Please find attach my comment letter on the above referenced EA.
Thank you very much for your consideration.
Tresi Houpt
Former Garfield County Commissioner
970-928-9104
tkbhaupt@gmail.com

 **ltr re Sutey Ranch Exchange May 2013.docx**
14K

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senior, Realty Specialist
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Senior,

I am writing in support of the draft Environmental Assessment for the Sutey Ranch Land Exchange, on which you are listed as the contact person. I believe BLM has produced a very thorough document which justifies the proposed exchange. The exchange proposal is compelling, and the benefits to the public are explained in great detail.

As a former Garfield County Commissioner, I supported the exchange in its original configuration because of the strong public benefits that will occur with BLM's acquisition of the Sutey Ranch. However, I am very happy to see that new connected actions, or benefits, have been added as the result of an agreement negotiated by Pitkin County and the Wexner family last fall. The addition of a 365 acre conservation easement on Wexner lands at Potato Bill Creek is a very positive development, and it is enhanced by the promised \$700,000 donation to Pitkin County to fund a trail through the Tybar Ranch on lower Prince Creek. It is my understanding that this trail has been something sought by Pitkin County for many years, and it will be a real plus for mountain bikers and others coming up the Prince Creek Road from Carbondale.

I remember during early hearings in Pitkin County the commissioners suggested that the Wexners make the exchange benefit the public interest to a greater extent. In my opinion, they have done so. In addition to giving AVLT conservation easement on all the land gained through this exchange and funds for the trail through the Tybar Ranch, the Wexners are also donating \$1.1 million for the planning and management of the Sutey and West Crown areas. Many of us involved in the initial discussion about the exchange recommended such an endowment fund be established. Additionally, the deletion, by the Wexners, of 10 approved home sites on their lower (Crystal Island) ranch near the Crystal River and the promise to move the location of any future indoor riding arena in that area to a less visible location will be a visual benefit to the Crystal River Valley.

It is my opinion that through this exchange, the BLM will be giving up lands that the public rarely has the opportunity to use, in return for the Sutey Ranch and West Crown which will be accessible and benefit the general public into the future. I am able to support this exchange because of the provisions put in place to protect the beautiful public land the Wexners would be receiving as a result of this exchange. The extensive discussion over this contemplated exchange has made it a very beneficial opportunity.

As you are aware, Pitkin County was at odds with Garfield County over this exchange for many years, but has now endorsed it for the many public benefits it will bring. It is truly satisfying to see Garfield, Eagle and Pitkin Counties united in support of the Proposed Action outlined in the EA.

Thank you for your thoughtful consideration in supporting the Proposed Action concerning the Sutey Ranch Land Exchange as presented in the EA.

My Best,

Trési Houpt
Former Garfield County Commissioner



BLM PERSON CONNECT: Webmail@blm.gov | 1-800-368-6868 | www.blm.gov/personconnect

Sutey Ranch Land Exchange

Aaron Humphrey [REDACTED]

Tue, Apr 30, 2013 at 6:41 AM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

To Whom it May Concern,

I am a local business owner, avid outdoors enthusiast, parent of a child who attends Carbondale schools, and live about a mile from part of the proposed land swap. I have attended community meetings and submitted my opinion on the swap.

YES.

Thank you,

Aaron Humphrey

President

Alpenglow Lighting Design, Inc.





SI_CRVFO_Webmail.BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Letter of Support from Garfield County for the Sutey Ranch land exchange

1 message

Fred Jarman <fjarman@garfield-county.com>

Wed, May 29, 2013 at 2:46 PM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Cc: BOCC <BOCC@garfield-county.com>, Andrew Gorgey <agorgey@garfield-county.com>, Vola Mercer <vm Mercer@garfield-county.com>

Dear Mr. Bennett,

Attached you will find a letter of support for the Sutey Ranch land exchange. Please do not hesitate to contact me if you have any questions. (A hard copy is in the mail.)

Regards,

Fred Jarman

Fred A. Jarman, AICP

Director, Garfield County Community Development Department

108 8th Street, Suite 401

Glenwood Springs, CO 81601

970.945.8212 (Office)

970.987.1811 (Cell)

www.garfield-county.com



Letter of Support for Sutey Ranch Land Exchange.pdf

1509K



May 29, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Steve Bennett
2300 River Frontage Rd.
Silt, CO 81652

RE: Letter of support for the Sutey Ranch land exchange

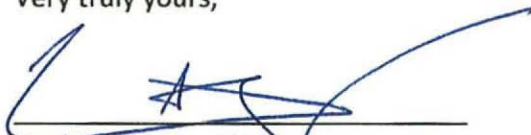
Dear Mr. Bennett,

On behalf of the Garfield County Board of County Commissioners (the Board), I am writing to reiterate the Board's support for the Sutey Ranch land exchange. As you are aware, the Board has been unanimous in their support over the past 4 years and is especially pleased that the Sutey Ranch will come into public ownership as an addition to the Red Hill Special Recreation Management Area (SRMA). Once the exchange is completed, we will look forward to working with you to insure that a Sutey management plan is developed which balances the needs of recreation and wildlife protection. In that regard, I am attaching a letter that the Board sent you last year in support of the exchange, which also outlines some thoughts we have for future management considerations.

Since we last contacted you, we are pleased to understand that Pitkin County has also endorsed the exchange. Further, we applaud the addition of the 'West Crown' parcel to the exchange. It appears appropriate that the Bureau of Land Management (BLM) own that parcel given its proximity to "The Crown" area which is also under management of the BLM. While that land is in Pitkin County, the trails there are heavily used by our constituents in Garfield County.

On summary, we reiterate our support for the Sutey Ranch land exchange and hope you can consummate it in the near future. Please do not hesitate to contact the Board should you have any questions regarding their support.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'Fred A. Jarman', written over a horizontal line.

Fred A. Jarman, AICP
Director, Garfield County Community Development Department
(on behalf of the Board of County Commissioners)

cc Board of County Commissioners
Andrew Gorgey, County Manager

attachment(s) Letter from the Board of County Commissioners to the BLM Colorado River
Valley Field Office dated June 11, 2012



June 11, 2012

Mr. Steve Bennett
U.S. Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

RE: Letter of Support for the Sutey Ranch - Bureau of Land Management Land Exchange

Dear Mr. Bennett,

We are writing to reiterate Garfield County's continued support for the proposed Sutey Ranch land exchange. Previously, we wrote our Congressional delegation in July 2009 in support of the exchange; the new proposal on which you are seeking comment appears to be even more strongly aligned with the public interest.

As you are aware, the 557-acre Sutey Ranch, located in eastern Garfield County, is a beautiful property that has sustained long-time ranching activities as well as continues to serve as valuable wildlife habitat for elk and deer. Garfield County sees the conversion of this valuable ranch from private property to public lands as a unique opportunity to preserve the ranch's sensitive wildlife values while also being able to provide public access for carefully planned and managed recreation. More than that, it is an important piece of a public lands landscape that will protect the north side of Red Hill by preserving the remote and open character and the critical wildlife qualities. The Sutey Ranch will function as an important linkage between BLM lands in Fisher Creek and the Red Hill Special Recreation Management Area (SRMA) as noted in the BLM's Draft Resource Management Plan. This linkage offers an important wildlife corridor between two large areas of public lands.

Not only will this exchange result in a direct benefit for our local residents in Garfield, Pitkin, Eagle and Gunnison Counties, but it will also result in an added benefit to visitors to the State of Colorado interested in open space, our ranching heritage, and accessible hunting and outdoor recreation opportunities. While the County supports the conversion of the Sutey Ranch as a

benefit in Garfield County, we are equally supportive of the land to be converted to public lands in Pitkin County in Prince Creek area (the former Haines property - a.k.a. the Monte Carlo area - 112 acres) which would maintain access to large areas of the BLM "Crown" in Garfield County. This 112 acre piece is now referred to as the "West Crown" parcel and is an important amenity for open space, recreation, hunting and wildlife.

Our previous letter of support noted the Sutey Ranch wildlife values were to be protected. We are very pleased to understand that the current terms of the exchange include \$100,000 for BLM planning (including wildlife studies) and a \$1,000,000 endowment to BLM for long-term management of the properties that will become BLM. Wildlife protection should be a priority on the Sutey Ranch and recreation access must be compatible with wildlife conservation.

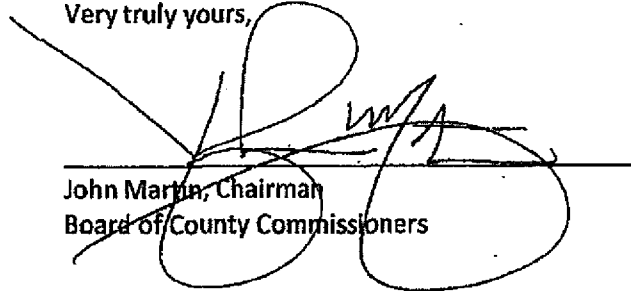
The County's recently completed Comprehensive Plan 2030 (the Plan) contains goals and policies that support the BLM's action to convert the ranch to public lands. These include ensuring public access to federal lands is preserved, providing opportunities for the tourism industry to utilize recreation resources as well as to preserve recreation resources for local access, and ensuring that natural, scenic, ecological, and critical wildlife habitat are protected and / impacts mitigated.

Garfield County supports the land exchange with the following principles in a management plan:

- 1) Protecting and enhancing wildlife and plant species as a top priority, including seasonal or other closures of all or portions of the parcel to public use as may be determined appropriate in the planning process to protect wildlife and plant communities;
- 2) Utilizing existing roads, ways or other areas on the parcel and to locate non-motorized trails to connect to adjacent or nearby public lands;
- 3) Utilizing the 2.26 CFS of senior water rights appurtenant to the parcel to benefit fish and wildlife species on the parcel as well as to possibly augment stream flows in over appropriated Cattle Creek which is only a short distance downstream; and
- 4) Assessing the historic significance and feasibility of preserving the historic nature of the Sutey cabin near the east end of the parcel.

Finally, we believe the Inherent value of the private lands to be converted to public lands and the associated endowment as discussed above provide a multitude of public benefits that far outweigh the current value of the public lands to be converted to private land. Therefore, by these comments, Garfield County offers its continued support of the pending Sutey Ranch — Bureau of Land Management Land Exchange. This exchange would allow for a sensitive blend of increased public access to public lands while providing lasting wildlife habitat and rural lands protection from adverse development pressure of an historic ranch in Garfield County.

Very truly yours,



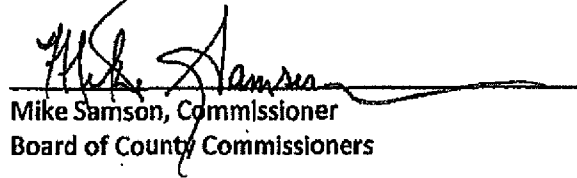
A large, stylized handwritten signature in black ink, appearing to be 'J. Martin', is written over a horizontal line.

John Martin, Chairman
Board of County Commissioners



A handwritten signature in black ink, appearing to be 'Tom Jankovsky', is written over a horizontal line.

Tom Jankovsky, Commissioner
Board of County Commissioners



A handwritten signature in black ink, appearing to be 'Mike Samson', is written over a horizontal line.

Mike Samson, Commissioner
Board of County Commissioners

Cc **Andrew Gorgey, Garfield County Manager**
 Fred A. Jarman, AICP, Director, Building & Planning Department

Mon, May 6, 2013 at 8:30 PM

edwin jenkins [REDACTED] >

To: "SI_CRVFO_Webmail, BLM_CO" <blm_co_si_crvfo_webmail@blm.gov>

comments on suttey etc. land exchange.

Previously I was against the exchange. I am now in favor and believe it can be a good thing. I do however believe public access to mount sopris from nettle creek should be part of the deal. An access/trail should continue.

Sincerely,
Ed Jenkins

[REDACTED]

Date: Mon, 29 Apr 2013 14:07:06 -0600
Subject: BLM releases environmental assessment on proposed Sutey Ranch land exchange
From: blm_co_si_crvfo_webmail@blm.gov
To: msenor@blm.gov
[Quoted text hidden]



Public Comments on Proposed Land Swap

Public Comments on Proposed Land Swap

Ryan Kalamaya [REDACTED] >
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Tue, Apr 30, 2013 at 12:51 PM

I am an avid mountain biker and resident of Carbondale. I firmly support the proposed Sutey-Two Shoes land swap.

Ryan Kalamaya
[REDACTED]

May 13, 2013

United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Attn: Sutey Ranch Land Exchange



To Whom It May Concern:

Attached please find my May 1, 2013 letter to the BLM requesting a 30 day extension to the May 29, 2013 Public Comment Period deadline.

The purpose of my letter to you today is to further support my request based on the fact that I have submitted a FOIA request and I do not believe that I will receive the information I have requested in time to adequately review it and then to submit any public comment I may have on or before the 05/29/13.

Thank you and sincerely,

Hatti Kay Clapper
Hatti Kay-Clapper



May 1, 2013
United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652



Attn: Sutey Ranch Land Exchange

To Whom It May Concern:

I am responding to the BLM's recent release of the preliminary environmental assessment for public comment on the proposed Sutey Ranch land exchange. And the purpose of my response is to request a 30 day extension to the May 29, 2013 Public Comment Period deadline.

I believe my request to be not only reasonable but fully supported due to the following:

1. A 30 day public comment period does not allow enough time for a full review of all of the documents, studies, etc related to this land exchange.
2. The fact the preliminary environmental assessment was released at this time (on April 29, 2013) is of concern due to the fact that a great many members of the public most likely to (want to) respond to this document are or will be out of town. This is due to the fact that this is "off season"...a time when many local Roaring Fork Valley residents head to warmer climates, go out of town.
3. I see no reason as to why a 30 day extension should not be allowed...as I see no hurry to move this land exchange forward due to the fact it has been proposed for a rather lengthy period of time.

Thank you and sincerely,

Patti Kay-Clapper
Patti Kay-Clapper



May 21, 2013

United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652
Attn: Steve Bennett, sbennett@blm.gov

RE: Sutey Ranch Land Exchange

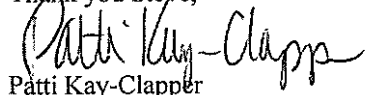
Dear Steve,

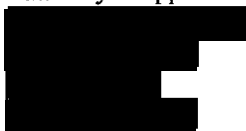
Attached please find a copy of my May 1, 2013 and a copy of my May 13, 2013 letters to the BLM. The purpose of both of my letters, in addition to my letter to you today, is to request a 30 day extension of the Sutey Ranch Land Exchange Environmental Assessment Public Comment Period.

It is of great concern to me that I have not received a reply, in any form, from your office as to my request(s) for a 30 day extension...especially in light of the fact that the current public comment period ends next week...on May 29. I see no reason why the BLM could not, should not have responded to me in a timely manner as to the status of my request! Thus the reason why I am addressing this letter to you specifically...and sending it to you both by USPS mail and by email...as perhaps you and/or your office did not receive my first and/or my second letter requesting an extension?

I look forward to hearing from you...ASAP.

Thank you Steve,


Patti Kay-Clapper



May 1, 2013
United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Attn: Sutey Ranch Land Exchange

To Whom It May Concern:

I am responding to the BLM's recent release of the preliminary environmental assessment for public comment on the proposed Sutey Ranch land exchange. And the purpose of my response is to request a 30 day extension to the May 29, 2013 Public Comment Period deadline.

I believe my request to be not only reasonable but fully supported due to the following:

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3. I see no reason as to why a 30 day extension should not be allowed...as I see no hurry to move this land exchange forward due to the fact it has been proposed for a rather lengthy period of time.

Thank you and sincerely,

Patti Kay-Clapper



Wm

May 13, 2013

United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Attn: Sutey Ranch Land Exchange

To Whom It May Concern:

Attached please find my May 1, 2013 letter to the BLM requesting a 30 day extension to the May 29, 2013 Public Comment Period deadline.

The purpose of my letter to you today is to further support my request based on the fact that I have submitted a FOIA request and I do not believe that I will receive the information I have requested in time to adequately review it and then to submit any public comment I may have on or before the 05/29/13.

Thank you and sincerely,

Patti Kay-Clapper



BUREAU OF LAND MANAGEMENT
RECEIVED *WPC*
MAY 23 2013
CO RIVER VALLEY FIELD OFFICE



SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Public Comment re Sutey Ranch Land Exchange

1 message

Patti Clapper [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov
Cc: "Bennett, Steven" <sbennett@blm.gov>

Thu, May 30, 2013 at 8:44 PM

Please accept the attached document as Public Comment related to the Sutey Ranch Land Exchange Preliminary Environmental Assessment.

Thank you and sincerely,
Patti Kay-Clapper



 **pub comment 053013.doc**
25K

May 30, 2013

United States Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652
Email: BLM_CO_SI_CRVFO_Webmail@blm.gov

RE: Sutey Ranch Land Exchange

To Whom It May Concern:

Please accept this letter/email as Public Comment related to the Sutey Ranch Land Exchange Preliminary Environmental Assessment. I am submitting my comment at this time/date due to the fact that as of mid-night yesterday, May 29, 2013, I had (still) not received the information I requested per my (2nd) FOIA request. Furthermore, is the fact that also as of mid-night yesterday, May 29, 2013, I had not received a response from the BLM as to the status of my (2nd) FOIA request. Therefore, the reason why I am submitting my Public Comment today...why I was unable to submit my comment yesterday.

And without having the information I requested per my FOIA request...specific to the valuation appraisal documents ...my only comment is that I cannot comment due to the fact I do not have the information I needed/requested...the information upon which my Public Comment would have been based.

I request that this letter/email be entered into the Public Record as part of the Public Comment related to the Sutey Ranch Land Exchange Preliminary Environmental Assessment.

Thank you and sincerely,

Patti Kay-Clapper





Dear Karen Hines: I am sorry to hear that you are not happy with the land swap.

Land swap

5/20/13

Karen Kean-Hines [REDACTED] >

Tue, Apr 30, 2013 at 8:51 AM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

I have already given my opinion and have been politely thanked but ignored.

As a former Ohioan and knowing Wexner, I personally find it obscene that this man is to be given such a huge amount of acreage for his land exchange. Public land owned by the people. I personally feel this is a terrible lack of guardianship of public lands by the very agencies set up to protect them.

And I would find this land exchange to be wrong and ridiculously out of balance no matter who the receiving person was..

Thank you for allowing me a second email

Dr Kean-Hines

Sent from my iPhone



Sutey Ranch Land Exchange

1 message

Diane Kenney [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Tue, May 28, 2013 at 7:15 PM

To Whom It May Concern:

We are writing, *once again*, to protest, in the strongest terms possible, the "Sutey Ranch Land Exchange." This exchange is so wrong in so many ways we cannot address them all.

First of all, the "environmental assessment of the proposal" trumpeted by the BLM, was funded by the Wexner's. Therefore, it cannot be credible or objective. This is a classic example of the fox guarding the henhouse. The BLM, from the beginning has appeared to favor this proposal. A while back, the BLM noted in a public "Land Exchange Feasibility Analysis" that "Most of the funding for processing this exchange will be provided by the Proponents." Apparently the BLM supports private landowners instead of working to conserve public land.

This two-for-one exchange is short-sighted, ill-planned and a blatant maneuver by a billionaire landowner to manipulate the community into allowing him to increase and consolidate his holdings to about 5,600 acres of private property, around the base of our beloved, signature mountain, Mt Sopris.

Steve Bennett, BLM field manager, was quoted recently in the Aspen Daily News (April 30), stating: "The BLM will only complete a land exchange if it is in the public's interest." In what universe is this exchange in the public's interest?

Once public land is traded away, it is gone. This exchange is setting a very bad precedent for future management of public lands. It shows that if you have enough money to hire enough lawyers and professional consultants, you can pretty much manipulate public agencies to get anything you want. The BLM, town trustees, county commissioners, who are all supposed to guard the public trust, appear to be taken in by this scheme. Who will protect public lands in the future? Bad public policy, like bad laws, will not stand.

Sincerely,

Diane Kenney & John McCormick

potter.vcf
1K



blm_co_si_crvo_Webmail@blm.gov

Sutey land swap1

Dave Lipe [REDACTED]
To: blm_co_si_crvo_Webmail@blm.gov

Sun, May 5, 2013 at 3:52 PM

I feel that I need to respond to the blm's decision to swap land with the wexners.I believe that this will encourage other wealthy land owners to do the same thing elsewhere,so where does it stop?And this man will now have eight square miles of land at the base of sopris mnt all to his own!! What's next the black canyon of the gunnison? Dave Lipe



Wexner land exchange

1 message

Peter Loram [REDACTED]
To: BLM <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Wed, May 29, 2013 at 9:57 AM

Colorado River Valley Field Office

U.S. Bureau of Land Management (BLM)

Attn: Steve Bennett

2300 River Frontage Rd.

Silt, CO 81652

Dear BLM,

I have written before on the Sutey Ranch exchange and am happy to learn that your Environmental Assessment recommends proceeding with the exchange. There are important public benefits. What needs to be kept foremost in mind, and is well explained in the EA, is that The land involved in the trade will be protected as open space or BLM land. In short, there will be no negative environmental impacts. The BLM will acquire the Sutey and West Crown for future public use and enjoyment at no cost to the taxpayers. And, BLM will receive a \$1.1 million donation from the Wexner family to plan and manage its newly acquired land, a very generous offer.

I am also delighted that Pitkin County finally came on board and received a housing density reduction at Two Shoes Ranch, plus a donation for a trail at Tybar Ranch to connect into the Crown. Finally, the opportunity to acquire the Sutey Ranch and add it to Red Hill is a benefit to everyone in our valley. I urge the BLM to work closely with Colorado Parks and Wildlife to produce a management plan that protects Sutey's superb wildlife values.

I wrote a letter to the newspapers a few years back pointing out that the BLM land at Two Shoes would never provide a practical alternative access route to Mt. Sopris, and I'm glad that your EA points that out, especially the data on how the area near Lion's Mane and Nettle Creek is probably best left without significant human use (as Colorado Parks & Wildlife (CPW) has pointed out). Wildlife needs places to thrive, and Sutey and the privatized BLM land will provide that.

In summary, thank you for producing a document that fully explains the benefits of the exchange to the public. I hope that your final decision comes soon.

Sincerely,

Peter Loram



Sutey Ranch land exchange comments

1 message

Malone, Delia [REDACTED]

Tue, May 28, 2013 at 12:04 AM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <BLM_CO_SI_CRVFO_Webmail@blm.gov>

Dear Mr. Senor,

On behalf of the Crystal River Caucus I have attached comments regarding the Sutey Ranch land exchange. Thank you for your consideration.

Delia G. Malone



"Those who have the privilege to know have the duty to act" - A. Einstein

Chairperson, Crystal River Caucus

crcaucus@gmail.com

[REDACTED]
0111 Mountain Lion Drive

Redstone, Colorado, 81623

Land 970-963-2143

Sky 970-319-9498



BLM_Wexner.docx

17K

Mr. Monty Senior

Colorado River Valley Field Office

U.S. Bureau of Land Management

2300 River Frontage Road

Silt, CO 81652

Dear Mr. Senior,

I am writing on behalf of the Crystal River Caucus to reaffirm our support for the proposed Sutey Ranch Land exchange. We are particularly gratified that your April 2013 EA on the exchange has touched all the issues that have been raised in public meetings over the past several years, and also addresses various issues that are not germane to the exchange, but which were advocated for inclusion in the exchange by some commenters during your scoping process.

The Crystal River Caucus' area of jurisdiction is the Crystal River valley, and we are a volunteer advisory body to Pitkin County on land use matters within the valley. The proposed land exchange has many public benefits in our area, and my comments below are organized by issue for easier reference.

Land use issues associated with exchange

One of our major reasons for supporting the exchange is that the basic land use pattern in and around Two Shoes ranch will not change, because all the acres Two Shoes acquires will be protected by permanent conservation easements held by the Aspen Valley Land Trust (AVLT). We have had an excellent working relationship with AVLT over the years, and believe that their stewardship of the land will afford protection that at least equals BLM management. As the CPW has testified, the areas around Potato Bill Creek and National Forest lands in the Nettle Creek drainage to the south are areas where human activity should be kept to a minimum. To that end, page 2-8 of the EA correctly states that the White River National Forest has decommissioned to only public trails in the area, and we are happy to see that no new trails will be proposed in the area. We share CPW's

belief that wildlife may actually fare better after the 1240 acre Federal Parcel A becomes private, as the public will no longer be using that wildlife sensitive area, and any future threats of mineral development will be foreclosed by the conservation easement held by AVLTL.

Since we endorsed the exchange in 2010. Two Shoes purchased the 112 acre West Crown parcel along the Prince Creek and will now convey it to BLM in the exchange. This is a very important addition to the exchange which will help resolve a longstanding trespass issue by mountain bikers and hikers on the West Crown parcel. Not only will BLM acquisition of the land permanently legitimize the public use which now occurs, but the separate "connected action" agreement between the Wexners and Pitkin County will provide \$700,000 in funding to hopefully provide a trail link on the adjacent TyBar Ranch. If this is completed, more than two miles of trail paralleling the Prince Creek road will become permanently available to the public. This will resolve current parking and safety issues in lower Prince Creek, especially in the area of the Prince Creek subdivision. As you may also be aware, the Wexners only purchased the West Crown parcel after efforts by Pitkin County to purchase it stalled, so it is no exaggeration to say that this was a very positive development for the public.

We are also glad to note that the EA clarifies on page 3-10, 3-15 and 3-21 that the BLM parcels being exchanged to Two Shoes do not provide access to Mt. Sopris, because they are surrounded by existing private land belonging to Two Shoes. This will hopefully debunk the myth that the exchange will in any way close off any public access to Mt. Sopris. We doubt the Crystal River Caucus would have endorsed the exchange if any access to Mt. Sopris would have been lost.

Related land use issues outside exchange

Two very important benefits of the land exchange are what your EA refers to as "connected actions" on page 2-6 of the EA. Those benefits relate to an agreement between Pitkin County and Two Shoes whereby, if the exchange is approved, Two Shoes will: 1) relinquish the right previously granted by Pitkin County to develop 10 homesites on Two Shoes existing private land above the Thomas Creek bridge; and 2) move the site of a potential future indoor riding arena in the same general area to a less visible site. Those benefits were part of the total legislative exchange package which the Crystal River Caucus endorsed by a 36-6 vote in March 2010. Although they were deleted from the administrative exchange

proposal analyzed in the EA because they relate to matters outside BLM's jurisdiction, we are very pleased that they have been analyzed as "connected actions" in the EA, because they will be implemented if the exchange is finalized.

We are also pleased that the Wexners have agreed...once again outside the scope of the official BLM exchange...to place a 365 acre conservation easement on their existing land in the vicinity of Potato Bill Creek, and that no sheep grazing will be allowed on any Potato Bill lands without the approval of Colorado Park and Wildlife. The area is critical bighorn sheep habitat, and we are pleased that Pitkin County has secured these additional protections.

In addition, many of our members are very concerned about plans for a future bike path up the Crystal River. On page 2-8 and 2-9 of the EA, BLM has squarely addressed this issue and concluded that a trail easement in the vicinity of Nettle Creek is outside the scope of the exchange because "BLM does not hold access easements on private land that do not connect to BLM land". Several of our caucus members testified to the Carbondale Trustees in 2012 that such an easement was not appropriate for inclusion in the exchange. We also appreciate your correct statement on page 2-9 that the 2004 Newland Trail Feasibility Study did not identify a "preferred or favored" route for a Crystal River bike path. It is a matter for future cooperative study.

In conclusion, it is our belief that the proposed Sutey Ranch Land Exchange has overwhelming public benefits in the Crystal River valley, and on Red Hill too. Your EA has correctly observed that although BLM will manage slightly less land in the exchange analysis area after the exchange is completed, the land BLM will manage after the exchange will offer significantly greater benefits to both wildlife and the public.

Best Regards,

Delia G. Malone,

Chairperson, Crystal River Caucus



SI_CRVFO_Webmail_BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Wexner exchange

1 message

Johnno McBride [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Fri, May 31, 2013 at 7:01 AM

Dear BLM, I know your time for public comment was due yesterday. I did try to send my thoughts and must have misplaced an underscore in the email address. Please accept my apologies for a late comment. John McBride

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
2300 River Frontage Rd.
Silt, CO 81652

Dear BLM,

The Sutey Ranch land exchange has been debated in public for more than 4 years now and it is truly time to move forward. I originally thought this was merely a benefit for the Wexners but after educating myself further I support the exchange. Your recent EA indicates that 66% of the public favors it, and that was before Pitkin County signed on this winter after receiving additional concessions from the Wexners. So, Pitkin, Garfield and Eagles Counties, the Town of Carbondale, the Colorado Division of Wildlife and countless environmental and conservation groups are now all on board. I believe that the remaining opponents are mostly those who don't like the exchange because the proponents are wealthy, and they see it as a land grab. However, the main Federal parcel the Wexners will gain splits their ranch in two, and it only seems logical that the ranch should be blocked up especially when the BLM land strip (Parcel A) is so isolated and narrow. Perhaps the most important to remember in the entire exchange debate is that none of the land, Federal or non-Federal, will ever be developed, and no open space or scenic values will be lost because everything after the exchange will either be protected by non-development conservation easements, with zero houses allowed, or owned by BLM for the public to enjoy. As the Colorado Division of Wildlife has observed, wildlife will benefit from the exchange, both at Sutey Ranch and at Two Shoes. Also, many new or legitimized mountain bike and other trails will become permanently open to the public, and no existing or realistic future trails will be eliminated. If I have one criticism on the exchange EA, it is that the "cumulative effects" section at the end perhaps understates the net benefits and could do a better job of summarizing that not a single acre of open space will be lost. I would encourage that section be beefed up if the document is revised or re-published in some form.

Otherwise, I congratulate BLM for producing an extremely thorough document which just about says it all. It's time to get on with it.

Sincerely,
Johnno McBride

Old Snowmass



CRVFO Webmail, BLM_CO_Field_co_si_crvfo_webmail@blm.gov

Support Wexner/Sutey Exchange

Message

Heidi McGuire [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 11:17 AM

April 28, 2013

Colorado River Valley Field Office
Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Attn: Sutey Ranch Land Exchange

To Whom It May Concern:

We are property owners and residents living on County Road 112 – just up the road from the Sutey Ranch. Currently we are among the very few people who get to enjoy hiking, running and observing the abundance of wildlife and fauna on this exquisite property. We urge you to support the Two-Shoes – Sutey Ranch Land Exchange so that others may also have this opportunity.

This agreement will benefit the entire Roaring Fork Valley by increasing public access to open space, by not impinging on wildlife breeding and migration, and by reducing potential residential density. BLM ownership of the Sutey Ranch adjoining Red Hill will expand one of the most popular trail systems in Garfield County. This will be a welcomed asset to the Roaring Fork community.

Although the BLM property which would become part of the Two Shoes Ranch (which is not publicly accessible) would no longer be federal open space, it's protection from development would improve under Two Shoes management because the proposed exchange agreement includes a conservation easement precluding mineral development. This we support.

The Two Shoes – Sutey Ranch Land Exchange is a generous and fair offer by the Wexner family and a rare opportunity for the residents of the Roaring Fork Valley (not just Garfield County). Please acknowledge it as such and support the land exchange by allowing it to proceed smoothly and efficiently.

Thank you in advance for your consideration and support.

Sincerely,

Heidi McGuire & Chuck Knuth

[REDACTED]

[REDACTED]

[REDACTED]

2 attachments

 **Wexner Sutey LandXchange_4.28.13.docx**
112K

 **Wexner Sutey LandXchange_4.28.13.pdf**
25K

April 28, 2013

Colorado River Valley Field Office
Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

Attn: Sutey Ranch Land Exchange

To Whom It May Concern:

We are property owners and residents living on County Road 112 – just up the road from the Sutey Ranch. Currently we are among the very few people who get to enjoy hiking, running and observing the abundance of wildlife and fauna on this exquisite property. We urge you to support the Two-Shoes – Sutey Ranch Land Exchange so that others may also have this opportunity.

This agreement will benefit the entire Roaring Fork Valley by increasing public access to open space, by not impinging on wildlife breeding and migration, and by reducing potential residential density. BLM ownership of the Sutey Ranch adjoining Red Hill will expand one of the most popular trail systems in Garfield County. This will be a welcomed asset to the Roaring Fork community.

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Sincerely,

Heidi McGuire & Chuck Knuth

[REDACTED]

[REDACTED]

April 28, 2013

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2300 River Frontage Road
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This agreement will benefit the entire Roaring Fork Valley by increasing public access to open space, by not impinging on wildlife breeding and migration, and by reducing potential residential density. BLM ownership of the Sutey Ranch adjoining Red Hill will expand one of the most popular trail systems in Garfield County. This will be a welcomed asset to the Roaring Fork community.

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Thank you in advance for your consideration and support.

Sincerely,

Heidi McGuire & Chuck Knuth

[REDACTED]

[REDACTED]



SI_CRVFO_Webmail_BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Land Exchange Support Comments

1/1/2013

Robert McKenzie [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Mon, May 20, 2013 at 9:48 PM

**Colorado River Valley Field Office
U.S. Bureau of Land Management
Attn: Monty Senor, Project Coordinator
2300 River Frontage Rd.
Silt, CO 81652
Subject: Sutey Ranch Land Exchange**

Dear Mr. Senor,

My name is Bob McKenzie, and I live on the Bruce Creek Road in Eagle County sharing the 990 foot western border of Federal Parcels C, D, and nearby to Parcel E that are involved in the proposed Sutey Ranch land exchange on Horse Mountain. I am a strong proponent of the exchange since its outset because I would like to see the Federal Parcels preserved in their undeveloped state in perpetuity. This is a very rural landscape, with only scattered homes, so keeping the whole of Horse Mountain in its natural state is the best thing for wildlife and scenic preservation.

As you know, there has been mineral development in this area in the past and it has resulted in private land ownership on patented mining claims that abut Parcels C & D. The private claim owners applied to BLM for a road across Federal Parcel C to access the upper portion of their claims. Such a road across federal land was unnecessary; access to upper land can be made from their lower privately held claims keeping all potential development self-contained on private lands.

Granting a BLM right-of-way would likely have made those private claims even more developable than they now are.

The upshot of all this was that I along with many others in our area, as well as all three Eagle County Commissioners, have worked with the Lady Belle Ranch and Eagle Valley Land Trust over the years to support the proposed Sutey Ranch land exchange. If the land exchange can be completed and Lady Belle acquires the land, Lady Belle has volunteered to donate a conservation easement on Parcels C, D, and E to the Eagle Valley Land Trust (as described on page 2-4 of the EA). However, to insure that the United States taxpayers will receive full market value for the 3 parcels, they are being appraised for purposes of the land exchange without considering the conservation easements (EA page 1-6). Thus, if successfully completed, the proposed land exchange will: 1) give the U.S. full fair market value for its lands unrestricted by the subsequent conservation easements; 2) preserve all three land parcels via a permanent conservation easement to be donated by Lady Belle to EVLT; and 3) prevent any possibility of future roads and other development on the Horse Mountain lands that are visible from the Eagle River and Brush Creek valleys. The latter point is especially important as the northwest face of Horse Mountain that is currently largely Federal Land is a highly visible landmark in our area.

In summary, the proposed exchange appears to be an excellent way for the BLM and U.S. taxpayers to receive full value for the three Horse Mountain parcels while still insuring that their scenic, agricultural and wildlife values are permanently preserved for future generations to enjoy. I urge you to approve the exchange as set forth in your EA.

Sincerely

Robert McKenzie, 



comments on Sutey-Two Shows exchange

Kendrick Neubecker [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Sun, May 19, 2013 at 10:26 AM

U.S. Bureau of Land Management
Colorado River Valley Field Office
Attn: Monty Senior
2300 River Frontage Road
Silt, CO 81652

Dear Mr. Senior,

I have reviewed the Environmental Assessment (EA) on the proposed Sutey Ranch Land Exchange and have the specific comments below. I wrote previously to support this exchange for the benefits it will bring to our area. I am a long time advocate for water and river conservation and currently serve as Blue Trail Coordinator for the Eagle River for American Rivers, and am also Executive Director of the Western Rivers Institute.

As a resident of Carbondale, I am very interested in seeing the Crystal River eventually added to the National Wild and Scenic Rivers System. While none of the land involved in the Sutey Ranch exchange lies directly on the Crystal River, the exchange would secure important scenic, wildlife and open space conservation benefits on lands visible from the river south of Carbondale. The conservation easements to be held by the Aspen Valley Land Trust on the Two Shoes Ranch will protect approximately 2.5 square miles of land east of the river and Highway 133 - most of which are visible from the river corridor. Implementation of a separate agreement with Pitkin County (pending approval of the exchange) will voluntarily give up 10 home sites approved several years ago. This and removal of other previously approved development sites, notably an indoor riding arena, will preserve the open nature and rural atmosphere that now exists.

The conservation easements on Federal Parcel A, and on 365 acres of existing private land at Potato Bill, coupled with a prohibition on grazing of domestic sheep without CPW consent, will protect critical Bighorn Sheep habitat.

I am also hopeful that the conveyance of the Sutey Ranch will include a senior water right transfer of 2.25 cfs to BLM, which, as indicated in the EA, could be used to augment stream flows in heavily depleted Cattle Creek. This possible source of additional in-stream flow water for Cattle Creek could be a major benefit of the exchange. I trust that if the exchange occurs that BLM will pursue this option.

I am also a former long-time resident of Eagle County, living in Eagle for many years, and am very familiar with the Horse Mountain area 6 miles southeast of Eagle. Conveying the BLM land on Horse Mountain to the Lady Belle Ranch and protecting it with a conservation easement to the Eagle Valley Land Trust is an excellent way to keep Horse Mountain protected and undeveloped.

Thank you for this opportunity to comment on the EA. I agree with your findings that the exchange is in the public

interest and I hope that you will approve the land exchange.

Sincerely,

Ken Neubecker

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

"COMMENT"

5-28-13

SUTREY LAND EXCHANGE

PAUL NIESLANIK

[REDACTED]

EXTREMELY CONCERNED HOW WILDLIFE
WILL BE AFFECTED! WANTS SPW &
BLM TO DISCUSS WILDLIFE ACTIVITY IN
THESE TRADE AREAS & IT'S IMPACT IF
LAND SWAP OCCURS!

PAUL NIESLANIK



Sutey Ranch Land Exchange

gaines

Tue, Apr 30, 2013 at 6:01 AM

To: BLM_CO_SI_CRVFO_Webmail@blm.gov

I live in Snowmass Village and I am a huge fan of doing all kinds of things in the great outdoors we have. I have been following this proposed exchange since the beginning and think it is a great exchange for all parties. I have no potential conflict and in fact have never meet the Wexner's.

Gaines Norton



Sutey Ranch Land Exchange

1 message

Bob Millette [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 3:36 PM

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senior, Realty Specialist
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Senior,

We have communicated with you in the past as Chair and Conservation Chair of Roaring Fork Sierra Club Group. Although we no longer serve in that capacity, we would nevertheless like to submit personal comments urging you to proceed with the Sutey Ranch Land exchange as outlined in your April 2013 Environmental Assessment. The Sierra Club strongly supported the exchange in the past for the many positives it would bring to the Roaring Fork valley. Foremost of those would be BLM acquisition and conservation of the Sutey Ranch, which lies directly adjacent to BLM's Red Hill Special Recreation Management Area. The EA states that there appear to be no feasible ways for the public to acquire Sutey other than via the proposed exchange, and I believe that is true. Many of us were saddened by the defeat of a proposed Garfield County open space tax last fall, but even if it had passed, it would not have generated the money necessary to purchase Sutey on any sort of timely basis. In addition, the land exchange appears to be the better way to go because all BLM being conveyed to Two Shoes will be protected in a conservation easement, and any local moneys will not have to be raised in an effort to buy Sutey. Thus, there will be no loss of open space in the exchange, and the public will gain the Sutey and West Crown lands, totaling 669 acres, by exchange.

The exchange also has many other public gains including: 1) possible use of the Sutey water rights to augment the nearby, and severely depleted Cattle Creek; 2) the elimination of 10 homesite building rights on the Two Shoes Ranch to protect the Crystal River/Highway 133 viewshed; 3) a 1.1 million donation from the Wexner

family to BLM to manage the Sutey and west Crown lands; 4) another \$700,000 donation by Wexners to help acquire and build a recreational trail sought by Pitkin County on the Tybar Ranch in lower Prince Creek; and 5) a new 365 acre conservation easement on Two Shoes private land in Potato Bill Creek.

The EA has done a great job of describing those benefits and explaining that they would not accrue if the "No Action Alternative" analyzed in the EA is adopted. In short, the exchange is simply too good a proposal for BLM to pass up and we hope it will not be subjected to further delay.

Sincerely,

Maggie Pedersen, former RFG Chair

Robert Millette, former RFG Conservation Chair





BLM_CO_SI_CRVFO_Webmail@blm.gov

Sutey Land Exchange

www.blm.gov

Maggie Pedersen [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 29, 2013 at 7:42 PM

Colorado River Valley Field Office
US Bureau of Land Management (BLM)
Attn: Monty Senior, Realty Specialist
2300 River Frontage Road
Silt, CO 81652

*

Dear Mr. Senior,

The Roaring Fork Group of the Sierra Club has spoken previously in support of the Sutey Ranch Land Exchange as outlined in your April 2013 Environmental Assessment. The Sierra Club continues its support for the exchange for the many positives it would bring to the Roaring Fork Valley. Foremost of those would be BLM acquisition and conservation of the Sutey Ranch, which lies directly adjacent to BLM's Red Hill Special Recreation Management Area. The EA states that there appear to be no feasible ways for the public to acquire Sutey other than via the proposed exchange, and we believe that is true. Many of us were saddened by the defeat of a proposed Garfield County open space tax last fall, but even if it had passed, it would not have generated the money necessary to purchase Sutey on any timely basis. In addition, the land exchange appears to be the better way to go because all BLM land being conveyed to Two Shoes will be protected in a conservation easement, and any local monies will not have to be raised in an effort to buy Sutey. Thus, there will be no loss of open space in the exchange, and the public will gain the Sutey and West Crown lands, totaling 669 acres, by exchange.

The exchange also has many other public gains including; 1) possible use of the Sutey water rights to augment the nearby, and severely depleted Cattle Creek; 2) the elimination of 10 home site building rights on the Two Shoes Ranch to protect the Crystal River (Hwy 133) viewshed; 3) a 1.1 million donation from the Wexner family to BLM to manage the Sutey and West Crown lands; 4) another \$700,000 donation by the Wexners to help acquire and build a recreational trail sought by Pitkin County on the Tybar Ranch in lower Prince Creek; and 5) a new 365 acre conservation easement on Two Shoes private land in Potato Bill Creek.

The EA has done a great job of describing those benefits and explaining that they would not accrue if the "No Action Alternative" analyzed in the EA is adopted. In short, the exchange is simply too good a proposal for BLM to pass up and we hope it will not be subjected to further delay.

Sincerely,

Maggie Pedersen, Chair

Roaring Fork Group of the Sierra Club

May 23, 2013

Mr. Steve Bennett
Field Manager, U.S. Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652



Dear Steve,

Our family owns a ranch in Coulter Creek valley about six miles from the Sutey Ranch. We are writing to support the current land exchange proposal for the Sutey Land Exchange. This is an important opportunity to conserve open space and preserve wildlife habitat on 1937 acres. It will also create open space for recreational activities on the Sutey Ranch and the West Crown parcel along Prince Creek Road.

The 557 acre Sutey Ranch with senior water rights which is located next to Carbondale's Red Hill recreational area will be kept from development and also be open to seasonal public use while protecting critical winter habitat for wildlife. The 112 acres West Crown parcel along Prince Creek Road will allow for proper management and legitimize public use of a very popular mountain bike trail onto the Crown from Carbondale.

In addition, the BLM will receive \$100,000 to develop a management plan for the Sutey Ranch and the 112 acre West Crown land. The BLM will also receive a donation of a \$1,000,000 endowment to support planning and management of the Sutey Ranch and West Crown land over the long-term.

The 1268 acres on Two Shoes, which is being put under conservation easement as part of the BLM exchange will help to protect the Crystal Valley's big horn sheep herd as well as major elk and deer herds on the slopes of Mt. Sopris. Two Shoes will extinguish development rights for 10 single-family homes on their property, move a proposed indoor riding arena from near Highway 133 to a less visible area, and Pitkin County will receive \$700,000 to acquire property and build a one-mile trail adjacent to Prince Creek outside of Carbondale.

Those supporting the Sutey Land Exchange include the Aspen Valley Land Trust, Eagle County BOCC, Garfield County BOCC, Pitkin County BOCC, the Colorado Division of Wildlife, the Carbondale Town Council, the R.F. Valley Sierra Club, R.F. Audubon, and the Crystal River Caucus, among others.

We support this land exchange because of the conservation of agricultural open space, protection of important wildlife habitat, and increased recreation opportunities for the community of the Roaring Fork Valley.

Sincerely,

James and Hensley Peterson

James and Hensley Peterson




Department of the Interior | Bureau of Land Management | 1615 North Lincoln Street, Suite 100 | Denver, CO 80202 | 303.733.3311

Atten: Sutey Ranch Land Exchange

Julie Beck Pope [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Tue, Apr 30, 2013 at 10:03 PM

Comment concerning the Sutey Ranch Land Exchange

I am in favor of the land exchange **IF** there are no fires, camping or motorized vehicles allowed in the area.
Thanks for your time and consideration.

Julie Beck Pope
[REDACTED]



SI CRVFO Webmail, BLM CO <blm_co_si_crvfo_webmail@blm.gov>

Comments on EA of Sutey Ranch Land Exchange

1 message

Mike Pritchard [REDACTED]

Thu, May 23, 2013 at 5:43 PM

To: "BLM_CO_SI_CRVFO_Webmail@blm.gov" <blm_co_si_crvfo_webmail@blm.gov>

Please see attached for comments on the Environmental Assessment of the the Sutey Ranch Land Exchange.

Many thanks for all of your work on this project,

Mike Pritchard

Roaring Fork Mountain Bike Association



RFMBA Comments on EA for Sutey Ranch Land Exchange 5-23-13.pdf

65K



rfmba
ROARING FORK
Mountain Bike Association

May 23, 2013

U.S. Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652
Via Email: BLM_CO_SI_CRVFO_Webmail@blm.gov

Attn: Sutey Ranch land exchange, Comments on Environmental Assessment

The Roaring Fork Mountain Bike Association (RFMBA) has been a supporter of the Sutey Ranch Land exchange from the outset due to the very significant benefits it will bring to our mountain biking community in the Roaring Fork Valley. We filed comments supporting the exchange during your scoping period, and thank you for the opportunity to provide additional comments on your environmental assessment (EA) of the project. As is emphasized particularly on pages 3-28-30 in your recently released EA, the BLM will give up lands that are difficult for the public to access in return for acquiring lands that already, or have the potential to, receive heavy public recreational use. We commend the BLM for undertaking and justifying in great detail the recreational benefits of the exchange, which we believe will result in thousands of more mountain bike user day opportunities than under the “no exchange” (i.e. status quo) alternative.

Nowhere is this worthy tradeoff more evident than the case of the 112 acre West Crown parcel (non-Federal parcel 2) three miles east of Carbondale. Several years ago representatives from RFMBA toured the parcel with Western Land Group, Pitkin County Open Space and nearby landowners in an effort to develop a strategy for the public to acquire the parcel. While Pitkin County made a strong effort to purchase the property, their effort was ultimately unsuccessful. In addition, it was recognized that BLM ownership of parcel 2 was probably a better long-term ownership fit for the parcel given its location immediately adjacent to your popular Crown area, and parcel 2’s extensive network of mountain bike trails which provide access to and from the Crown. We estimate that many thousands of recreationists use the trails on non-Federal parcel 2 each year, especially on weekends. Thus, we were very pleased when Two Shoes was able to acquire the land and include it in the Sutey Ranch exchange. Conveying non-Federal parcel 2 to BLM in the exchange will permanently legalize public use of the parcel and its trail network by mountain bikers and hikers. It will also provide a fallback location for parking off the Prince Creek Road in the unlikely event that efforts to establish parking lower down on the TyBar Ranch fail.

Although it is termed a “connected action” on page 2-6 of the EA, RFMBA welcomed the announcement by Two Shoes and Pitkin County last fall that Two Shoes would donate \$700,000 to Pitkin County (if the exchange happens) to assist Pitkin with the purchase of land and trail construction on the TyBar Ranch adjacent to parcel 2. We understand that the TyBar process is going well, and note that if everything works out, the combined Parcel 2 acquisition by BLM and TyBar easements will result in: 1) new public parking at the “Bull Pen” area on the lower Prince Creek Road; 2) approximately 1 mile of new trail on the TyBar Ranch that connects directly into the existing trails on non-Federal Parcel 2; and 3) permanent public ownership of the now private trail(s) on parcel 2. All told, the exchange and “connected” TyBar

action will result in more than 2 miles of trail being permanently open to the public in one of the most popular mountain biking areas near Carbondale. This will be a huge improvement over the status quo, where bikers coming up from Carbondale are forced to use the Prince Creek Road through TyBar. As the EA indicates, it will also remedy a very unsafe parking situation at the intersection of the Prince Creek and Prince Creek Subdivision roads. Your EA did an excellent job of explaining these benefits.

However, Prince Creek is not the only place where the proposed land exchange will benefit mountain bikers. Equally important is the BLM acquisition of the 557 acre Sutey Ranch adjacent to BLM's Red Hill Special Recreation Management Area (SRMA): Existing mountain bike trails in the northern portion of the SRMA come within yards of the Sutey Ranch boundary, and it would require little new trail work to link into a wildlife sensitive trail through Sutey to County Road 112. Once at CR 112, it is then less than a mile ride on CR 112 until you reach BLM's trails in the Fisher Creek area. (BLM may wish to mention the Fisher Creek connection opportunity if an amended EA is published). Accordingly, if the exchange is completed, there will be an opportunity for mountain bikers to access the Red Hill SRMA at the Carbondale stoplight on Highway 82 and continue on BLM land all the way to Fisher Creek, except for the 1 mile stretch of travel on CR 112. Once again, this will be a huge improvement over the status quo/"no action" alternative discussed in the EA...not to mention the opportunity for a loop trail on Sutey Ranch. In addition, the possibility exists to construct a small parking area along CR 112 at the Sutey Ranch entrance, and this would provide alternative parking to get into the SRMA. RFMBA wishes to emphasize that we are sensitive to the wildlife values on the Sutey Ranch, and will look forward to working with BLM, the Red Hill Council, Colorado Parks and Wildlife and others to produce a management plan for the Sutey Ranch, or a combined SRMA/Sutey plan, that will properly balance wildlife and recreational needs. We commend the Wexner family for its very generous offer to donate a total of \$1.1 million to assist BLM in planning and managing the West Crown and Sutey Ranch areas in the future. That too, is a major benefit of the exchange, which will greatly assist in long term stewardship of both areas.

RFMBA also appreciates the extensive analysis devoted in the EA to explaining how the proposed exchange will benefit recreation in many different respects. We found your analysis to be complete and compelling. In summary, therefore, we hope you will proceed to approving the exchange at your earliest opportunity. It would be a tragedy, recreation-wise, if the exchange is not approved because the public would lose the exceptional benefits the exchange affords at Sutey and Prince Creek. In addition, the public would lose the combined \$1.8 million in donations that the Wexner's will make to Pitkin County and the BLM to plan for, manage and construct trails in the two areas, as discussed above.

Sincerely,



Mike Pritchard
RFMBA, Board President



SI CRM/CO Webmail, TO: M CO <blm_co_si_crvo_webmail@blm.gov>

Sutey Comments, with additional attachment - map

1 min ago

annie rickenbaugh [REDACTED]

Wed, May 29, 2013 at 4:37 PM

Reply-To: [REDACTED]

To: "Blm_co_si_crvo_webmail@blm.gov" <Blm_co_si_crvo_webmail@blm.gov>

Please substitute this for the previously sent comments, as we forgot to attach this map.

Thank you.

Anne Rickenbaugh, Stephen Greenway, Franz Froelicher

2 attachments



Sutey EA comm -final.docx

73K



map_0001.pdf

9658K

Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652
Attn: Sutey Ranch Land Exchange.

Via e-mail: BLM_CO_SI_CRVFO_Webmail@blm.gov

May 29, 2013

Dear BLM:

The following are comments of some local and concerned citizens on the proposed Sutey Ranch Land Exchange, as described in the environmental assessment (EA) for the proposal.

As currently constituted, we do not believe the proposed land exchange is in the public interest. Overall, the exchange seems designed primarily to benefit the private proponent rather than the public interest. Despite repeated requests, the BLM has not provided data concerning the appraisals of the lands involved in the proposed exchange. Thus the public cannot determine whether the values are equal or can be made equal, as required by regulation. There would be a net loss of important wildlife habitat, wetlands, and lands with a sensitive plant. The EA's analysis is inadequate, as it fails to sufficiently address some important issues and to accurately describe values of the Federal parcels.

We detail each of these and other concerns below.

I. THE BLM HAS NOT PROVIDED CRITICALLY IMPORTANT INFORMATION ON APPRAISALS NEEDED TO DETERMINE WHETHER THE EXCHANGE IS IN THE PUBLIC INTEREST OR IS EVEN LEGAL. Since the Proponents proposed this land exchange in 2009, there have been multiple and repeated requests from Pitkin County, CVEPA and concerned citizens that the agency release the appraisals and allow opportunity for public scrutiny before any exchange is completed. Indeed, over 30 scoping comments on the proposed EA identified proper and transparent valuation as an important issue, and the agency has received FOIA requests for this information from individuals wanting to comment on the Environmental Assessment. The requests that the Agency share the results of the appraisal process, *prior to the completion of the exchange so that they may be evaluated for the public interest*, have been repeatedly ignored, thereby undermining the public's confidence that the Proposed Action is an equal value transaction, and engendering concern that the exchange is not in the public interest.

There are compelling reasons for these requests. The real estate market in Pitkin County, the home county of the largest Parcel in the exchange (Parcel A), is subject to unusual drivers, starting with extraordinary real estate values supported by a very restrictive development code, a limited amount of private land (90% of the county is public land) and a high demand from extremely affluent people for the limited supply of land and large acreages of it. The Sutey exchange proponent has been the primary purchaser in most of the real estate transactions in the neighborhood, and the prices paid are public knowledge. (This is discussed further below.) There is concern based on past agency practices that the BLM has undervalued the Federal parcels in Proposed Action.

Pitkin County's scoping comments on the EA included a 2003 article from the Appraisal Journal detailing the factors and process by which the contributing appraiser/writer arrived at a then unconventional "highest and best use" called Ranch Preservation Community (RPC).¹ An RPC is a large acreage, limited lot subdivision, in which smaller, deeded acreages are sold as homesites, but include a common interest in a much larger acreage. Typical attributes of an RPC include: privacy, exclusivity, natural beauty, recreational opportunities such as hunting, fishing, skiing and hiking, archaeological resources, biodiversity, adjacent to large blocks of public lands, and urban service proximity.²

The author described comparing sales of "local ranches and 100 acre homesites "within the same area and found a large per acre price discrepancy. The properties sold as working ranches sold for around \$400/acre vs. around \$2000/acre for the low density subdivisions, "after adjusting for time and other substantive differences, including costs associated with subdivision, marketing, etc."³ Upon further analysis of the land "sold with the intent of subdivision" he found 3 important relationships:

- 1.) Developments with fewer lots have higher selling prices;
- 2.) When comparing the number of deed acres per homestead, the higher-priced developments have two times as many deeded acres;
- 3.) The average homestead size was three times greater at the more expensive developments.

At the time of his analysis, Mr. Mundy was trying to decide which "highest and best use to apply", ranching, or second homes and ranchettes. But his discoveries in his analysis caused him to develop this third alternative of RPC.

It takes little effort to see the similarity between Mundy's RPC and the proponent's properties. The existing Two Shoes Ranch parcels each possess all of the typical attributes of the RPC,

¹ Mundy, Bill. "Trophy Property Valuation: A Ranch Case Study", Appraisal Journal, January 1, 2003, p. 2.

² Ibid.

³ Ibid.

including sufficient acreage to be each its own RPC; the same is true of Federal Parcel A. Even though there is single ownership of the properties, the potential to become an RPC is real. Moreover, the Two Shoes Ranch comes with 19 development rights vested for 20 years, excluding the 10 rights which the Agreement with Pitkin County would extinguish. By comparison, the development threat on the Sutey Ranch is currently only speculation based on current zoning scenarios, as the Parcel has undergone no land use or site planning.

Moreover, the Proposed Action would consolidate these three already substantial acreages into one property. The idea of “assemblage value” is that the whole is worth more than the sum of the parts. Mundy’s analysis supports this idea in that, if one were to apply the relationships he discovered between price and lot size, the consolidation of these three parcels (the two “shoes” with Parcel A) offers a staggering potential for financial gain. Because of the rigorous land use code in Pitkin County, these development rights are extremely valuable by themselves; however, application of Mundy’s study indicates that the increased acreage resulting from the Proposed Action would make them considerably more valuable.

The private proponent has purchased many properties near the Federal parcels since 2002. According to data from the Pitkin County Assessor’s Office, the total acreage purchased by the Wexners during this time period is 4790, at an average price of approximately \$17,635 per acre. For undeveloped land, the average per-acre price for these purchases was \$15,889.

The debate over the value of Parcel A includes much speculation over how much the lack of vehicular access should affect that value. The analysis above suggests that Parcel A should not be considered in the context of its present use as a land-locked grazing parcel. A reasonable way to discount for the 350 foot isolation from the county road is to estimate its “with-access” value by estimating the cost to condemn access across neighboring land with access to Prince Creek Road, and deduct that cost from its “with-access” value; note that the 350 foot stretch is an historic stock drive that is still used to move cattle to the trucks. It is a reasonable assumption that the cost of condemning 350 linear feet would be a minimal expenditure given the potential return on investment of consolidating Parcel A with the Two Shoes Ranch.

Federal Parcel A should be considered in the context of its potential, not its current use as grazing. Indeed, this supposition is supported by a U.S. Court of Appeals for the 9th Circuit 2009 decision in which the court found that the BLM should have used the value supported by the proposed use rather than the use that preceded the action.⁴

The Feasibility Report states that the value of the non-federal parcels is expected to exceed the value of the federal parcels, necessitating a cash equalization. *Id.* at 6. Proponents have stated

⁴ National Parks Conservation Association v. Bureau of Land Management et al, Case Nos, 05-56814, -56815, -56843, -56832, -56908, Ninth Circuit, November 10, 2009, amended November 12, 2009.

that they will waive the cash equalization. Ibid. Cash equalization is limited 15,000 or 3% of value of federal parcels, whichever is less, and cannot be used if the difference in value is greater than \$15,000. 43 CFR 2201.6(c). However, the value of exchange is expected to exceed \$500,000.⁵ Feasibility Report, *ibid.* Three percent of \$500,000 is \$15,000; thus under the regulation cited above, the proposed exchange cannot legally occur. Mysteriously, none of this is discussed, or even mentioned, in the EA.

The applicable regulation also states that that:

A cash equalization payment may be waived only after the authorized officer determines in writing how the waiver will expedite the exchange and why the public interest will be better served by the waiver.

43 CFR 2201.6(d).

The BLM needs to explain how the proposed land exchange is legal in light of the above. If it is legal, and cash equalization will be waived, the agency must show in writing how the waiver is in the public interest.

The appraisal issue is of vital importance in determining whether the proposed exchange is in the public interest. Therefore, we ask the agency allow additional public comment on the appraisal issue prior to making a decision on the land exchange. The needed additional information on the appraisal could be provided in a supplement to the EA, with a minimum 30-day comment period after publication.

II. THE PURPOSE AND NEED AND THE RANGE OF ALTERNATIVES CONSIDERED ARE TOO NARROW.

The purpose and need for the proposed land exchange is:

1. Consolidate land ownership boundaries (private and BLM) in the Red Hill (Garfield County), Crown (Pitkin County) and Horse Mountain (Eagle County) areas.
2. Improve management of, and public access to, public lands under the jurisdiction of the BLM while minimizing public trespass on adjacent private lands.

⁵ Given the recent purchase prices of land noted above, the value of the Federal parcels will greatly exceed \$500,000.

EA at 1-7.

This purpose and need is unduly narrow. By limiting the consolidation of land ownership to the Red Hill, Crown, and Horse Mountain areas, the BLM ensures that only the proposed action could possibly fulfill the stated purpose and need. The courts have frowned on purpose and need statements that were similarly too narrow:

An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative ... would accomplish the goals of the agency's action, and the EIS would be a foreordained formality.

Sierra Club v. Robertson, 845 F. Supp. 485, 500 (S.D. Ohio 1994); see also *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991), cert denied 502 US 994, 112 S. Ct. 616 (1991).

The Seventh Circuit has stated:

No decision is more important than that delimiting what these "reasonable alternatives" are ... One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence) ... If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.

Simmons v. United States Army Corps of Engineers, 120 F.3d 664, 660 (7th Cir. 1997).

The 10th Circuit ruled that: "[agencies cannot] define the project so narrowly that it foreclosed a reasonable consideration of alternatives." *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162, 1174-75 (10th Cir. 1999).

The Supreme Court ruled as follows:

The highly restricted range of alternatives evaluated and considered violates the very purpose of NEPA's alternative analysis requirement: to foster informed decision making and full public involvement. 42 USC §101; 42 USC §102(2)(E); 40 CFR §1508.9(b);

Robertson v. Methow Valley Citizen's Council, 490 US 332, 349 (1989).

The courts have held that the obligations of an EA to rigorously analyze alternatives are the same as in an EIS: "Any proposed federal action involving ... the proper use of resources triggers NEPA's consideration of alternatives requirement, whether or not an EIS is also required." *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223 (9th Cir. 1988). The procedural requirements of NEPA must be strictly interpreted "to the fullest extent possible." *California v. Block*, 609 F.2d 753, 760 (9th Cir. 1982).

Only two alternatives are examined in detail in the EA: the required no action and the proposed action. This does not comply with the Council on Environmental Quality Regulations (CEQ) implementing the National Environmental Policy Act (NEPA), which state that "agencies shall...rigorously explore and objectively evaluate all reasonable alternatives". 40 CFR 1502.14(a).

The EA states:

The issues raised during the scoping process... were utilized as the basis for determining the need for alternatives to the Proposed Action. As a result, no additional alternatives were deemed necessary . . .

Id. at 2-1.

We believe that additional alternatives need to be analyzed, as discussed below. In the EA's section on Alternatives And Concepts Considered But Eliminated From Detailed Analysis, we believe the BLM prematurely dismisses some reasonable alternatives, as discussed below.

1, Transfer BLM parcels to management by the White River National Forest.

Elimination Rationale: This alternative is beyond the scope of analysis and does not meet the Purpose and Need for Action. EA at 2-7.

This alternative should be considered, as it does meet the Purpose and Need for Action. It would remove Parcel A from the BLM's jurisdiction, thereby consolidating boundaries (there would be no more BLM boundaries) and improving management of BLM lands.

6.) "Mr. Wexner should allow a narrow public easement through the parcel so the potential of trail bisecting it in the future is preserved. Secure that access easement from Prince Creek Road."

Elimination Rationale: Numerous concepts for addressing the public's concerns and minimizing potential resource impacts were explored by the Proponent and the BLM. This concept was not acceptable to the Proponent. Furthermore, the BLM does not hold access easements on Private land that do not connect to the BLM Land. *Id.* at 2-8.

If the exchange were to proceed, the BLM would, in fact have access to the Crown from the adjacent Parcel 2.

Writing off all public concerns about losing existing rights on Parcel A cannot be excused by stating that the Proponent was unwilling. This proposal is about privatizing public lands and abdicating public rights and the BLM, as the advocate for the public, has a responsibility to protect those rights unless they can show that it is in the public interest to restrict them. The elimination rationale used here suggests the possibility that the Proponent is driving the need for the Proposed Action rather than a previously identified and legitimate public need.

13. “The BLM should fully consider the reservation of public rights in the exchange parcels . . .”. Elimination Rationale: Maintaining public recreational opportunities . . . would interfere with ranch management, is not an acceptable term . . . for the Proponents, and would not meet the Purpose and Need . . . Hence, this stipulation would cause the BLM to lose the opportunity to acquire the Non-Federal Parcels.” Id. at 2-10.

Again, the BLM’s has not demonstrated how its lack of insistence on the reservation of existing public rights is in the public interest, other than to suggest that it would jeopardize the acquisition of the non-federal parcels. The BLM clearly has the authority in land exchanges to reserve rights and restrict activities:

Reservations or restrictions in the public interest. In any exchange, the authorized officer shall reserve such rights or retain such interests as are needed to protect the public interest or shall otherwise restrict the use of Federal lands to be exchanged, as appropriate. The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies.

43 CFR 2200.0-6(i). The agency should use this authority in the proposed land exchange, or at least should not dismiss the possibility of doing so.

Again, note that the BLM had indicated no interest in the non-federal parcels until the proponents suggested the exchange. Also, the acquisition of the non-federal parcels has not been identified in the Purpose and Need for the Proposed Action.

The purpose and need statement's reference to public access and trespass issues essentially limits the BLM's evaluation to recreation opportunities (and emphasizes just one such use--mountain bicycling). This ignores many other resources, which is not appropriate in the broader context of

the BLM's obligation to manage and protect other public-land values and features, especially wildlife and plants, as is further discussed in these comments.

The CEQ Regulations also state: "Agencies shall...include reasonable alternatives not within the jurisdiction of the lead agency". 40 CFR 1502.14(c). One such alternative that should be, but has not been, considered is to partner with the Aspen Valley Land Trust and Pitkin County to purchase the Sutey Ranch.

III. THE PROPOSED ACTION WOULD NOT MEET THE PURPOSE AND NEED, NOR CONFORM WELL WITH THE RESOURCE MANAGEMENT PLAN. The reference to consolidation of land ownership boundaries in the purpose and need (EA at 1-7) may be appropriate in concept, but it ignores the likelihood that private-interest motivation initiated this proposal.

Additionally, the proposed action does not consolidate private/BLM boundaries in the Red Hill area; it expands the Red Hill island but the island is still surrounded by other lands, and the expansion does not connect it to other currently public lands in the area.⁶ The statement also ignores the fact that Federal Parcel A is currently connected to other Federal land.

The EA does not demonstrate how the management of public lands would be improved through the acquisition of the non-federal parcels. Indeed, the Proposed Action would create intensive management challenges not present on the currently Federal parcels. See section on Site-Specific Management Plan.

Moreover, the document does not clarify how the public "trespass" is actually occurring, as the proponents purchased land traversed by the public with the previous owner's permission and allowed the public use of the property to continue. If trespass is occurring, then the EA should document this through records of calls to local law enforcement or citations issued.

By consolidating land ownership boundaries . . . and improving management of public lands . . . there is potential benefit to the public in terms of increased . . . protection and enhancement of wildlife habitat.

EA at 1-7.

The potential benefit is only potential. See comments on "Application of Conservation Easements..." and "Site Specific Management Plan". Moreover, a catalogue of the potential

⁶ Page 3-20 of the EA hints that the Sutey Ranch is adjacent to BLM lands in the Fischer Creek area, but it is not.

benefits lost from the Federal Parcels shows a much more substantial loss than this document describes. See Comparison of Values Lost and Gained under the Proposed Action.

EA at 1-4 states: “When considering the public interest, the . . . BLM . . . shall give full consideration to” the following three factors:

1. The opportunity to achieve better management of federal lands.

The No Action alternative offers much simpler management than the Proposed Action. The BLM’s obligations, consisting of occasional review of grazing allotments, on the Federal parcels are substantially fewer than they would be on the non-Federal parcels. The latter obligations would entail managing up to 55,000 annual user visits and the associated needs, including trail development and maintenance, parking and traffic management, human use, wildlife and plant monitoring, sanitation facilities, pet control, irrigation (possibly), appropriate closures and the ensuing enforcement to ensure the effectiveness of all of the above.

2. The needs of the state and local residents and their economies.

The presumption in the EA is that recreation is the most important use for public lands in the Analysis Area. This presumption is flawed in that area still benefits from a large amount of agriculture. Under the proposed action, grazing opportunities would be lost. The EA also undervalues wildlife habitat: as evidence of how valuable this is to local populations, Pitkin County Open Space and Trails has invested over \$82 million since its inception in preserving wildlife habitat (concurrent with other open space values). And the current paradigm about the value of recreation is simply that, current; who knows what future needs the public lands might fulfill. Thus it seems foolish to undertake actions that result in fewer future opportunities.

3. Securing important resource management objectives including, but not limited to protection of fish and wildlife habitat, riparian habitat, river frontage, cultural resources, recreation opportunities, watersheds, open space and consolidation of lands.

The Proposed Action results in less fish and wildlife habitat through the loss of suitable bighorn and turkey habitat (not present on Sutey), stream frontage (Thomas, Potato Bill, and Bruce and Salt Creeks); lands containing populations of a sensitive plant; 13 cultural sites on Parcel A; geology with the potential for high fossil presence; and all of the recreational opportunities enumerated under 1 above. (EA, chapter 3; see also our comments’ sections on Wildlife and Plants). As for consolidation of lands, a more appropriate characterization would be expansion of public lands in a different location. The Proposed Action would expand the Red Hill SRMA; however, it does not connect it to other public lands (Fischer Creek) on that side of Highway 82. While Parcel A is not connected to other BLM lands, it is connected to USFS lands.

Conformance of the proposed land exchange with the 1988 RMP is not as good as the EA states. “The proposed exchange would accomplish one of the . . . objectives of increasing the overall

efficiency and effectiveness of public land management.” EA at 2-12. Under the no-action alternative, the BLM has only to review grazing permits every couple of years, whereas under the Proposed Action, the BLM would acquire a parcel it doesn’t currently own that would require very intensive, frequent, and on-going management efforts. (Refer to our comments on the Site Specific Management Plan). This is inconsistent with increasing the efficiency and effectiveness of land management.

”...[D]isposal of [Parcel A] is consistent with the exceptions outlined in Appendix D of the 1988 RMP that allows the disposal . . . through exchanges where the public value of the land that is acquired meets or exceeds the public value of the land that is disposed of.” Ibid. Several scoping comments noted the incomparable values between Parcel A and Parcel 1; the EA has not demonstrated that the public value of Parcel 1 is superior to that of Parcel A, only that the level of use on Parcel A is lower than would exist on Parcel 1 under the Proposed Action. (For discussion of the public values of Parcel A, see section entitled “The Values Of The Parcels In The Exchange Are Not Described Accurately”.) While Parcel A may meet the criteria in the RMP which would allow its disposal, since the parcel was not identified in that document as slated for disposal, it does not follow that the parcel should be disposed of. Moreover, it does not absolutely meet all the criteria; the BLM has asserted a value judgment as to the enhanced public benefit of the non-federal parcels. Also, parcel 2 was willingly purchased by the proponent from the previous owner who tolerated both the trail construction and trespass.

Discussion of the conformance with the Land Health Standards relies on the conservation easements. For details as to why doing so is faulty, see the Conservation Easement section of these comments. Here are some comments specific to the standards.

Standard 1: “The conservation easements and site-specific management plan . . . are expected to maintain or improve conformance with the standard. “ EA at 2-14. Absent a requirement to enforce the CEs and details of the proposed management plan, this expectation is unsupported.

Standard 2: “Through both voluntary and required actions on behalf of the BLM and grazing permittees the [Thomas] [C]reek is moving towards meeting Standard 2.” Ibid. Again, there is no legal requirements under the CE to continue to take actions that would improve the ecological health of the creek and its riparian habitat.

Standard 3: same comments as with Standard 1.

Standard 4 (id. at 2-14, 2-15): Harrington penstemon is a special status species which has been omitted completely from the conservation easements; privatization would preclude any BLM authority to manage for it.

Standard 5 (id. at 2-15): Privatization precludes any BLM authority to undertake action to meet this standard.

IV. APPLICATION OF CONSERVATION EASEMENTS WOULD NOT NECESSARILY ENSURE MITIGATION OF IMPACTS CAUSED BY TRANSFER OF FEDERAL LANDS TO PRIVATE OWNERSHIP. Since the EA relies heavily on the proposed conservation easements as mitigation for all potential environmental impacts associated with the privatization of public lands⁷, it is necessary to examine the limitations of conservation easements. The most important point about conservation easements is that their certainty exists in theory, and may not always prevail in practice.

Theoretically, conservation easements provide permanent protection from any activities specifically identified within the easements. Specific objectives and careful crafting of an easement are important, as ambiguity can lead to contention over the intent of the easement; specificity is protection. It is not uncommon for landowners and Grantees to have different interpretations of the terms of an easement. The farther removed ownership becomes from the original Grantor, the wider this interpretation gap is likely to become, especially when easements are vague or silent.

Thus, the actual level of protections depends on several unpredictable factors such as the Grantee's abilities to monitor the property and identify changing conditions thereon, both parties' willingness to pursue mitigation if required, and the Grantee's willingness and resources to undertake enforcement as necessary. Currently, a lot of conserved lands are leaving the families that conserved them. This phenomenon is generating a lot of discussion among the conservation community about what types of and levels of resources will be necessary to counter anticipated legal challenges from new owners who are not familiar with or not philosophically aligned with the conservation easements.

Moreover, despite a common presumption, the Grantee is *not required to enforce the terms of the easement*; in the AVLT easements, Section 12 – Trust's Remedies: Enforcement states "Enforcement of the terms of this Easement shall be *at the sole discretion* of the Trust." (Emphasis added.) Another common misconception about conservation easements is that they remain constant; in fact, it is possible to amend an easement, if the Grantee is amenable to doing so. Fortunately, most land trusts do maintain a list of guidelines under which they will consider such action; but again, the less specific the guidelines, the more leeway for interpretation.

⁷ For example, the BLM relies on these proposed conservation easements to eliminate or minimize impacts to: wildlife (EA at 3-96); plants (id. at 3- 125, 3-126); water quality (id. at 3-139, 3-140); wetlands and riparian areas (id. at 3-163, 3-193, 3-194); and soils (3-190, 3-191).

The discretionary aspect of amendment and enforcement leaves easements vulnerable to the human element. Unless there is clarity and awareness about, and willingness to, protect the original intent of the easement, the potential exists for permitted degradation of the resources the easement was crafted to protect. Another factor is most land trusts' dependence on private donations to sustain their mission. This dependence may put the Grantee in a position of having to choose whether to compromise on resource protection or risk foregoing a large and perhaps needed donation.

Context for the Sutey Ranch EA

The reliance on conservation easements to protect the lands that would become private under this proposal leaves the potential for environmental impacts not addressed in the EA. These potential impacts include:

- Decreased protection for the Mount Sopris bighorn herd and Harrington's penstemon as the BLM will no longer have the authority to require management to protect them. The current easement language is silent on managing to protect the penstemon.
- Decreased protection for songbirds as described in the Purposes of the Parcel A conservation easement, as the easement allows for increased foot and OHV trail construction. Increased trail construction and winter use of roads and trails could affect the big horn herd as well.
- Decreased protection for riparian and wetland habitats on and downstream from Parcel A and B, due to the retained development rights for micro hydropower, well construction, irrigation systems, pond and/or erosion control structures, and surface watering.
- No protection for any plant or animal species which might receive special legal or BLM status in the future.
- The archaeological resources identified in Chapter 3, section G of the EA as there would be no consequences for damaging or removing them.
- The potential for future development through an amended conservation easement.
- The potential for damage from recreation such as hiking, biking, horse-back riding, and OHV use.
- The loss of the ability to manage for the maintenance of Land Health Standards 1-4, as the BLM would no longer have the authority to institute appropriate management practices.

Under the no-action alternative, the BLM has the authority to ensure appropriate grazing management to protect wildlife, plant and water resources (and the ability to revoke the users' rights), restrict trail and road construction and use, impose wildlife closures, enact protections for archaeological and paleontological resources, and utilize the resources of the United States government to enforce all of the above. Implementation of the Proposed Action would revoke this authority.

As such, the Environmental Assessment should acknowledge the potential for these environmental impacts rather than rely on this simplistic assumption that a conservation easement will do everything that the United States government can do, particularly enforcement. Pursuant to 40 CFR 1502.14(c) and (f), an alternative would be for the BLM to insist on stronger, more specific language in the easements that would give the Grantee's grounds to impose specific protections for the sheep, songbirds, penstemon, and any future sensitive species. The easements should prohibit any additional road and trail construction, and be co-held with Colorado Division of Parks and Wildlife, thereby invoking the resources of the State of Colorado in enforcement. Such refinements could help to prevent some of the environmental impacts listed above.

V. MORE DETAIL IS NEEDED ON THE PROPOSED SITE SPECIFIC

MANAGEMENT PLAN. The EA describes the development of a site-specific management plan for the non-federal parcels as a "connected action" (id. at 2-5). This plan is mentioned repeatedly in describing how resources will be managed on the non-federal parcels if the exchange is implemented.⁸

One thing for certain is that under public management, the uses on Sutey will change; the EA should provide more analysis of the impacts that could occur from this change. Thus, it is important to have some level of detail about the plan in order to analyze direct, indirect and cumulative environmental impacts from the Proposed Action. One could assume that the Plan would help to manage parking, specify some trail locations, include measures to manage for some wildlife, and that it will, in some fashion address the water resources on the properties. But there is no indication of how the agency will weight these priorities. That balance will affect the environmental impacts, and absent some direction, there is no way to undertake a meaningful analysis of what those impacts will be.

Management decisions with potential for major environmental impacts include:

⁸ See, e. g., cultural resources (EA at 3-59); paleontology (id. at 3-64); wildlife (id. at 3-96); plants (id. at 3-125, 3-126); water quality (id. at 3-139, 3-140); wetlands and riparian areas (id. at 3-163, 3-193, 3-194); and soils (3-190, 3-191)

Trail planning, construction and location, and policies about new trail development. Any trail construction has impacts to songbirds and small mammal populations. The environmental impacts of trail development cannot be fully understood without a detailed and well-considered plan. Unconsidered trail alignments can affect sensitive plant and animal communities; trail width has impacts as well by altering the connectivity of habitat for small species. Trail use at particular times of day or year can have impacts on large mammal species. Unplanned and unconnected trail construction would contribute to the cumulative environmental impacts of the Proposed Action. And the BLM seldom stops or restores unauthorized (bandit) trail construction, which can render the most careful trail development useless.

Dog management. The presence of dogs on-leash can impact the distribution of some animal communities. Dogs off-leash have even more significant impacts on the movements of many species, and can render otherwise suitable habitat unsuitable for some species. Should the management plan include restrictions on dogs, the lack of education and enforcement will have negative, indirect environmental impacts.

Whether to allow hunting. Prohibition of hunting allows for the “refuge effect”, whereas allowing it can create additional management responsibilities. Also, if hunting is allowed, the selection of what species are hunted will have environmental impacts.

Vegetation Management. Because of the complex interplay of ecosystems, decisions on whether to undertake this activity and about what species to manage and how to manage them will have direct and indirect environmental impacts.

Management of human waste. With high human use, as would be expected on parcel 1, management of human waste will be necessary. Depending on the degree of management needed, it could be expensive. The presence of human waste and any management to reduce it will have environmental impacts.

To maintain or abandon agricultural uses. This decision could have the single greatest effect on the future environment of the Sutey ranch. It will affect the user experience, the currently present wildlife species, the visual resources, and the water resources. Many people expressed an emotional attachment to historic agricultural use of the property.

Management of water resources. The decision to retain the water on the property or to put it back into Cattle Creek will have significant direct and indirect environmental impacts, some positive and some negative, but it will be necessary to analyze those impacts before making a value judgment as to what action is preferable.

Whether to allow and management of grazing. Allowing grazing would have positive cultural and economic impacts by continuing an historic practice on the ranch and providing opportunities to utilize a public resource. Improperly managed, it also has the potential for negative impacts on vegetation and water quality.

The frequency and intensity of wildlife, plant and user monitoring. Monitoring is an indispensable tool for land managers, as it helps them determine who and what are using the property; how, where, and when they are using it; and whether and how management activities are affecting both human and natural resources. It is time-consuming and expensive, but is the only way to assess on-going environmental impacts. Not undertaking it would result in unintended environmental impacts.

Commitment to Public Education. Although management is a necessary tool to reduce environmental impacts, a lot of people resent it. Environmental education programs can be very effective ways to demonstrate the intents and purposes of management decisions. They also encourage an intimacy with the property that encourages local stewardship and which has positive impacts, rather than requiring reliance exclusively on enforcement. However, these efforts take financial and human resources.

Enforcement policies and resources. None of the decisions described above makes any difference if the managing agency is not prepared to enforce them. People are creatures of habit, and once they become accustomed to using a property in a certain manner, it is very difficult to change their behavior. As noted above, decisions about how to manage and direct people and dogs have major environmental impacts, and actions contrary to those decisions must be discouraged. The BLM must present a realistic analysis of the resources that they can provide to do so.

Who will be responsible for all of the above? While it is reasonable to assume that the Red Hill Management Council will co-manage the Sutey property under a similar arrangement as that for the Red Hill SRMA, the analysis should answer this question. Due to the intensive management activity that will be necessary to minimize environmental impacts, the EA should address the BLM's capability to undertake it.

While it is understandable that the BLM cannot know all the details of the management planning absent a management planning process, it is reasonable to expect that it has a general sense of how it hopes to benefit the public in acquiring the properties. Therefore it is necessary to offer some indication of what their plans for the property, its resources, and all of the appurtenant rights are so the full impacts of the proposed exchange are known to the public and the agency's decisionmaker prior to approval, as NEPA requires. See 40 CFR 1500.1(b).

VI. VISUAL RESOURCES, INEQUITY IN PROTECTION

Pending resolution of the proposed land exchange, federal parcels involved are subject to management and protection categories and prescriptions under the applicable BLM resource management plan (RMP). Coincidentally, the applicable RMP will soon be replaced with an updated plan (draft RMP published and comment period closed; final RMP expected in fall 2013).

The preferred alternative in the draft RMP addresses, among other details, the visual resources of the parcels included in the proposed exchange, as well as management of those resources under the BLM's Visual Resource Management categories and system (VRM).

Under both the current RMP and under the pending RMP's preferred alternative, federal parcel A, on the highly and widely visible flanks of Mount Sopris would be afforded status and management under the protective VRM Class II. As noted in the EA, this classification would *"...retain the existing character of the landscape..."* and *"...Management activities may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant features of the landscape..."*

According to the EA private parcel 1 would be afforded categorization and management under VRM Class IV, significantly lower visual quality and lower protection than under Class II. As noted in the EA, Class IV would allow for *"...management activities which require major modifications of the existing character of the landscape..."* and *"...management activities may dominate the view and be the major focus of viewer attention..."*

Meanwhile, the proposed conservation easement for parcel A, accompanying the EA, inadequately addresses protection of visual resources of the parcel.

While the proposed conservation easement recognizes and briefly enumerates the visual and visible features of the parcel, the easement's protective measures are limited to, vaguely, not permitting *"...a degree of intrusion or future development that would interfere with the essential scenic quality of the land."*

The proposed conservation easement does include more detailed requirements affecting future uses and alterations relative to fencing, surface alteration, placement of materials, grazing, off-road vehicles, habitat and vegetation management, and water facilities among others. Each of those requirements, however, is stated either in a generalized manner or relative to protection of natural values other than visual resources.

The generalized protections under the proposed conservation easement are based in the intention to *"...preserve and protect the Conservation Values in perpetuity..."* The definition of that term "Conservation Values" is contained in a separate *Baseline Documentation of Conservation Values* (prepared by Colorado Wildlife Services). That document, in turn, does not specifically identify or adequately define the visual or scenic values involved.

These disparities in visual quality between the primary federal parcel (A) and the primary private parcel (1) and the differences in resulting visual resources management for the two primary exchange parcels raises serious questions about the qualitative equity of the proposed exchange. Neither these disparities nor their resolution are adequately addressed in the EA.

VII. IMPORTANT WILDLIFE VALUES WOULD BE LOST WITH THE EXCHANGE.

AFFECTED ENVIRONMENT

Terrestrial Wildlife

Parcel 'A'

The EA should acknowledge that the proposed action would result in a net loss of 2 square miles of public hunting opportunity for six species of high economic value: Elk, deer, grouse, turkey, bear and mountain lion. The document should also mention the habitat loss of bears and lions, as they are the most important predator species. Additionally, the Proposed Action could eliminate future investment (public or private) in habitat management for these species. *See Section IV. Conservation Easements.*

Elk Production areas on the Sutey Ranch may be impacted by Recreation

The EA does not adequately address conflicts and management priorities between wild species - domestic and wild species- and human user groups on all parcels to allow critical evaluation to the action and no action alternatives;

The EA's failure to address the ways in which cattle can impact the health of the Sopris Bighorn herd is a serious issue. Volumes of research, both historic and recent suggest that bighorn contact with cattle can transfer an extremely fatal disease (*hemolytic Manneimia haemolytica, bio group 1*) to the bighorn⁹.

So this is clearly an issue and is not addressed in the EA or the CE. Without public management authority from CPW and BLM this herd remains fully vulnerable to any contact from Cattle.

Furthermore, the CE does not address existing stressors from ranch and cattle ranching activity that may be affecting the health and decline of this particular BHS herd. Where cattle were introduced to a Bighorn range, Bighorns immediately vacated a 5 year established grazing area and relocated without a return inspection for 8 months. Steinkamp, 1990, found that introduced cattle in a bighorn area resulted in complete relocation of the Bighorn sheep with no return.

⁹ *L. Wolfe et all Fossil Ridge Bighorn sheep die-off southern Colorado--21 bighorn sheep found dead. And Journal of Wildlife diseases vol.15 April 1979. and J Wildl Dis.* 2010 Oct;46(4):1262-8.

Finally, the presence of cattle significantly affects the BHS movements and foraging patterns, so much as to repel the BHS from preferred foraging areas.¹⁰; foraging efficiency is also affected¹¹

The big horn mapping shows winter & severe wintering area for BHS in the Lion's Mane area only. It does not show the extent of cattle use that would effect forage condition. It would be important to expand the information portrayed in Figure 7 to include watering, foraging, production, and migration areas in and out of Parcel A for deer, cattle, and bighorn. In the CE there are no management plans to protect these conservation values especially for Bighorn sheep and deer when combined with cattle use.

Under the proposed action, there would be major losses of important wildlife habitat. For mule deer, there would be a loss of 645 acres of winter range and all 32.1 acres of severe winter range. EA at 3-94. For elk, though there would be a gain of severe winter range and production area, there would be a 772.1 acre loss in overall winter range. Ibid. All of the bighorn sheep winter range, including severe winter range, on the federal parcels would be lost with the exchange. Ibid. With private lands facing pressure for residential and other development in the area, winter range on public lands is extremely valuable and necessary for the health of big game herds. It must be conserved.

There would also be a loss of habitat for several sensitive species, including: Townsend's big-eared bat (801.6 acres); goshawk (801.6 acres of foraging habitat and all 87.3 acres of nesting habitat); bald eagle (801.6 acres, including winter foraging areas); Brewer's sparrow (33.5 acres); and milk snake (677 acres). Id. at 3-95. Sensitive species are ones that may need special attention to avoid listing under the Endangered Species Act. Trading away public oversight and management of habitat for these species will not help avoid such listing, and is clearly not in the public interest.

There is a net loss of 199 acres of publicly managed critical severe winter and winter habitat from parcels C, D and E. EA, Tables 3L-2-5:

There needs to be field verification for all birds, amphibian and terrestrial and threatened and endangered species.

Aquatic Wildlife

Parcel A

¹⁰ M. Steinkamp and J.A. Bissonett. "For Bighorn Response to Ephemeral Habitat Fragmentation" 1996, vol. 56 #4, pp. 319-325 .

¹¹ Changes in Vigilance / Foraging Behavior when Cattle are Present see Brown, Ruckstull e.t al, 2009

“The report identified Thomas Creek as containing rainbow trout...” EA. 3-79, and stated that “rainbow trout... exist in “multiple age classes.” This is indicative of a self-sustaining population, which is not mentioned in the EA.

“The habitat within Thomas Creek was generally good. There is a net loss of 6,694 ‘of perennial streams and a public fishery not replaced on the Sutey or other exchange parcels; reported as good,”

There is no mention in the aquatic section that improved riparian habitat via riparian management on parcel ‘A’ could improve the already existing fishery as a public benefit described above in the EA. 3-79., This comment should be added.

USDOI BLM, 2010

108

Wetlands and Riparian Habitats protection

On parcel A, “Potato Bill Creek is 2,817 linear feet. Off parcel a it is another 2/3 mile which is vulnerable to water uses exempted see section IV – conservation easement IV

Amphibians reptiles and aquatic organisms; On site analysis is absent & inferred from habitat types vs. on ground analysis and therefore omitted from site specific management for TES Species it’d, .

Sutey Ranch

“By releasing water into the unnamed tributary to Cattle Creek, which crosses Parcel 1, the effects of low seasonal flows on fish productivity could potentially be reduced,” EA, p-95. However there is no discussion of the existing fishery on parcel A. This appears to be a bias on part of the BLM to dismiss an existing fishery on Parcel ‘A, for possibly helping a remote off site fishery not involved in the exchange with little evidence. Cattle creek is also mostly private and public access on these lands should not be considered a public benefit.

EA does not appear to have field verified many species on the TES list. If not, it needs to be verified, if so it needs to be mentioned which species were actually verified in the field

Raptors and other Birds

The EA includes no mention of the economically important game species Meleagris gallopavo, Wild Turkeys frequent many parts of parcel A during spring and fall hunting seasons and are economically important. The loss of this area will diminish the overall Turkey hunting experience significantly in the Crystal Valley which is substantially private in the areas where turkeys frequent. Wild turkeys are also present on Sutey ranch parcel; this is also missing in the EA. Currently there is no plan to allow turkey hunting there, so there are no trade –offs in value. Additionally, the EA should include some analysis of Grouse as it too, is an economic species.

Bald Eagle, Golden Eagle, Peregrine Falcon, Flammulated owl and Northern Goshawk are implied by habitat type. Again on site analysis is absent & implied from habitat type Densities of prey species are not identified or quantified by habitat type or in ground sampling for important raptors such as those listed above; these species would be affected by grazing practices. Other species of concern in the same category of inference by habitat without ground proofing are;

Juniper Titmouse
Gray Vireo Oak
Pinion Jay.

There needs to be on site analysis to verify Brewers Sparrow rather than allowing that it **could** occur by habitat type. Grazing could significantly reduce & alter both quality and quantity of this habitat.

VIII. PROTECTIONS FOR A SENSITIVE PLANT WOULD BE LOST WITH THE EXCHANGE. See Section IV – CONSERVATION EASEMENTS

IX. BLM MUST MITIGATE THE LOSS OF WETLANDS BY REQUIRING PROTECTION OF WETLANDS TRANSFERRED TO PRIVATE OWNERSHIP.

Under Executive Order (E. O.) 11990,

Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities;...

E. O. 11990, May 24, 1977, Section 1, 42 Fed Reg 26961.

If the proposed exchange is approved and implemented, there would be a considerable loss of wetland acreage. In other words, much more wetland acreage (16.6 acres) would be transferred to private land than the United States would acquire (0.8 acres). See EA at 3-163.

The BLM dismisses this loss by stating that the proposed conservation easements for the parcels that the proponent would acquire would prevent or minimize the loss of wetlands. EA at 3-163, 3-164, 3-193, and 3-194. If so, the agency must require that the wetlands to be transferred out of public ownership be protected. Note the following from E. O. 11990:

When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall...(b) attach other appropriate restrictions to the uses of

properties by the grantee or purchaser and any successor, except where prohibited by law...

Id. at section 4. Note further that placing conditions on exchanges is specifically encouraged, if not required, where needed to protect the public interest:

Reservations or restrictions in the public interest. In any exchange, the authorized officer shall reserve such rights or retain such interests as are needed to protect the public interest or shall otherwise restrict the use of Federal lands to be exchanged, as appropriate. The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies.

43 CFR 2200.0-6(i).

We believe there is a strong public interest in conserving wetlands, and that E. O. 11990 requires such action by federal agencies. Therefore, if the BLM approves the proposed land exchange, it must attach conditions that will result in the wetlands acquired by private interests being protected. This could include requiring that the conservation easements be finalized prior to the exchange being completed and/or other measures to assure that the wetlands transferred to private ownership will not be degraded.

X. THE VALUES OF THE PARCELS IN THE EXCHANGE ARE NOT DESCRIBED FULLY AND ACCURATELY.

Biological Resources Summary Report

(The biological resources report, prepared for the BLM by Western Ecological Resource and by Wildlife Specialties, appears to be very thorough, accurate, and objectively presented, thus providing a useful base for evaluating potential impacts of the proposed exchange and for critiquing the adequacy of the EA. Some generalized observations (draft comments) follow; these would be supplemented by the more detailed evaluation and comments on vegetation, wildlife, and habitat, being prepared by others.)

The *Biological Resources Summary Report* (Western Ecological et al, May 2012) accompanying the EA highlights at least two potential inequities in the proposed exchange.

According to the report, primary federal parcel A, which would be traded into private ownership, boasts a diverse, extensive, and healthy array of native vegetation, wildlife populations, and wildlife habitat. These features include several perennial streams, enhanced wildlife habitat, and

diverse native species of vegetation ranging from mountain shrubland and sagebrush shrubland to Douglas fir and aspen. The parcel also includes rare Harrington penstemon. It also includes extensive healthy expanses of riparian habitat (while some portions have been impacted by livestock grazing, the majority are protected from those impacts and boast extensive native species of vegetation.

Meanwhile primary private parcel 1 (Sutey Ranch) is characterized in the report as generally agricultural and subjected to extensive human alteration, with native understory of vegetation eliminated. The parcel includes some riparian habitat and wetlands, the report indicates that "...Heavy grazing...has eliminated the wetland vegetation from the groundwater discharge area...The ground has been trampled, making it difficult to determine if the discharge would have a defined channel...There is no water in the stream channel upstream of the spring/seep discharge..."

Federal parcels A, B and B-1, p. 1-1

The document states: "Public use of Parcel A is relatively low given the difficult access and lack of trails and established recreation activities". EA at 3-9. However, by local standards, the 1,000 foot vertical gain (EA at 3-20) is an easy walk from the Nettle Creek/ Crystal portal, on a well-established and well maintained trail system.

When the Proposed Action was being considered as a legislative exchange by Pitkin County, the Board of County Commissioners received several letters from people who use Parcel A. The scoping comments on the Proposed Action included numerous comments on the high values of the more remote aspects of the Parcel when compared to the reciprocal Parcel 1; these commenters cherish the quiet experience, the wildlife and the flowers they have enjoyed while hiking and hunting on the property. The Lion's Mane is a spectacular sight, and the views of Mount Sopris are incomparable. Access from Dinkle Lake occurs but is not mentioned.

The Potato Bill drainage is unique. There were several comments that reminded us all of one of the reasons we live here: we enjoy the mere existence of these places that take a little more work to reach and the possibilities of exploration that they provide.

Finally, the EA contains a lengthy discussion of the growing population in the area (EA at 3-33); if one considers public lands as a valuable asset to the future population of the valley, then more public land will be necessary, not less, as would result with the Proposed Action. These are the values that will be traded away with Parcel A.

Non federal parcel 1. Throughout the document, discussion of this parcel states its high habitat and recreation values, but it does not mention its high agricultural values, only its agricultural

history. The Soils section of the EA refers to the high quality of the soil (EA at 3-180), and the parcel does come with water rights and over 100 acres of irrigation. Currently, there is a growing local food movement in the Roaring Fork Valley which acknowledges high real estate values and competing interests for the existing agricultural lands, as those lands could be necessary in the future to help feed valley residents. Thus, agricultural values should be analyzed more in the EA.

Non federal parcel 2

The EA is remiss for not discussing the history of Parcel 2. Somewhere around 2006 or '07, some local people cut "bandit" mountain bike trails on this private parcel, thereby creating an additional access point to the crown; this access is not an historic one.

During 2009 and 2010, the Pitkin County Open Space Program engaged in negotiations to purchase this parcel from the previous owner, in order to institutionalize these trails. However, their efforts were curtailed when the Proponents stepped in and offered a higher price for the parcel, trespass and all, with the intent of offering it in the exchange to make the deal more palatable to some of its detractors. Not only does this element of the Proposed Action bring in additional support from the one user group that would benefit the most from the proposal, mountain bikers, but it also increases the monetary value of the private land to be exchanged.

The exchange's opponents have repeatedly questioned whether the public is receiving fair value. The BLM had no part in these negotiations and the assertion that it would like to acquire the parcel should acknowledge that this acquisition was never considered under any agency planning processes, and that their desire to acquire it stems simply from the fact that the proponents have offered it.

The benefits of acquiring parcel 2, to ensure public access to the Crown and eliminate trespass (EA at 3-28, 3-29), are overstated. There is already plenty of access to the Crown, from Prince Creek Road and from the east. Id. at 3-27. Acquiring this parcel would also legitimize the illegal trail building that has occurred, primarily by mountain bikers.

XI. CORRECTIONS ARE NEEDED FOR THE DESCRIPTIONS OF ACCESS AND TRANSPORTATION. The EA states:

The private Thomas Road/Lewis Lake Road leads to approximately 18 miles of motorized routes on Parcel A, including ATV trails, two-tracks and unimproved dirt ranch roads.

Id. at 3-9.

The road and trail system referred to here should also be enumerated in other descriptions of Parcel A, including its description in 1.B – Project Location and Description and 3.C. – Recreation.

The EA states that “Public use of Parcel A is relatively low given the difficult access and lack of trails and established recreation activities.” Ibid. The previously-quoted sentence describes an 18 mile network of roads and trails, and there is a well-established trail connection to the USFS lands. Also, there is an unmentioned access to Parcel A through the Prince Creek subdivision. Currently, as adjacent landowners, the residents of the Prince Creek subdivision are free to recreate on Parcel A *and to invite the public to do so*.

Parking: two paragraphs describe the management problems the BLM is already experiencing with parking. EA at 3-10. It is unclear how the Proposed Action will alleviate the existing parking issues for the Red Hill SRMA; this issue again highlights the need for the EA to offer some details about what the future management plan might include.

The EA states that “Parking conditions at the Red Hill SRMA and the Crown . . . would remain unchanged.” Id. at 3-14. This statement reiterates the presumption present throughout this document that there is absolutely no other way to address any of the issues. In this instance, the BLM could work with the County governments to provide and/or improve pull outs for parking along the county roads. Additionally, the agency could partner with the county governments to construct bicycle routes along the affected roads to get from Carbondale to the trail system. There is already a bicycle trail from Carbondale to Prince Creek road, and Pitkin County has begun efforts to create a grade separated route along its section of Prince Creek Road; this effort is the genesis of the Prince Creek portion of the Agreement between Pitkin County and the proponents. Whether the exchange proceeds or not, the County will continue to work toward this goal.

The current access from Parcel 2 exists through recent illegal bandit trail building. It is not historic.

Despite the thorough description below of the Non-Federal Parcels, the last paragraph o. p. 3-14 says nothing about Parcel A, which according to the Affected Environment section of the EA, is home to an 18 mile trail system (p. 3-9) as well as trail connections to the White River National Forest.

Concerning the indirect effects of conservation easements on the federal parcels, the terms of the conservation easements would restrict the neighbors’ rights to recreate on Parcel A to foot-travel only, allow travel only within a specified area, limit use to daytime, and restrict the residents’

current rights to invite the public to cross their property to access Parcel A (“Agreement between Two Shoes Ranch and Prince Creek Subdivision Landowners”, p. 3. Moreover, the EA should include this agreement as an attachment.)

Absent any details about what the site-specific management plan might entail, it is impossible to analyze the effects, direct or indirect of the Plan itself or the Proposed Action. See section on Site-Specific Management Plan.

Finally, since there is such a heavy emphasis on access and the recreational values the Proposed Action would provide, the document should contain a map of all the existing trails and trail connections in the analysis area, including the miles of roads and trails on Parcel A that is referenced on p. 3-9. This map would help to illustrate some of the recreational values being traded and offer valuable insight into how the Non Federal parcels could help to enhance those opportunities.

XII. SOME ISSUES WERE NOT PROPERLY ADDRESSED, IF AT ALL.

Cultural Resources: preserving the historical aspect of agriculture, either irrigated private or public access to grazing was mentioned in several comments, yet this section of the EA does not address either aspect of this issue.

Water rights: attention to the scoping comments shows that this issue is mis-characterized; none of the scoping comments identified the transfer of ownership as an issue, but several comments did express concern about the future management of the water rights and the potential change in use.

Farmlands: the EA says this is a non-issue because the Feds would acquire the agricultural lands instead of conveying them. However, there were several scoping comments about the preservation and/or loss of agriculture, ranching and public grazing opportunities. The issue is not who owns the land where these activities would occur; rather, it is whether the lands are managed to permit the activities. Rather than not addressing these comments at all, the document should treat farm/ag lands as an issue and use it as a basis to address these concerns.

Over 30 comments were submitted on the valuation/appraisal issue, yet the BLM has not provided data for the public to use in determining if the proposed exchange is in the public interest. See discussion of appraisals in section I above.

Several comments about the loss of public hunting were submitted, but this issue is not addressed in the EA.

The BLM would cancel in whole the grazing lease and preferences provided under the Thomas and Potato Bill Allotments and part of the Horse Mountain Allotments..." EA at 3-53. "Parcel 1 would no longer serve as the base property for the Sutey Allotment" Id. at 3-54.

This action is a substantial change. It is detrimental to the continued local cultural traditions of well managed public land grazing and thus contradicts the BLM's own "desired social outcome" in the 2007 BLM Community Assessment Report. The livestock grazing as currently managed is strictly limited, and the habitat assessments on the federal parcels reflect the overall health of the resource. The cancellation of all the federal grazing allotments, the loss of the private base property (and presumably the grazing on the Sutey Allotment, although the planning for that has not been completed) would indeed be a substantial impact on the land management and the grazing rights. Changing the land ownership eliminates the role the oversight role BLM has in limiting negative developments on the parcels in question.

The Proposed action is expected to resolve the incidental grazing currently occurring on Parcel B because the parcel would be incorporated into the adjacent Two shoes ranchland, where such grazing would be allowed.

EA at 3-53. However, it would be simpler to add parcel B to the Thomas allotment and allow grazing under existing federal permit, than to transfer the parcel to private ownership.

XIII. A MORE COMPLETE CUMULATIVE EFFECTS ANALYSIS IS NEEDED. The United States has a unique tradition of setting lands aside for public needs; those needs include both active uses (recreation, resource extraction) and passive uses (open space, habitat). This is the only country in the developed world where one can hunt without the consent of a private landowner. To its opponents, the Proposed Action is contrary to this unique and democratic tradition.

One of the problems with land exchanges is that they typically do not occur in any sort of predictable or planned fashion, thus the result is a piecemeal rather than a cumulative analysis. The public has a right to know if higher value resources and habitat are being traded to the private sector and if the public is benefitting overall from these exchanges.

The practice of land exchanges could threaten the public estate, as there has been no thorough cumulative effects of all the exchanges that have occurred over the years. We suggest needed additions to the existing analysis below. Moreover, as no one has ever undertaken analysis of what types of lands have been traded, and therefore, what types of public values are changing hands, it is easy to assume that the affluent private proponents of many of these exchanges increase their estates at the cost of reducing the public estate.

Affected environment – p. 3-185 et seq.

The information provided is strictly limited to the analysis area. The discussion would offer a more comprehensive picture of the cumulative effects if the Scope of Analysis were broadened in two ways:

Discussion of the Bear Ranch land exchange in Gunnison County should be included. Culturally, the town of Carbondale and Pitkin County residents are more connected to the Bear Ranch neighborhood than to the Eagle County Parcels. Public lands and the trail system within them connect Parcel A to Bear Ranch Local residents enjoy this plethora of back country recreation which includes the Maroon Bells/Snowmass Wilderness Area and its connection to the Raggeds Wilderness Area bordering Bear Ranch.

Because the Federal Government evaluates exchanges based on the benefits to the nation as a whole Table 3T-1 “Land Exchanges in the Project Area” should be expanded to include all acreage in the listed exchanges, regardless of location, in order to provide a complete picture of the exchanges’ overall effects on the nation’s public estate. It should also include a complete listing of the types of public values traded in the exchanges, i.e. access, wildlife habitat, minerals, agricultural resources ,water resources, level of development encouraged or prevented by the exchange, how many utilized conservation easements, and so forth.

Access and Transportation

The improved public access referred to (EA at 3-190) is a matter of opinion. While mountain bikers will gain access to more terrain, those who prefer solitude, hunting, and spectacular views of Mount Sopris and the Lion’s Mane would have lower-quality experiences as a result of the Proposed Action. Moreover, as the population increases, the loss of solitude and low-key dispersed recreation opportunities and the increased traffic at the more limited quantity of trailheads will have a negative effect on local access and transportation.

Recreation

Again, recreational opportunities for some will be enhanced by the proposed action, but they will be diminished for others. A discussion of the recreation opportunities gained or lost through the other exchanges would elucidate the cumulative effects of the Proposed Action.

Livestock Grazing Management

The effect of the Proposed Action would be a loss of livestock grazing opportunities. It would be useful to have more information on the increase or decrease of livestock grazing opportunities in the other land exchanges identified in this section.

Wildlife and Plants

The EA's conclusion that habitat will be enhanced by the Proposed Action is theoretical and based on a best case scenario for maintenance and enforcement of the terms of the conservation easements. It also assumes there is no possibility of additional special status wildlife or plant species in the future being found on the properties involved in proposed the exchange. If the CE's are not appropriately monitored, adapted, and enforced, there is potential for real habitat degradation on the Federal Parcels. See "Application of Conservation Easements..." section above.

Again, absent a detailed analysis of the land exchanges affecting the analysis area, there is no way of knowing if the actions affecting the size of the public estate, and habitat therein, has been affected over the long term.

Wetlands, Floodplains and Riparian Zones

The EA states that:

Quantification of the extent (i.e. acreage) of wetlands and riparian areas that were transferred between private landowners and the United States Government over the past three decades is beyond the scope of this analysis."

Id. at 3-193.

This information should be available through NEPA documents for the past exchanges and maybe other sources. Such analysis would help to describe the cumulative environmental effects of land exchanges. Also, the net loss of wetlands under the Proposed Action is an environmental impact, if the conservation easements are not maintained or enforced as necessary.

Short of a more thorough effects analysis, it is premature to state that the cumulative effects of the proposed Sutey Land Exchange would be negligible, as the EA at 3-189 does.

XIV. A MORE DETAILED STUDY OF CULTURAL RESOURCES IS NEEDED TO ENSURE THEIR PROTECTION.

Twelve cultural resources were previously recorded within 1 mile of the Federal Parcels in Pitkin County (A, B, and B-1), but only nine are within the APE. The most recent survey located four new cultural resources, Three were isolated finds and one stone pile and alignment (likely modern).

EA at 3-57.

The term “likely” leaves open the possibility that this is a significant archeological find, it is impossible to tell from the EA document (no photo was published). The EA should include a more detailed discussion of the findings of any studies. Recently, Pitkin County assisted a nearby landowner with protecting an 11,000 year old significant site in similar terrain. This stone pile and alignment could be a dwelling, a “henge”, or a similar 11,000 year old hunting campsite site. Without further study and reporting we will not know.

Under the Proposed Action, the land exchange would not have any direct, indirect, or cumulative effects on identified cultural resources in the APE.

EA at 3-58. The lack of information published in the EA does not support this assertion. Federal law provides legal protections to the cited cultural resources, but these protections would be lost if the lands are exchanged.

XV. ENSURE THE BEST PUBLIC INTEREST USE OF ANY WATER RIGHTS.

With the exchange, the BLM would lose any currently held ability to defend the quality of wetlands habitat, riparian habitat, and water quality on the federal parcels. Because the conservation easements envisioned for the federal parcels do not address water rights, any changes in diversion points or changes in use of proponent-owned water rights downstream (hydropower rights are retained in the conservation easements) could impact the habitat on the federal parcels, without any recourse allowed under the CEs. See section IV of these comments – Conservation Easements.

“It is reasonable to assume that the acquired water rights would be used for fish and or wildlife habitat improvements” on the non-federal parcels. EA at 3-135. The BLM would be required to manage both irrigated lands and storage water rights, or undertake the expensive and lengthy process of transferring the water rights to Colorado Water Conservation Board for instream flow/ fish and wildlife habitat improvements. If this is done (under the as yet unwritten site-specific management plan), the BLM would lose the value of the “112.6 acres of prime farmland if irrigated soils” cited in the EA at p. 3-180.

The elimination of the irrigation from the Sutey Ranch greatly diminishes its value for wildlife, and is against the spirit of the BLM’s own 2007 BLM Community Assessment Report, protecting agricultural productivity and public open space.

XVI. CONSULTATION AND COORDINATION

This section should contain information about each firm consulting on the Project and a description of the work they did. The BLM should acknowledge that the role the agency played in preparation of this EA was restricted to reviewing the document and that the entire document

was prepared by a 3rd party contractor (SE Group) and supported by 4th party sub-contractors. This document designed to facilitate public scrutiny was prepared by private contractors and paid for by the Proponent of the Proposed Action. The public agency charged with advocating for public resources did not participate in the preparation of this document and the public has a right to know more about the organizations that did.

From a public management perspective, the fact that the EA was prepared by outside contractors is important in that it underscores the lack of Agency commitment that encourages exchanges initiated by outside parties. The BLM is able to process these exchanges because so much of the work necessary to do so is performed by outside contractors and paid for by the proponents. One cannot help but wonder whether this and other exchanges would be pursued in the public interest if the responsible agency had to process them internally. Such a requirement would likely ensure that land exchanges occurred under the auspices of a larger, prioritized planning effort with ample opportunity for the public to participate in formulating the objectives and priorities of that larger effort.

CONCLUSION. The proposed land exchange is not in the public interest. It appears to be designed to benefit a private proponent at the expense of public values. There would be a loss of wetlands, important wildlife habitat, and land with populations of a sensitive plant. There is no assurance that the values of the lands involved are equal or can be made equal, and a strong indication that the exchange would not comply with applicable regulation.

Therefore, the BLM must not approve the exchange as currently proposed. If it proceeds with a proposed exchange in the project area, the agency must first:

- release the appraisal data for the lands involved, show how the appraisals were conducted, and allow public comment;

- formulate a broader purpose and need and additional alternatives that consider all values of land, especially wildlife and plants, not just recreation;

- in a new or revised EA or EIS, provide a complete analysis of all issues relevant to any proposed exchange, including cumulative impacts.

The undersigned are happy to work with BLM, the proponent, the land trusts, and local government to design an exchange that would truly be in the public interest. Please feel free to contact us for further discussion.

Sincerely,

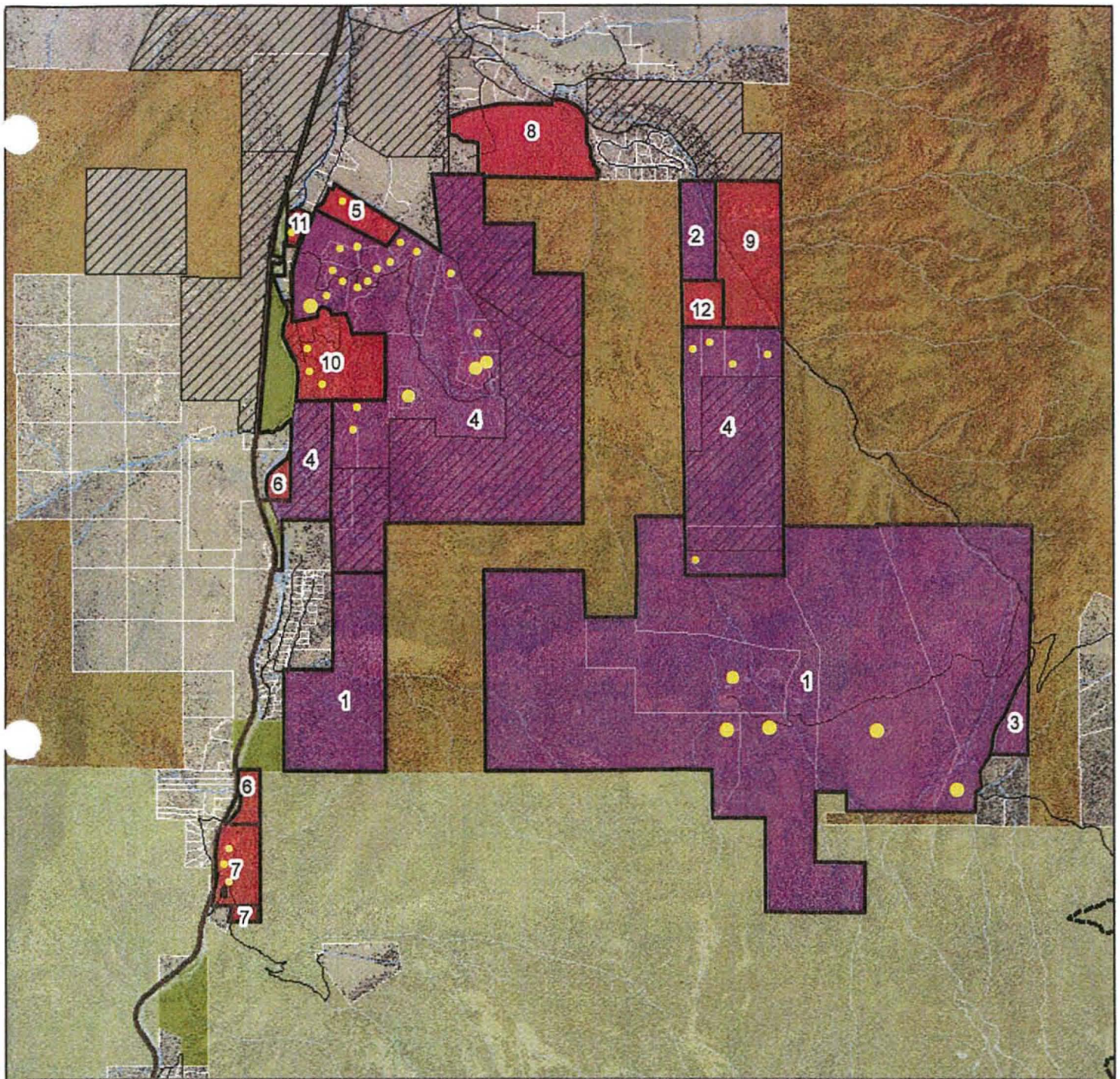
Anne Rickenbaugh

[REDACTED]
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Stephen Greenway

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- Wexner Lands - Pre Swap Proposal
- Wexner Lands - New Acquisitions
- Conservation Easement
- Open Space
- Bureau of Land Management
- United States Forest Service
- Development or Dev. Approval

	Date	Price	Acreage	Grantor
1	10/11/2002	\$18,000,000	2,491	Turnbull
2	6/11/2003	\$ 550,000	40	Michael Huck
3	1/14/2005	\$ 435,000	31	Resnick
4	July-Dec 2006	\$47,000,000	1,636	Crystal Island Ranch
5	10/4/2010	\$ 2,800,000	37	Myers Residence Trust
6	10/14/2010	\$ 775,000	36	RPS and SBS Family LLC
7	10/19/2010	\$ 5,500,000	64	Carlyn Kruger Dodds
8	11/13/2010	?????	146	Marguerite M VillaSanta
9	11/22/2010	\$ 1,950,000	140	Mark Haynes
10	12/21/2010	\$ 5,500,000	120	Hawkins Ranch Co. LLC
11	12/31/2010	\$ 1,110,000	9	Michael C Jones
12	11/17/2011	\$ 850,000	40	David Samuelson

TOTAL INVESTMENT > **\$84,470,000** TOTAL ACREAGE = 4,790

0 0.5 1 Miles





SI-CRVFO-Webmail, Blm_co_si_crvo_webmail@blm.gov

Sutey Comments, p. 19

<BISONCONNECT>

annie rickenbaugh [REDACTED]

Wed, May 29, 2013 at 5:13 PM


Reply-To: annie rickenbaugh [REDACTED]

To: "Blm_co_si_crvo_webmail@blm.gov" <Blm_co_si_crvo_webmail@blm.gov>

Please accept our apologies for our bad form, but we are re-submitting p. 19 of our comments; you should find them much easier to read.

Thank you for your considerations.

Anne Rickenbaugh, Stephen Greenway and Franz Froelicher

 **p. 19.docx**
16K

“The report identified Thomas Creek as containing rainbow trout...” EA. 3-79., and stated that “rainbow trout... exist in “multiple age classes.” This is indicative of a self-sustaining population, which is not mentioned in the EA.

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USDOI BLM, 2010

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EA does not appear to have field verified many species on the TES list. If not, it needs to be verified, if so it needs to be mentioned which species were actually verified in the field

Raptors and other Birds

The EA includes no mention of the economically important game species Meleagris gallopavo, Wild Turkeys frequent many parts of parcel A during spring and fall hunting seasons and are economically important. The loss of this area will diminish the overall Turkey hunting experience significantly in the Crystal Valley which is substantially private in the areas where turkeys frequent. Wild turkeys are also present on Sutey ranch parcel; this is also missing in the EA. Currently there is no plan to allow turkey hunting there, so there are no trade –offs in value. Additionally, the EA should include some analysis of Grouse as it too, is an economic species.



Blm_co_si_crvo_webmail@blm.gov

Sutey Ranch EA Comments

1 message

annie rickenbaugh

Wed, May 29, 2013 at 4:10 PM

Reply-To:

To: "Blm_co_si_crvo_webmail@blm.gov" <Blm_co_si_crvo_webmail@blm.gov>

Please find attached our comments on the Sutey Land Exchange. We will also send a hard copy via certified mail.

Thank you,
Anne Rickenbaugh, Stephen Greenway, Franz Froelicher

 **Sutey EA comm -final.docx**
73K

Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652
Attn: Sutey Ranch Land Exchange.

Via e-mail: BLM_CO_SI_CRVFO_Webmail@blm.gov

May 29, 2013

Dear BLM:

The following are comments of some local and concerned citizens on the proposed Sutey Ranch Land Exchange, as described in the environmental assessment (EA) for the proposal.

As currently constituted, we do not believe the proposed land exchange is in the public interest. Overall, the exchange seems designed primarily to benefit the private proponent rather than the public interest. Despite repeated requests, the BLM has not provided data concerning the appraisals of the lands involved in the proposed exchange. Thus the public cannot determine whether the values are equal or can be made equal, as required by regulation. There would be a net loss of important wildlife habitat, wetlands, and lands with a sensitive plant. The EA's analysis is inadequate, as it fails to sufficiently address some important issues and to accurately describe values of the Federal parcels.

We detail each of these and other concerns below.

I. THE BLM HAS NOT PROVIDED CRITICALLY IMPORTANT INFORMATION ON APPRAISALS NEEDED TO DETERMINE WHETHER THE EXCHANGE IS IN THE PUBLIC INTEREST OR IS EVEN LEGAL. Since the Proponents proposed this land exchange in 2009, there have been multiple and repeated requests from Pitkin County, CVEPA and concerned citizens that the agency release the appraisals and allow opportunity for public scrutiny before any exchange is completed. Indeed, over 30 scoping comments on the proposed EA identified proper and transparent valuation as an important issue, and the agency has received FOIA requests for this information from individuals wanting to comment on the Environmental Assessment. The requests that the Agency share the results of the appraisal process, *prior to the completion of the exchange so that they may be evaluated for the public interest*, have been repeatedly ignored, thereby undermining the public's confidence that the Proposed Action is an equal value transaction, and engendering concern that the exchange is not in the public interest.

There are compelling reasons for these requests. The real estate market in Pitkin County, the home county of the largest Parcel in the exchange (Parcel A), is subject to unusual drivers, starting with extraordinary real estate values supported by a very restrictive development code, a limited amount of private land (90% of the county is public land) and a high demand from extremely affluent people for the limited supply of land and large acreages of it. The Sutey exchange proponent has been the primary purchaser in most of the real estate transactions in the neighborhood, and the prices paid are public knowledge. (This is discussed further below.) There is concern based on past agency practices that the BLM has undervalued the Federal parcels in Proposed Action.

Pitkin County's scoping comments on the EA included a 2003 article from the Appraisal Journal detailing the factors and process by which the contributing appraiser/writer arrived at a then unconventional "highest and best use" called Ranch Preservation Community (RPC).¹ An RPC is a large acreage, limited lot subdivision, in which smaller, deeded acreages are sold as homesites, but include a common interest in a much larger acreage. Typical attributes of an RPC include: privacy, exclusivity, natural beauty, recreational opportunities such as hunting, fishing, skiing and hiking, archaeological resources, biodiversity, adjacent to large blocks of public lands, and urban service proximity.²

The author described comparing sales of "local ranches and 100 acre homesites" within the same area and found a large per acre price discrepancy. The properties sold as working ranches sold for around \$400/acre vs. around \$2000/acre for the low density subdivisions, "after adjusting for time and other substantive differences, including costs associated with subdivision, marketing, etc."³ Upon further analysis of the land "sold with the intent of subdivision" he found 3 important relationships:

- 1.) Developments with fewer lots have higher selling prices;
- 2.) When comparing the number of deed acres per homestead, the higher-priced developments have two times as many deeded acres;
- 3.) The average homestead size was three times greater at the more expensive developments.

At the time of his analysis, Mr. Mundy was trying to decide which "highest and best use to apply", ranching, or second homes and ranchettes. But his discoveries in his analysis caused him to develop this third alternative of RPC.

It takes little effort to see the similarity between Mundy's RPC and the proponent's properties. The existing Two Shoes Ranch parcels each possess all of the typical attributes of the RPC,

¹ Mundy, Bill. "Trophy Property Valuation: A Ranch Case Study", Appraisal Journal, January 1, 2003, p. 2.

² Ibid.

³ Ibid.

including sufficient acreage to be each its own RPC; the same is true of Federal Parcel A. Even though there is single ownership of the properties, the potential to become an RPC is real. Moreover, the Two Shoes Ranch comes with 19 development rights vested for 20 years, excluding the 10 rights which the Agreement with Pitkin County would extinguish. By comparison, the development threat on the Sutey Ranch is currently only speculation based on current zoning scenarios, as the Parcel has undergone no land use or site planning.

Moreover, the Proposed Action would consolidate these three already substantial acreages into one property. The idea of “assemblage value” is that the whole is worth more than the sum of the parts. Mundy’s analysis supports this idea in that, if one were to apply the relationships he discovered between price and lot size, the consolidation of these three parcels (the two “shoes” with Parcel A) offers a staggering potential for financial gain. Because of the rigorous land use code in Pitkin County, these development rights are extremely valuable by themselves; however, application of Mundy’s study indicates that the increased acreage resulting from the Proposed Action would make them considerably more valuable.

The private proponent has purchased many properties near the Federal parcels since 2002. According to data from the Pitkin County Assessor’s Office, the total acreage purchased by the Wexners during this time period is 4790, at an average price of approximately \$17,635 per acre. For undeveloped land, the average per-acre price for these purchases was \$15,889.

The debate over the value of Parcel A includes much speculation over how much the lack of vehicular access should affect that value. The analysis above suggests that Parcel A should not be considered in the context of its present use as a land-locked grazing parcel. A reasonable way to discount for the 350 foot isolation from the county road is to estimate its “with-access” value by estimating the cost to condemn access across neighboring land with access to Prince Creek Road, and deduct that cost from its “with-access” value; note that the 350 foot stretch is an historic stock drive that is still used to move cattle to the trucks. It is a reasonable assumption that the cost of condemning 350 linear feet would be a minimal expenditure given the potential return on investment of consolidating Parcel A with the Two Shoes Ranch.

Federal Parcel A should be considered in the context of its potential, not its current use as grazing. Indeed, this supposition is supported by a U.S. Court of Appeals for the 9th Circuit 2009 decision in which the court found that the BLM should have used the value supported by the proposed use rather than the use that preceded the action.⁴

The Feasibility Report states that the value of the non-federal parcels is expected to exceed the value of the federal parcels, necessitating a cash equalization. Id. at 6. Proponents have stated

⁴ National Parks Conservation Association v. Bureau of Land Management et al, Case Nos, 05-56814, -56815, -56843, -56832, -56908, Ninth Circuit, November 10, 2009, amended November 12, 2009.

that they will waive the cash equalization. Ibid. Cash equalization is limited 15,000 or 3% of value of federal parcels, whichever is less, and cannot be used if the difference in value is greater than \$15,000. 43 CFR 2201.6(c). However, the value of exchange is expected to exceed \$500,000.⁵ Feasibility Report, ibid. Three percent of \$500,000 is \$15,000; thus under the regulation cited above, the proposed exchange cannot legally occur. Mysteriously, none of this is discussed, or even mentioned, in the EA.

The applicable regulation also states that that:

A cash equalization payment may be waived only after the authorized officer determines in writing how the waiver will expedite the exchange and why the public interest will be better served by the waiver.

43 CFR 2201.6(d).

The BLM needs to explain how the proposed land exchange is legal in light of the above. If it is legal, and cash equalization will be waived, the agency must show in writing how the waiver is in the public interest.

The appraisal issue is of vital importance in determining whether the proposed exchange is in the public interest. Therefore, we ask the agency allow additional public comment on the appraisal issue prior to making a decision on the land exchange. The needed additional information on the appraisal could be provided in a supplement to the EA, with a minimum 30-day comment period after publication.

II. THE PURPOSE AND NEED AND THE RANGE OF ALTERNATIVES CONSIDERED ARE TOO NARROW.

The purpose and need for the proposed land exchange is:

1. Consolidate land ownership boundaries (private and BLM) in the Red Hill (Garfield County), Crown (Pitkin County) and Horse Mountain (Eagle County) areas.
2. Improve management of, and public access to, public lands under the jurisdiction of the BLM while minimizing public trespass on adjacent private lands.

⁵ Given the recent purchase prices of land noted above, the value of the Federal parcels will greatly exceed \$500,000.

EA at 1-7.

This purpose and need is unduly narrow. By limiting the consolidation of land ownership to the Red Hill, Crown, and Horse Mountain areas, the BLM ensures that only the proposed action could possibly fulfill the stated purpose and need. The courts have frowned on purpose and need statements that were similarly too narrow:

An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative ... would accomplish the goals of the agency's action, and the EIS would be a foreordained formality.

Sierra Club v. Robertson, 845 F. Supp. 485, 500 (S.D. Ohio 1994); see also *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991), cert denied 502 US 994, 112 S. Ct. 616 (1991).

The Seventh Circuit has stated:

No decision is more important than that delimiting what these "reasonable alternatives" are ... One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence) ... If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.

Simmons v. United States Army Corps of Engineers, 120 F.3d 664, 660 (7th Cir. 1997).

The 10th Circuit ruled that: "[agencies cannot] define the project so narrowly that it foreclosed a reasonable consideration of alternatives." *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162, 1174-75 (10th Cir. 1999).

The Supreme Court ruled as follows:

The highly restricted range of alternatives evaluated and considered violates the very purpose of NEPA's alternative analysis requirement: to foster informed decision making and full public involvement. 42 USC §101; 42 USC §102(2)(E); 40 CFR §1508.9(b);

Robertson v. Methow Valley Citizen's Council, 490 US 332, 349 (1989).

The courts have held that the obligations of an EA to rigorously analyze alternatives are the same as in an EIS: "Any proposed federal action involving ... the proper use of resources triggers NEPA's consideration of alternatives requirement, whether or not an EIS is also required." *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223 (9th Cir. 1988). The procedural requirements of NEPA must be strictly interpreted "to the fullest extent possible." *California v. Block*, 609 F.2d 753, 760 (9th Cir. 1982).

Only two alternatives are examined in detail in the EA: the required no action and the proposed action. This does not comply with the Council on Environmental Quality Regulations (CEQ) implementing the National Environmental Policy Act (NEPA), which state that "agencies shall...rigorously explore and objectively evaluate all reasonable alternatives". 40 CFR 1502.14(a).

The EA states:

The issues raised during the scoping process... were utilized as the basis for determining the need for alternatives to the Proposed Action. As a result, no additional alternatives were deemed necessary . . .

Id. at 2-1.

We believe that additional alternatives need to be analyzed, as discussed below. In the EA's section on Alternatives And Concepts Considered But Eliminated From Detailed Analysis, we believe the BLM prematurely dismisses some reasonable alternatives, as discussed below.

1, Transfer BLM parcels to management by the White River National Forest.

Elimination Rationale: This alternative is beyond the scope of analysis and does not meet the Purpose and Need for Action. EA at 2-7.

This alternative should be considered, as it does meet the Purpose and Need for Action. It would remove Parcel A from the BLM's jurisdiction, thereby consolidating boundaries (there would be no more BLM boundaries) and improving management of BLM lands.

6.) "Mr. Wexner should allow a narrow public easement through the parcel so the potential of trail bisecting it in the future is preserved. Secure that access easement from Prince Creek Road."

Elimination Rationale: Numerous concepts for addressing the public's concerns and minimizing potential resource impacts were explored by the Proponent and the BLM. This concept was not acceptable to the Proponent. Furthermore, the BLM does not hold access easements on Private land that do not connect to the BLM Land. Id. at 2-8.

If the exchange were to proceed, the BLM would, in fact have access to the Crown from the adjacent Parcel 2.

Writing off all public concerns about losing existing rights on Parcel A cannot be excused by stating that the Proponent was unwilling. This proposal is about privatizing public lands and abdicating public rights and the BLM, as the advocate for the public, has a responsibility to protect those rights unless they can show that it is in the public interest to restrict them. The elimination rationale used here suggests the possibility that the Proponent is driving the need for the Proposed Action rather than a previously identified and legitimate public need.

13. “The BLM should fully consider the reservation of public rights in the exchange parcels . . .”. Elimination Rationale: Maintaining public recreational opportunities . . . would interfere with ranch management, is not an acceptable term . . . for the Proponents, and would not meet the Purpose and Need . . . Hence, this stipulation would cause the BLM to lose the opportunity to acquire the Non-Federal Parcels.” Id. at 2-10.

Again, the BLM’s has not demonstrated how its lack of insistence on the reservation of existing public rights is in the public interest, other than to suggest that it would jeopardize the acquisition of the non-federal parcels. The BLM clearly has the authority in land exchanges to reserve rights and restrict activities:

Reservations or restrictions in the public interest. In any exchange, the authorized officer shall reserve such rights or retain such interests as are needed to protect the public interest or shall otherwise restrict the use of Federal lands to be exchanged, as appropriate. The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies.

43 CFR 2200.0-6(i). The agency should use this authority in the proposed land exchange, or at least should not dismiss the possibility of doing so.

Again, note that the BLM had indicated no interest in the non-federal parcels until the proponents suggested the exchange. Also, the acquisition of the non-federal parcels has not been identified in the Purpose and Need for the Proposed Action.

The purpose and need statement's reference to public access and trespass issues essentially limits the BLM's evaluation to recreation opportunities (and emphasizes just one such use--mountain bicycling). This ignores many other resources, which is not appropriate in the broader context of

the BLM's obligation to manage and protect other public-land values and features, especially wildlife and plants, as is further discussed in these comments.

The CEQ Regulations also state: "Agencies shall...include reasonable alternatives not within the jurisdiction of the lead agency". 40 CFR 1502.14(c). One such alternative that should be, but has not been, considered is to partner with the Aspen Valley Land Trust and Pitkin County to purchase the Sutey Ranch.

III. THE PROPOSED ACTION WOULD NOT MEET THE PURPOSE AND NEED, NOR CONFORM WELL WITH THE RESOURCE MANAGEMENT PLAN. The reference to consolidation of land ownership boundaries in the purpose and need (EA at 1-7) may be appropriate in concept, but it ignores the likelihood that private-interest motivation initiated this proposal.

Additionally, the proposed action does not consolidate private/BLM boundaries in the Red Hill area; it expands the Red Hill island but the island is still surrounded by other lands, and the expansion does not connect it to other currently public lands in the area.⁶ The statement also ignores the fact that Federal Parcel A is currently connected to other Federal land.

The EA does not demonstrate how the management of public lands would be improved through the acquisition of the non-federal parcels. Indeed, the Proposed Action would create intensive management challenges not present on the currently Federal parcels. See section on Site-Specific Management Plan.

Moreover, the document does not clarify how the public "trespass" is actually occurring, as the proponents purchased land traversed by the public with the previous owner's permission and allowed the public use of the property to continue. If trespass is occurring, then the EA should document this through records of calls to local law enforcement or citations issued.

By consolidating land ownership boundaries . . . and improving management of public lands . . . there is potential benefit to the public in terms of increased . . . protection and enhancement of wildlife habitat.

EA at 1-7.

The potential benefit is only potential. See comments on "Application of Conservation Easements..." and "Site Specific Management Plan". Moreover, a catalogue of the potential

⁶ Page 3-20 of the EA hints that the Sutey Ranch is adjacent to BLM lands in the Fischer Creek area, but it is not.

benefits lost from the Federal Parcels shows a much more substantial loss than this document describes. See Comparison of Values Lost and Gained under the Proposed Action.

EA at 1-4 states: “When considering the public interest, the . . . BLM . . . shall give full consideration to” the following three factors:

1. The opportunity to achieve better management of federal lands.

The No Action alternative offers much simpler management than the Proposed Action. The BLM’s obligations, consisting of occasional review of grazing allotments, on the Federal parcels are substantially fewer than they would be on the non-Federal parcels. The latter obligations would entail managing up to 55,000 annual user visits and the associated needs, including trail development and maintenance, parking and traffic management, human use, wildlife and plant monitoring, sanitation facilities, pet control, irrigation (possibly), appropriate closures and the ensuing enforcement to ensure the effectiveness of all of the above.

2. The needs of the state and local residents and their economies.

The presumption in the EA is that recreation is the most important use for public lands in the Analysis Area. This presumption is flawed in that area still benefits from a large amount of agriculture. Under the proposed action, grazing opportunities would be lost. The EA also undervalues wildlife habitat: as evidence of how valuable this is to local populations, Pitkin County Open Space and Trails has invested over \$82 million since its inception in preserving wildlife habitat (concurrent with other open space values). And the current paradigm about the value of recreation is simply that, current; who knows what future needs the public lands might fulfill. Thus it seems foolish to undertake actions that result in fewer future opportunities.

3. Securing important resource management objectives including, but not limited to protection of fish and wildlife habitat, riparian habitat, river frontage, cultural resources, recreation opportunities, watersheds, open space and consolidation of lands.

The Proposed Action results in less fish and wildlife habitat through the loss of suitable bighorn and turkey habitat (not present on Sutey), stream frontage (Thomas, Potato Bill, and Bruce and Salt Creeks); lands containing populations of a sensitive plant; 13 cultural sites on Parcel A; geology with the potential for high fossil presence; and all of the recreational opportunities enumerated under 1 above. (EA, chapter 3; see also our comments’ sections on Wildlife and Plants). As for consolidation of lands, a more appropriate characterization would be expansion of public lands in a different location. The Proposed Action would expand the Red Hill SRMA; however, it does not connect it to other public lands (Fischer Creek) on that side of Highway 82. While Parcel A is not connected to other BLM lands, it is connected to USFS lands.

Conformance of the proposed land exchange with the 1988 RMP is not as good as the EA states. “The proposed exchange would accomplish one of the . . . objectives of increasing the overall

efficiency and effectiveness of public land management.” EA at 2-12. Under the no-action alternative, the BLM has only to review grazing permits every couple of years, whereas under the Proposed Action, the BLM would acquire a parcel it doesn’t currently own that would require very intensive, frequent, and on-going management efforts. (Refer to our comments on the Site Specific Management Plan). This is inconsistent with increasing the efficiency and effectiveness of land management.

”...[D]isposal of [Parcel A] is consistent with the exceptions outlined in Appendix D of the 1988 RMP that allows the disposal . . . through exchanges where the public value of the land that is acquired meets or exceeds the public value of the land that is disposed of.” Ibid. Several scoping comments noted the incomparable values between Parcel A and Parcel 1; the EA has not demonstrated that the public value of Parcel 1 is superior to that of Parcel A, only that the level of use on Parcel A is lower than would exist on Parcel 1 under the Proposed Action. (For discussion of the public values of Parcel A, see section entitled “The Values Of The Parcels In The Exchange Are Not Described Accurately”.) While Parcel A may meet the criteria in the RMP which would allow its disposal, since the parcel was not identified in that document as slated for disposal, it does not follow that the parcel should be disposed of. Moreover, it does not absolutely meet all the criteria; the BLM has asserted a value judgment as to the enhanced public benefit of the non-federal parcels. Also, parcel 2 was willingly purchased by the proponent from the previous owner who tolerated both the trail construction and trespass.

Discussion of the conformance with the Land Health Standards relies on the conservation easements. For details as to why doing so is faulty, see the Conservation Easement section of these comments. Here are some comments specific to the standards.

Standard 1: “The conservation easements and site-specific management plan . . . are expected to maintain or improve conformance with the standard.” EA at 2-14. Absent a requirement to enforce the CEs and details of the proposed management plan, this expectation is unsupported.

Standard 2: “Through both voluntary and required actions on behalf of the BLM and grazing permittees the [Thomas] [C]reek is moving towards meeting Standard 2.” Ibid. Again, there is no legal requirements under the CE to continue to take actions that would improve the ecological health of the creek and its riparian habitat.

Standard 3: same comments as with Standard 1.

Standard 4 (id. at 2-14, 2-15): Harrington penstemon is a special status species which has been omitted completely from the conservation easements; privatization would preclude any BLM authority to manage for it.

Standard 5 (id. at 2-15): Privatization precludes any BLM authority to undertake action to meet this standard.

IV. APPLICATION OF CONSERVATION EASEMENTS WOULD NOT NECESSARILY ENSURE MITIGATION OF IMPACTS CAUSED BY TRANSFER OF FEDERAL LANDS TO PRIVATE OWNERSHIP. Since the EA relies heavily on the proposed conservation easements as mitigation for all potential environmental impacts associated with the privatization of public lands⁷, it is necessary to examine the limitations of conservation easements. The most important point about conservation easements is that their certainty exists in theory, and may not always prevail in practice.

Theoretically, conservation easements provide permanent protection from any activities specifically identified within the easements. Specific objectives and careful crafting of an easement are important, as ambiguity can lead to contention over the intent of the easement; specificity is protection. It is not uncommon for landowners and Grantees to have different interpretations of the terms of an easement. The farther removed ownership becomes from the original Grantor, the wider this interpretation gap is likely to become, especially when easements are vague or silent.

Thus, the actual level of protections depends on several unpredictable factors such as the Grantee's abilities to monitor the property and identify changing conditions thereon, both parties' willingness to pursue mitigation if required, and the Grantee's willingness and resources to undertake enforcement as necessary. Currently, a lot of conserved lands are leaving the families that conserved them. This phenomenon is generating a lot of discussion among the conservation community about what types of and levels of resources will be necessary to counter anticipated legal challenges from new owners who are not familiar with or not philosophically aligned with the conservation easements.

Moreover, despite a common presumption, the Grantee is *not required to enforce the terms of the easement*; in the AVLT easements, Section 12 – Trust's Remedies: Enforcement states "Enforcement of the terms of this Easement shall be *at the sole discretion* of the Trust." (Emphasis added.) Another common misconception about conservation easements is that they remain constant; in fact, it is possible to amend an easement, if the Grantee is amenable to doing so. Fortunately, most land trusts do maintain a list of guidelines under which they will consider such action; but again, the less specific the guidelines, the more leeway for interpretation.

⁷ For example, the BLM relies on these proposed conservation easements to eliminate or minimize impacts to: wildlife (EA at 3-96); plants (id. at 3-125, 3-126); water quality (id. at 3-139, 3-140); wetlands and riparian areas (id. at 3-163, 3-193, 3-194); and soils (3-190, 3-191).

The discretionary aspect of amendment and enforcement leaves easements vulnerable to the human element. Unless there is clarity and awareness about, and willingness to, protect the original intent of the easement, the potential exists for permitted degradation of the resources the easement was crafted to protect. Another factor is most land trusts' dependence on private donations to sustain their mission. This dependence may put the Grantee in a position of having to choose whether to compromise on resource protection or risk foregoing a large and perhaps needed donation.

Context for the Sutey Ranch EA

The reliance on conservation easements to protect the lands that would become private under this proposal leaves the potential for environmental impacts not addressed in the EA. These potential impacts include:

- Decreased protection for the Mount Sopris bighorn herd and Harrington's penstemon as the BLM will no longer have the authority to require management to protect them. The current easement language is silent on managing to protect the penstemon.
- Decreased protection for songbirds as described in the Purposes of the Parcel A conservation easement, as the easement allows for increased foot and OHV trail construction. Increased trail construction and winter use of roads and trails could affect the big horn herd as well.
- Decreased protection for riparian and wetland habitats on and downstream from Parcel A and B, due to the retained development rights for micro hydropower, well construction, irrigation systems, pond and/or erosion control structures, and surface watering.
- No protection for any plant or animal species which might receive special legal or BLM status in the future.
- The archaeological resources identified in Chapter 3, section G of the EA as there would be no consequences for damaging or removing them.
- The potential for future development through an amended conservation easement.
- The potential for damage from recreation such as hiking, biking, horse-back riding, and OHV use.
- The loss of the ability to manage for the maintenance of Land Health Standards 1-4, as the BLM would no longer have the authority to institute appropriate management practices.

Under the no-action alternative, the BLM has the authority to ensure appropriate grazing management to protect wildlife, plant and water resources (and the ability to revoke the users' rights), restrict trail and road construction and use, impose wildlife closures, enact protections for archaeological and paleontological resources, and utilize the resources of the United States government to enforce all of the above. Implementation of the Proposed Action would revoke this authority.

As such, the Environmental Assessment should acknowledge the potential for these environmental impacts rather than rely on this simplistic assumption that a conservation easement will do everything that the United States government can do, particularly enforcement. Pursuant to 40 CFR 1502.14(c) and (f), an alternative would be for the BLM to insist on stronger, more specific language in the easements that would give the Grantee's grounds to impose specific protections for the sheep, songbirds, penstemon, and any future sensitive species. The easements should prohibit any additional road and trail construction, and be co-held with Colorado Division of Parks and Wildlife, thereby invoking the resources of the State of Colorado in enforcement. Such refinements could help to prevent some of the environmental impacts listed above.

V. MORE DETAIL IS NEEDED ON THE PROPOSED SITE SPECIFIC

MANAGEMENT PLAN. The EA describes the development of a site-specific management plan for the non-federal parcels as a "connected action" (id. at 2-5). This plan is mentioned repeatedly in describing how resources will be managed on the non-federal parcels if the exchange is implemented.⁸

One thing for certain is that under public management, the uses on Sutey will change; the EA should provide more analysis of the impacts that could occur from this change. Thus, it is important to have some level of detail about the plan in order to analyze direct, indirect and cumulative environmental impacts from the Proposed Action. One could assume that the Plan would help to manage parking, specify some trail locations, include measures to manage for some wildlife, and that it will, in some fashion address the water resources on the properties. But there is no indication of how the agency will weight these priorities. That balance will affect the environmental impacts, and absent some direction, there is no way to undertake a meaningful analysis of what those impacts will be.

Management decisions with potential for major environmental impacts include:

⁸ See, e. g., cultural resources (EA at 3-59); paleontology (id. at 3-64); wildlife (id. at 3-96); plants (id. at 3- 125, 3-126); water quality (id. at 3-139, 3-140); wetlands and riparian areas (id. at 3-163, 3-193, 3-194); and soils (3-190, 3-191)

Trail planning, construction and location, and policies about new trail development. Any trail construction has impacts to songbirds and small mammal populations. The environmental impacts of trail development cannot be fully understood without a detailed and well-considered plan. Unconsidered trail alignments can affect sensitive plant and animal communities; trail width has impacts as well by altering the connectivity of habitat for small species. Trail use at particular times of day or year can have impacts on large mammal species. Unplanned and unconnected trail construction would contribute to the cumulative environmental impacts of the Proposed Action. And the BLM seldom stops or restores unauthorized (bandit) trail construction, which can render the most careful trail development useless.

Dog management. The presence of dogs on-leash can impact the distribution of some animal communities. Dogs off-leash have even more significant impacts on the movements of many species, and can render otherwise suitable habitat unsuitable for some species. Should the management plan include restrictions on dogs, the lack of education and enforcement will have negative, indirect environmental impacts.

Whether to allow hunting. Prohibition of hunting allows for the “refuge effect”, whereas allowing it can create additional management responsibilities. Also, if hunting is allowed, the selection of what species are hunted will have environmental impacts.

Vegetation Management. Because of the complex interplay of ecosystems, decisions on whether to undertake this activity and about what species to manage and how to manage them will have direct and indirect environmental impacts.

Management of human waste. With high human use, as would be expected on parcel 1, management of human waste will be necessary. Depending on the degree of management needed, it could be expensive. The presence of human waste and any management to reduce it will have environmental impacts.

To maintain or abandon agricultural uses. This decision could have the single greatest effect on the future environment of the Sutey ranch. It will affect the user experience, the currently present wildlife species, the visual resources, and the water resources. Many people expressed an emotional attachment to historic agricultural use of the property.

Management of water resources. The decision to retain the water on the property or to put it back into Cattle Creek will have significant direct and indirect environmental impacts, some positive and some negative, but it will be necessary to analyze those impacts before making a value judgment as to what action is preferable.

Whether to allow and management of grazing. Allowing grazing would have positive cultural and economic impacts by continuing an historic practice on the ranch and providing opportunities to utilize a public resource. Improperly managed, it also has the potential for negative impacts on vegetation and water quality.

The frequency and intensity of wildlife, plant and user monitoring. Monitoring is an indispensable tool for land managers, as it helps them determine who and what are using the property; how, where, and when they are using it; and whether and how management activities are affecting both human and natural resources. It is time-consuming and expensive, but is the only way to assess on-going environmental impacts. Not undertaking it would result in unintended environmental impacts.

Commitment to Public Education. Although management is a necessary tool to reduce environmental impacts, a lot of people resent it. Environmental education programs can be very effective ways to demonstrate the intents and purposes of management decisions. They also encourage an intimacy with the property that encourages local stewardship and which has positive impacts, rather than requiring reliance exclusively on enforcement. However, these efforts take financial and human resources.

Enforcement policies and resources. None of the decisions described above makes any difference if the managing agency is not prepared to enforce them. People are creatures of habit, and once they become accustomed to using a property in a certain manner, it is very difficult to change their behavior. As noted above, decisions about how to manage and direct people and dogs have major environmental impacts, and actions contrary to those decisions must be discouraged. The BLM must present a realistic analysis of the resources that they can provide to do so.

Who will be responsible for all of the above? While it is reasonable to assume that the Red Hill Management Council will co-manage the Sutey property under a similar arrangement as that for the Red Hill SRMA, the analysis should answer this question. Due to the intensive management activity that will be necessary to minimize environmental impacts, the EA should address the BLM's capability to undertake it.

While it is understandable that the BLM cannot know all the details of the management planning absent a management planning process, it is reasonable to expect that it has a general sense of how it hopes to benefit the public in acquiring the properties. Therefore it is necessary to offer some indication of what their plans for the property, its resources, and all of the appurtenant rights are so the full impacts of the proposed exchange are known to the public and the agency's decisionmaker prior to approval, as NEPA requires. See 40 CFR 1500.1(b).

VI. VISUAL RESOURCES, INEQUITY IN PROTECTION

Pending resolution of the proposed land exchange, federal parcels involved are subject to management and protection categories and prescriptions under the applicable BLM resource management plan (RMP). Coincidentally, the applicable RMP will soon be replaced with an updated plan (draft RMP published and comment period closed; final RMP expected in fall 2013).

The preferred alternative in the draft RMP addresses, among other details, the visual resources of the parcels included in the proposed exchange, as well as management of those resources under the BLM's Visual Resource Management categories and system (VRM).

Under both the current RMP and under the pending RMP's preferred alternative, federal parcel A, on the highly and widely visible flanks of Mount Sopris would be afforded status and management under the protective VRM Class II. As noted in the EA, this classification would "*...retain the existing character of the landscape...*" and "*...Management activities may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant features of the landscape...*"

According to the EA private parcel 1 would be afforded categorization and management under VRM Class IV, significantly lower visual quality and lower protection than under Class II. As noted in the EA, Class IV would allow for "*...management activities which require major modifications of the existing character of the landscape...*" and "*...management activities may dominate the view and be the major focus of viewer attention...*"

Meanwhile, the proposed conservation easement for parcel A, accompanying the EA, inadequately addresses protection of visual resources of the parcel.

While the proposed conservation easement recognizes and briefly enumerates the visual and visible features of the parcel, the easement's protective measures are limited to, vaguely, not permitting "*...a degree of intrusion or future development that would interfere with the essential scenic quality of the land.*"

The proposed conservation easement does include more detailed requirements affecting future uses and alterations relative to fencing, surface alteration, placement of materials, grazing, off-road vehicles, habitat and vegetation management, and water facilities among others. Each of those requirements, however, is stated either in a generalized manner or relative to protection of natural values other than visual resources.

The generalized protections under the proposed conservation easement are based in the intention to "*...preserve and protect the Conservation Values in perpetuity...*" The definition of that term "Conservation Values" is contained in a separate *Baseline Documentation of Conservation Values* (prepared by Colorado Wildlife Services). That document, in turn, does not specifically identify or adequately define the visual or scenic values involved.

These disparities in visual quality between the primary federal parcel (A) and the primary private parcel (1) and the differences in resulting visual resources management for the two primary exchange parcels raises serious questions about the qualitative equity of the proposed exchange. Neither these disparities nor their resolution are adequately addressed in the EA.

VII. IMPORTANT WILDLIFE VALUES WOULD BE LOST WITH THE EXCHANGE.

AFFECTED ENVIRONMENT

Terrestrial Wildlife

Parcel 'A'

The EA should acknowledge that the proposed action would result in a net loss of 2 square miles of public hunting opportunity for six species of high economic value: Elk, deer, grouse, turkey, bear and mountain lion. The document should also mention the habitat loss of bears and lions, as they are the most important predator species. Additionally, the Proposed Action could eliminate future investment (public or private) in habitat management for these species. *See Section IV. Conservation Easements.*

Elk Production areas on the Sutey Ranch may be impacted by Recreation

The EA does not adequately address conflicts and management priorities between wild species - domestic and wild species- and human user groups on all parcels to allow critical evaluation to the action and no action alternatives;

The EA's failure to address the ways in which cattle can impact the health of the Sopris Bighorn herd is a serious issue. Volumes of research, both historic and recent suggest that bighorn contact with cattle can transfer an extremely fatal disease (*hemolytic Manneimia haemolytica, bio group 1*) to the bighorn⁹.

So this is clearly an issue and is not addressed in the EA or the CE. Without public management authority from CPW and BLM this herd remains fully vulnerable to any contact from Cattle.

Furthermore, the CE does not address existing stressors from ranch and cattle ranching activity that may be affecting the health and decline of this particular BHS herd. Where cattle were introduced to a Bighorn range, Bighorns immediately vacated a 5 year established grazing area and relocated without a return inspection for 8 months. Steinkamp, 1990, found that introduced cattle in a bighorn area resulted in complete relocation of the Bighorn sheep with no return.

⁹ *L. Wolfe et all Fossil Ridge Bighorn sheep die-off southern Colorado--21 bighorn sheep found dead. And Journal of Wildlife diseases vol.15 April 1979. and J Wildl Dis. 2010 Oct;46(4):1262-8.*

Finally, the presence of cattle significantly affects the BHS movements and foraging patterns, so much as to repel the BHS from preferred foraging areas.¹⁰; foraging efficiency is also affected¹¹

The big horn mapping shows winter & severe wintering area for BHS in the Lion's Mane area only. It does not show the extent of cattle use that would effect forage condition. It would be important to expand the information portrayed in Figure 7 to include watering, foraging, production, and migration areas in and out of Parcel A for deer, cattle, and bighorn. In the CE there are no management plans to protect these conservation values especially for Bighorn sheep and deer when combined with cattle use.

Under the proposed action, there would be major losses of important wildlife habitat. For mule deer, there would be a loss of 645 acres of winter range and all 32.1 acres of severe winter range. EA at 3-94. For elk, though there would be a gain of severe winter range and production area, there would be a 772.1 acre loss in overall winter range. Ibid. All of the bighorn sheep winter range, including severe winter range, on the federal parcels would be lost with the exchange. Ibid. With private lands facing pressure for residential and other development in the area, winter range on public lands is extremely valuable and necessary for the health of big game herds. It must be conserved.

There would also be a loss of habitat for several sensitive species, including: Townsend's big-eared bat (801.6 acres); goshawk (801.6 acres of foraging habitat and all 87.3 acres of nesting habitat); bald eagle (801.6 acres, including winter foraging areas); Brewer's sparrow (33.5 acres); and milk snake (677 acres). Id. at 3-95. Sensitive species are ones that may need special attention to avoid listing under the Endangered Species Act. Trading away public oversight and management of habitat for these species will not help avoid such listing, and is clearly not in the public interest.

There is a net loss of 199 acres of publicly managed critical severe winter and winter habitat from parcels C, D and E. EA, Tables 3L-2-5:

There needs to be field verification for all birds, amphibian and terrestrial and threatened and endangered species.

Aquatic Wildlife

Parcel A

¹⁰ M. Steinkamp and J.A. Bissonett. "For Bighorn Response to Ephemeral Habitat Fragmentation" 1996, vol. 56 #4, pp. 319-325 .

¹¹ Changes in Vigilance / Foraging Behavior when Cattle are Present see Brown, Ruckstull e.t al, 2009

“The report identified Thomas Creek as containing rainbow trout...” EA. 3-79., and stated that “rainbow trout... exist in “multiple age classes.” This is indicative of a self-sustaining population, which is not mentioned in the EA.

“The habitat within Thomas Creek was generally good. There is a net loss of 6,694 ‘of perennial streams and a public fishery not replaced on the Sutey or other exchange parcels; reported as good,”

There is no mention in the aquatic section that improved riparian habitat via riparian management on parcel ‘A’ could improve the already existing fishery as a public benefit described above in the EA. 3-79., This comment should be added.

USDOI BLM, 2010

108

Wetlands and Riparian Habitats protection

On parcel A, “Potato Bill Creek is 2,817 linear feet. Off parcel a it is another 2/3 mile which is vulnerable to water uses exempted see section IV – conservation easement IV

Amphibians reptiles and aquatic organisms: On site analysis is absent & inferred from habitat types vs. on ground analysis and therefore omitted from site specific management for TES Species it’d, .

Sutey Ranch

“By releasing water into the unnamed tributary to Cattle Creek, which crosses Parcel 1, the effects of low seasonal flows on fish productivity could potentially be reduced,” EA, p-95. However there is no discussion of the existing fishery on parcel A. This appears to be a bias on part of the BLM to s dismiss an existing fishery on Parcel‘A, for possibly helping a remote off site fishery not involved in the exchange with little evidence. Cattle creek is also mostly private and public access on these lands should not be considered a public benefit.

EA does not appear to have field verified many species on the TES list. If not, it needs to be verified, if so it needs to be mentioned which species were actually verified in the field

Raptors and other Birds

The EA includes no mention of the economically important game species Meleagris gallopavo, Wild Turkeys frequent many parts of parcel A during spring and fall hunting seasons and are economically important. The loss of this area will diminish the overall Turkey hunting experience significantly in the Crystal Valley which is substantially private in the areas where turkeys frequent. Wild turkeys are also present on Sutey ranch parcel; this is also missing in the EA. Currently there is no plan to allow turkey hunting there, so there are no trade –offs in value. Additionally, the EA should include some analysis of Grouse as it too, is an economic species.

Bald Eagle, Golden Eagle, Peregrine Falcon, Flammulated owl and Northern Goshawk are implied by habitat type. Again on site analysis is absent & implied from habitat type Densities of prey species are not identified or quantified by habitat type or in ground sampling for important raptors such as those listed above; these species would be affected by grazing practices. Other species of concern in the same category of inference by habitat without ground proofing are;

Juniper Titmouse
Gray Vireo Oak
Pinion Jay.

There needs to be on site analysis to verify Brewers Sparrow rather than allowing that it **could** occur by habitat type. Grazing could significantly reduce & alter both quality and quantity of this habitat.

VIII. PROTECTIONS FOR A SENSITIVE PLANT WOULD BE LOST WITH THE EXCHANGE. See Section IV – CONSERVATION EASEMENTS

IX. BLM MUST MITIGATE THE LOSS OF WETLANDS BY REQUIRING PROTECTION OF WETLANDS TRANSFERRED TO PRIVATE OWNERSHIP.

Under Executive Order (E. O.) 11990,

Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities;...

E. O. 11990, May 24, 1977, Section 1, 42 Fed Reg 26961.

If the proposed exchange is approved and implemented, there would be a considerable loss of wetland acreage. In other words, much more wetland acreage (16.6 acres) would be transferred to private land than the United States would acquire (0.8 acres). See EA at 3-163.

The BLM dismisses this loss by stating that the proposed conservation easements for the parcels that the proponent would acquire would prevent or minimize the loss of wetlands. EA at 3-163, 3-164, 3-193, and 3-194. If so, the agency must require that the wetlands to be transferred out of public ownership be protected. Note the following from E. O. 11990:

When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall...(b) attach other appropriate restrictions to the uses of

properties by the grantee or purchaser and any successor, except where prohibited by law...

Id. at section 4. Note further that placing conditions on exchanges is specifically encouraged, if not required, where needed to protect the public interest:

Reservations or restrictions in the public interest. In any exchange, the authorized officer shall reserve such rights or retain such interests as are needed to protect the public interest or shall otherwise restrict the use of Federal lands to be exchanged, as appropriate. The use or development of lands conveyed out of Federal ownership are subject to any restrictions imposed by the conveyance documents and all laws, regulations, and zoning authorities of State and local governing bodies.

43 CFR 2200.0-6(i).

We believe there is a strong public interest in conserving wetlands, and that E. O. 11990 requires such action by federal agencies. Therefore, if the BLM approves the proposed land exchange, it must attach conditions that will result in the wetlands acquired by private interests being protected. This could include requiring that the conservation easements be finalized prior to the exchange being completed and/or other measures to assure that the wetlands transferred to private ownership will not be degraded.

X. THE VALUES OF THE PARCELS IN THE EXCHANGE ARE NOT DESCRIBED FULLY AND ACCURATELY.

Biological Resources Summary Report

(The biological resources report, prepared for the BLM by Western Ecological Resource and by Wildlife Specialties, appears to be very thorough, accurate, and objectively presented, thus providing a useful base for evaluating potential impacts of the proposed exchange and for critiquing the adequacy of the EA. Some generalized observations (draft comments) follow; these would be supplemented by the more detailed evaluation and comments on vegetation, wildlife, and habitat, being prepared by others.)

The *Biological Resources Summary Report* (Western Ecological et al, May 2012) accompanying the EA highlights at least two potential inequities in the proposed exchange.

According to the report, primary federal parcel A, which would be traded into private ownership, boasts a diverse, extensive, and healthy array of native vegetation, wildlife populations, and wildlife habitat. These features include several perennial streams, enhanced wildlife habitat, and

diverse native species of vegetation ranging from mountain shrubland and sagebrush shrubland to Douglas fir and aspen. The parcel also includes rare Harrington penstemon. It also includes extensive healthy expanses of riparian habitat (while some portions have been impacted by livestock grazing, the majority are protected from those impacts and boast extensive native species of vegetation.

Meanwhile primary private parcel 1 (Sutey Ranch) is characterized in the report as generally agricultural and subjected to extensive human alteration, with native understory of vegetation eliminated. The parcel includes some riparian habitat and wetlands, the report indicates that "...Heavy grazing...has eliminated the wetland vegetation from the groundwater discharge area...The ground has been trampled, making it difficult to determine if the discharge would have a defined channel...There is no water in the stream channel upstream of the spring/seep discharge..."

Federal parcels A, B and B-1, p. 1-1

The document states: "Public use of Parcel A is relatively low given the difficult access and lack of trails and established recreation activities". EA at 3-9. However, by local standards, the 1,000 foot vertical gain (EA at 3-20) is an easy walk from the Nettle Creek/ Crystal portal, on a well-established and well maintained trail system.

When the Proposed Action was being considered as a legislative exchange by Pitkin County, the Board of County Commissioners received several letters from people who use Parcel A. The scoping comments on the Proposed Action included numerous comments on the high values of the more remote aspects of the Parcel when compared to the reciprocal Parcel 1; these commenters cherish the quiet experience, the wildlife and the flowers they have enjoyed while hiking and hunting on the property. The Lion's Mane is a spectacular sight, and the views of Mount Sopris are incomparable. Access from Dinkle Lake occurs but is not mentioned.

The Potato Bill drainage is unique. There were several comments that reminded us all of one of the reasons we live here: we enjoy the mere existence of these places that take a little more work to reach and the possibilities of exploration that they provide.

Finally, the EA contains a lengthy discussion of the growing population in the area (EA at 3-33); if one considers public lands as a valuable asset to the future population of the valley, then more public land will be necessary, not less, as would result with the Proposed Action. These are the values that will be traded away with Parcel A.

Non federal parcel 1. Throughout the document, discussion of this parcel states its high habitat and recreation values, but it does not mention its high agricultural values, only its agricultural

history. The Soils section of the EA refers to the high quality of the soil (EA at 3-180), and the parcel does come with water rights and over 100 acres of irrigation. Currently, there is a growing local food movement in the Roaring Fork Valley which acknowledges high real estate values and competing interests for the existing agricultural lands, as those lands could be necessary in the future to help feed valley residents. Thus, agricultural values should be analyzed more in the EA.

Non federal parcel 2

The EA is remiss for not discussing the history of Parcel 2. Somewhere around 2006 or '07, some local people cut “bandit” mountain bike trails on this private parcel, thereby creating an additional access point to the crown; this access is not an historic one.

During 2009 and 2010, the Pitkin County Open Space Program engaged in negotiations to purchase this parcel from the previous owner, in order to institutionalize these trails. However, their efforts were curtailed when the Proponents stepped in and offered a higher price for the parcel, trespass and all, with the intent of offering it in the exchange to make the deal more palatable to some of its detractors. Not only does this element of the Proposed Action bring in additional support from the one user group that would benefit the most from the proposal, mountain bikers, but it also increases the monetary value of the private land to be exchanged.

The exchange’s opponents have repeatedly questioned whether the public is receiving fair value. The BLM had no part in these negotiations and the assertion that it would like to acquire the parcel should acknowledge that this acquisition was never considered under any agency planning processes, and that their desire to acquire it stems simply from the fact that the proponents have offered it.

The benefits of acquiring parcel 2, to ensure public access to the Crown and eliminate trespass (EA at 3-28, 3-29), are overstated. There is already plenty of access to the Crown, from Prince Creek Road and from the east. Id. at 3-27. Acquiring this parcel would also legitimize the illegal trail building that has occurred, primarily by mountain bikers.

XI. CORRECTIONS ARE NEEDED FOR THE DESCRIPTIONS OF ACCESS AND TRANSPORTATION. The EA states:

The private Thomas Road/Lewis Lake Road leads to approximately 18 miles of motorized routes on Parcel A, including ATV trails, two-tracks and unimproved dirt ranch roads.

Id. at 3-9.

The road and trail system referred to here should also be enumerated in other descriptions of Parcel A, including its description in 1.B – Project Location and Description and 3.C. – Recreation.

The EA states that “Public use of Parcel A is relatively low given the difficult access and lack of trails and established recreation activities.” Ibid. The previously-quoted sentence describes an 18 mile network of roads and trails, and there is a well-established trail connection to the USFS lands. Also, there is an unmentioned access to Parcel A through the Prince Creek subdivision. Currently, as adjacent landowners, the residents of the Prince Creek subdivision are free to recreate on Parcel A *and to invite the public to do so*.

Parking: two paragraphs describe the management problems the BLM is already experiencing with parking. EA at 3-10. It is unclear how the Proposed Action will alleviate the existing parking issues for the Red Hill SRMA; this issue again highlights the need for the EA to offer some details about what the future management plan might include.

The EA states that “Parking conditions at the Red Hill SRMA and the Crown . . . would remain unchanged.” Id. at 3-14. This statement reiterates the presumption present throughout this document that there is absolutely no other way to address any of the issues. In this instance, the BLM could work with the County governments to provide and/or improve pull outs for parking along the county roads. Additionally, the agency could partner with the county governments to construct bicycle routes along the affected roads to get from Carbondale to the trail system. There is already a bicycle trail from Carbondale to Prince Creek road, and Pitkin County has begun efforts to create a grade separated route along its section of Prince Creek Road; this effort is the genesis of the Prince Creek portion of the Agreement between Pitkin County and the proponents. Whether the exchange proceeds or not, the County will continue to work toward this goal.

The current access from Parcel 2 exists through recent illegal bandit trail building. It is not historic.

Despite the thorough description below of the Non-Federal Parcels, the last paragraph o. p. 3-14 says nothing about Parcel A, which according to the Affected Environment section of the EA, is home to an 18 mile trail system (p. 3-9) as well as trail connections to the White River National Forest.

Concerning the indirect effects of conservation easements on the federal parcels, the terms of the conservation easements would restrict the neighbors’ rights to recreate on Parcel A to foot-travel only, allow travel only within a specified area, limit use to daytime, and restrict the residents’

current rights to invite the public to cross their property to access Parcel A (“Agreement between Two Shoes Ranch and Prince Creek Subdivision Landowners”, p. 3. Moreover, the EA should include this agreement as an attachment.)

Absent any details about what the site-specific management plan might entail, it is impossible to analyze the effects, direct or indirect of the Plan itself or the Proposed Action. See section on Site-Specific Management Plan.

Finally, since there is such a heavy emphasis on access and the recreational values the Proposed Action would provide, the document should contain a map of all the existing trails and trail connections in the analysis area, including the miles of roads and trails on Parcel A that is referenced on p. 3-9. This map would help to illustrate some of the recreational values being traded and offer valuable insight into how the Non Federal parcels could help to enhance those opportunities.

XII. SOME ISSUES WERE NOT PROPERLY ADDRESSED, IF AT ALL.

Cultural Resources: preserving the historical aspect of agriculture, either irrigated private or public access to grazing was mentioned in several comments, yet this section of the EA does not address either aspect of this issue.

Water rights: attention to the scoping comments shows that this issue is mis-characterized; none of the scoping comments identified the transfer of ownership as an issue, but several comments did express concern about the future management of the water rights and the potential change in use.

Farmlands: the EA says this is a non-issue because the Feds would acquire the agricultural lands instead of conveying them. However, there were several scoping comments about the preservation and/or loss of agriculture, ranching and public grazing opportunities. The issue is not who owns the land where these activities would occur; rather, it is whether the lands are managed to permit the activities. Rather than not addressing these comments at all, the document should treat farm/ag lands as an issue and use it as a basis to address these concerns.

Over 30 comments were submitted on the valuation/appraisal issue, yet the BLM has not provided data for the public to use in determining if the proposed exchange is in the public interest. See discussion of appraisals in section I above.

Several comments about the loss of public hunting were submitted, but this issue is not addressed in the EA.

The BLM would cancel in whole the grazing lease and preferences provided under the Thomas and Potato Bill Allotments and part of the Horse Mountain Allotments...” EA at 3-53. “Parcel 1 would no longer serve as the base property for the Sutey Allotment” Id. at 3-54.

This action is a substantial change. It is detrimental to the continued local cultural traditions of well managed public land grazing and thus contradicts the BLM’s own “desired social outcome” in the 2007 BLM Community Assessment Report. The livestock grazing as currently managed is strictly limited, and the habitat assessments on the federal parcels reflect the overall health of the resource. The cancellation of all the federal grazing allotments, the loss of the private base property (and presumably the grazing on the Sutey Allotment, although the planning for that has not been completed) would indeed be a substantial impact on the land management and the grazing rights. Changing the land ownership eliminates the role the oversight role BLM has in limiting negative developments on the parcels in question.

The Proposed action is expected to resolve the incidental grazing currently occurring on Parcel B because the parcel would be incorporated into the adjacent Two shoes ranchland, where such grazing would be allowed.

EA at 3-53. However, it would be simpler to add parcel B to the Thomas allotment and allow grazing under existing federal permit, than to transfer the parcel to private ownership.

XIII. A MORE COMPLETE CUMULATIVE EFFECTS ANALYSIS IS NEEDED. The United States has a unique tradition of setting lands aside for public needs; those needs include both active uses (recreation, resource extraction) and passive uses (open space, habitat). This is the only country in the developed world where one can hunt without the consent of a private landowner. To its opponents, the Proposed Action is contrary to this unique and democratic tradition.

One of the problems with land exchanges is that they typically do not occur in any sort of predictable or planned fashion, thus the result is a piecemeal rather than a cumulative analysis. The public has a right to know if higher value resources and habitat are being traded to the private sector and if the public is benefitting overall from these exchanges.

The practice of land exchanges could threaten the public estate, as there has been no thorough cumulative effects of all the exchanges that have occurred over the years. We suggest needed additions to the existing analysis below. Moreover, as no one has ever undertaken analysis of what types of lands have been traded, and therefore, what types of public values are changing hands, it is easy to assume that the affluent private proponents of many of these exchanges increase their estates at the cost of reducing the public estate.

Affected environment – p. 3-185 et seq.

The information provided is strictly limited to the analysis area. The discussion would offer a more comprehensive picture of the cumulative effects if the Scope of Analysis were broadened in two ways:

Discussion of the Bear Ranch land exchange in Gunnison County should be included. Culturally, the town of Carbondale and Pitkin County residents are more connected to the Bear Ranch neighborhood than to the Eagle County Parcels. Public lands and the trail system within them connect Parcel A to Bear Ranch Local residents enjoy this plethora of back country recreation which includes the Maroon Bells/Snowmass Wilderness Area and its connection to the Raggeds Wilderness Area bordering Bear Ranch.

Because the Federal Government evaluates exchanges based on the benefits to the nation as a whole Table 3T-1 “Land Exchanges in the Project Area” should be expanded to include all acreage in the listed exchanges, regardless of location, in order to provide a complete picture of the exchanges’ overall effects on the nation’s public estate. It should also include a complete listing of the types of public values traded in the exchanges, i.e. access, wildlife habitat, minerals, agricultural resources ,water resources, level of development encouraged or prevented by the exchange, how many utilized conservation easements, and so forth.

Access and Transportation

The improved public access referred to (EA at 3-190) is a matter of opinion. While mountain bikers will gain access to more terrain, those who prefer solitude, hunting, and spectacular views of Mount Sopris and the Lion’s Mane would have lower-quality experiences as a result of the Proposed Action. Moreover, as the population increases, the loss of solitude and low-key dispersed recreation opportunities and the increased traffic at the more limited quantity of trailheads will have a negative effect on local access and transportation.

Recreation

Again, recreational opportunities for some will be enhanced by the proposed action, but they will be diminished for others. A discussion of the recreation opportunities gained or lost through the other exchanges would elucidate the cumulative effects of the Proposed Action.

Livestock Grazing Management

The effect of the Proposed Action would be a loss of livestock grazing opportunities. It would be useful to have more information on the increase or decrease of livestock grazing opportunities in the other land exchanges identified in this section.

Wildlife and Plants

The EA's conclusion that habitat will be enhanced by the Proposed Action is theoretical and based on a best case scenario for maintenance and enforcement of the terms of the conservation easements. It also assumes there is no possibility of additional special status wildlife or plant species in the future being found on the properties involved in proposed the exchange. If the CE's are not appropriately monitored, adapted, and enforced, there is potential for real habitat degradation on the Federal Parcels. See "Application of Conservation Easements..." section above.

Again, absent a detailed analysis of the land exchanges affecting the analysis area, there is no way of knowing if the actions affecting the size of the public estate, and habitat therein, has been affected over the long term.

Wetlands, Floodplains and Riparian Zones

The EA states that:

Quantification of the extent (i.e. acreage) of wetlands and riparian areas that were transferred between private landowners and the United States Government over the past three decades is beyond the scope of this analysis."

Id. at 3-193.

This information should be available through NEPA documents for the past exchanges and maybe other sources. Such analysis would help to describe the cumulative environmental effects of land exchanges. Also, the net loss of wetlands under the Proposed Action is an environmental impact, if the conservation easements are not maintained or enforced as necessary.

Short of a more thorough effects analysis, it is premature to state that the cumulative effects of the proposed Sutey Land Exchange would be negligible, as the EA at 3-189 does.

XIV. A MORE DETAILED STUDY OF CULTURAL RESOURCES IS NEEDED TO ENSURE THEIR PROTECTION.

Twelve cultural resources were previously recorded within 1 mile of the Federal Parcels in Pitkin County (A, B, and B-1), but only nine are within the APE. The most recent survey located four new cultural resources, Three were isolated finds and one stone pile and alignment (likely modern).

EA at 3-57.

The term “likely” leaves open the possibility that this is a significant archeological find, it is impossible to tell from the EA document (no photo was published). The EA should include a more detailed discussion of the findings of any studies. Recently, Pitkin County assisted a nearby landowner with protecting an 11,000 year old significant site in similar terrain. This stone pile and alignment could be a dwelling, a “henge”, or a similar 11,000 year old hunting campsite site. Without further study and reporting we will not know.

Under the Proposed Action, the land exchange would not have any direct, indirect, or cumulative effects on identified cultural resources in the APE.

EA at 3-58. The lack of information published in the EA does not support this assertion. Federal law provides legal protections to the cited cultural resources, but these protections would be lost if the lands are exchanged.

XV. ENSURE THE BEST PUBLIC INTEREST USE OF ANY WATER RIGHTS.

With the exchange, the BLM would lose any currently held ability to defend the quality of wetlands habitat, riparian habitat, and water quality on the federal parcels. Because the conservation easements envisioned for the federal parcels do not address water rights, any changes in diversion points or changes in use of proponent-owned water rights downstream (hydropower rights are retained in the conservation easements) could impact the habitat on the federal parcels, without any recourse allowed under the CEs. See section IV of these comments – Conservation Easements.

“It is reasonable to assume that the acquired water rights would be used for fish and or wildlife habitat improvements” on the non-federal parcels. EA at 3-135. The BLM would be required to manage both irrigated lands and storage water rights, or undertake the expensive and lengthy process of transferring the water rights to Colorado Water Conservation Board for instream flow/ fish and wildlife habitat improvements. If this is done (under the as yet unwritten site-specific management plan), the BLM would lose the value of the “112.6 acres of prime farmland if irrigated soils” cited in the EA at p. 3-180.

The elimination of the irrigation from the Sutey Ranch greatly diminishes its value for wildlife, and is against the spirit of the BLM’s own 2007 BLM Community Assessment Report, protecting agricultural productivity and public open space.

XVI. CONSULTATION AND COORDINATION

This section should contain information about each firm consulting on the Project and a description of the work they did. The BLM should acknowledge that the role the agency played in preparation of this EA was restricted to reviewing the document and that the entire document

was prepared by a 3rd party contractor (SE Group) and supported by 4th party sub-contractors. This document designed to facilitate public scrutiny was prepared by private contractors and paid for by the Proponent of the Proposed Action. The public agency charged with advocating for public resources did not participate in the preparation of this document and the public has a right to know more about the organizations that did.

From a public management perspective, the fact that the EA was prepared by outside contractors is important in that it underscores the lack of Agency commitment that encourages exchanges initiated by outside parties. The BLM is able to process these exchanges because so much of the work necessary to do so is performed by outside contractors and paid for by the proponents. One cannot help but wonder whether this and other exchanges would be pursued in the public interest if the responsible agency had to process them internally. Such a requirement would likely ensure that land exchanges occurred under the auspices of a larger, prioritized planning effort with ample opportunity for the public to participate in formulating the objectives and priorities of that larger effort.

CONCLUSION. The proposed land exchange is not in the public interest. It appears to be designed to benefit a private proponent at the expense of public values. There would be a loss of wetlands, important wildlife habitat, and land with populations of a sensitive plant. There is no assurance that the values of the lands involved are equal or can be made equal, and a strong indication that the exchange would not comply with applicable regulation.

Therefore, the BLM must not approve the exchange as currently proposed. If it proceeds with a proposed exchange in the project area, the agency must first:

- release the appraisal data for the lands involved, show how the appraisals were conducted, and allow public comment;

- formulate a broader purpose and need and additional alternatives that consider all values of land, especially wildlife and plants, not just recreation;

- in a new or revised EA or EIS, provide a complete analysis of all issues relevant to any proposed exchange, including cumulative impacts.

The undersigned are happy to work with BLM, the proponent, the land trusts, and local government to design an exchange that would truly be in the public interest. Please feel free to contact us for further discussion.

Sincerely,

Anne Rickenbaugh

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Stephen Greenway

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Franz Froelicher

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: annie rickenbaugh [REDACTED]
Date: Mon, Jun 3, 2013 at 10:42 AM
Subject: Sutey Ranch, CE's and penstemon
To: "Blm_co_si_crvfo_webmail@blm.gov" <Blm_co_si_crvfo_webmail@blm.gov>

Please find attached an addition to the comments we submitted last wednesday. This was lost in the shuffle to get comments to you by the close of the comment period, and although we did touch on this in the section on Conservation Easements, we hope you will take the time to read about how the CEs should be altered to protect the Harrington Penstemon. We recognize that you have no obligation to consider this as the comment period is closed, but hope that you will anyway.

Thank you,

Anne Rickenbaugh

Stephen Greenway

Franz Froelicher

CE Comments: A Focus on the Limitations of the Parcel A Conservation Easement-Vegetation

"Relatively Natural Habitat" in capital letters, with reference to the following statute [§1.170A-14(d)(3)] is defined on Page 1 under **Recitals** where it is listed and then defined as a valid conservation purpose under the larger heading of "Conservation Values". The first of only two references to Harrington's Penstemon, the only currently known BLM sensitive plant species on the ~~private-federal~~ parcels offered for trade, in the CE document for Parcel A is under **Recitals** and then under this subcategory of Conservation Values-"Relatively Natural Habitat". The simple statement is made that, "A portion of the property is also habitat for Harrington penstemon (*Penstemon harringtonii*), a plant species recognized as a "sensitive" plant species by Colorado BLM." So the only protection afforded Harrington's penstemon (properly referred to as Harrington's not Harrington) in the CE is through any reference to this umbrella term, "Relatively Natural Habitat" or presumably under the broader umbrella term "Conservation Values" which is defined to include "Relatively Natural Habitat" under **Recitals**.

The only other time the use of the term "relatively natural habitat" is used in this CE is under **Agreement**, Section 7.2, Resource Management and Use. Here it is used only with lower case letters, whereby it could be assumed that this is not a reference to the definition of a capitalized "Relatively Natural Habitat" under **Recitals**, but instead could mean whatever a reviewers idea of the words *relatively natural habitat* may be, which alone is a vague description that has no meaning in any scientific or biological sense. Quote, "Accordingly, Grantor agrees not to alter the topography of the Property through placement or removal of soil, gravel, land fill, or other materials nor to impair the

relatively natural habitat (this is the commenters italicized emphasis) for native plants (including Harrington penstemon habitat), wildlife, or similar ecosystems within and upon the Property, except:...”
The meaning of “relatively natural habitat” is unclear in this directive.

Under **Agreement**, Section 7, Prohibited and Permitted Uses, Section 7.2, Resource Management and Use, the above statement related to the prohibition of any alteration of topography is the only resource protection covered here. with tThe majority of language in Section 7.2 **describing describes** the exceptions to this **singular** Prohibited Use **agreement language and listing and mainly lists** allowed uses of the property. Changing the “relatively natural habitat” here to a capitalized version would solidly refer this statement back to the well-defined category it represents under the defined Conservation Values section of the CE instead of leaving it vulnerable to a murky interpretation. Adding the following language and capitalization (**in bold**) such as “not to alter the topography of the Property through placement or removal of soil, gravel, land fill, or other materials nor to impair the **Relatively Natural Habitat or the habitats** for native plants (including Harrington’s penstemon habitat **and any habitat for future plant species of special concern that may arise**), **plant communities**, wildlife, or similar ecosystems within and upon the Property, except:...” would provide more specific protections.

The only other time the wording “natural habitat” is used is without the qualifier “relatively” and with lower case letters under **Agreement**, section 2. Purposes. Without the same wording “Relatively Natural Habitat” and without capital letters, “natural habitat” can be inferred to mean something entirely different than its use under **Recitals**. The use of the words *natural habitat*, “natural habitat” is not the same and therefore does not refer back to the umbrella term, Conservation Values on page one of the CE. The words “natural habitat” are then taken at face value to mean exactly what the reader believes “natural habitat” to mean, which is potentially such a broad definition and interpretation as to have little meaning and again certainly none in any scientific or biological context. The wording under **Agreement**, section 2. Purposes should be changed (**changes in bold**) to “the primary purposes of this Easement are; 1) to preserve and protect **Relatively Natural Habitat**, including bighorn sheep habitat...” This will refer back to the definition of Relatively Natural Habitat under **Recitals** and then include protections for Harrington’s penstemon within the primary purposes of the CE.

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While Section 5. **Rights of the Trust**, clearly states the Trust has “the right to preserve and protect the Conservation Values in perpetuity”, other sections of the CE have the ability to vastly diminish the initial Conservation Values with the simple approval of the Trust as stated or through a consultation with the CPW.

Rather than outright prohibition of many activities, uses and practices on the property, many are allowed at the discretion of the Trust and/or CPW consultation. Such allowances could lead to actions that may seriously degrade the Conservation Values as currently defined in the CE. Legally there is vast room for loopholes and extensive changes in the future interpretation of Section 7.1 Development Rights and Improvements, Section 7.2 Resource Management and Use, and Section 7.3 Other Restricted Uses and Practices with a change in the political whims of the Trust and or the CPW. A more robust CE would simply state the allowed development rights and improvements, resource management actions and uses and clearly list restricted uses and practices without so many opportunities to make changes to the landscape with simple approvals from the Trust and CPW consultations.

- For Example: “Existing primitive roads may be maintained, but shall not be substantially improved, widened or relocated, nor additional roads constructed, without approval of the Trust.” So this is not an absolute prohibition, but could potentially change with the change in the

political whims of the Trust in the distant future. Another way to interpret this is “existing primitive roads can be substantially improved, widened or relocated, or additional roads constructed with the approval of the Trust”. This is a very loose restriction.

A monitoring program should be required in the CE to detect any changes that occur in the populations of Harrington’s penstemon and should be required in the future for any other plants that are newly placed in a special status category by any state or federal land management entities. Any downward trend in populations or numbers should trigger a reassessment of any activities or land management practices that would be occurring in the vicinity of the plants, especially livestock grazing.

Any references within the CE documents to the need to reseed, restore, reclaim or revegetate should include specific language requiring the use of native plant seed and local native plants [in any areas supporting native plant communities](#).

OFFICE OF THE
BOARD OF COMMISSIONERS
970-328-8605
FAX: 970-328-8629
email:eagleadmin@eaglecounty.us
www.eaglecounty.us



JON STAVNEY
SARA J. FISHER
JILL H. RYAN



May 21, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senor
2300 River Frontage Rd.
Silt, CO 81652

Dear Mr. Senor:

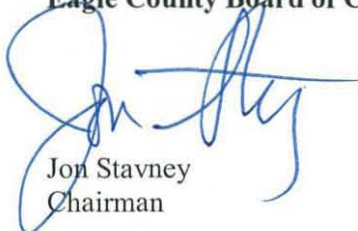
We are writing to reconfirm Eagle County's strong support for the Sutey Ranch land exchange, which includes the Horse Mountain Federal lands in Eagle County. As we have written you in 2009 and last year, this exchange would be very beneficial to permanently protect 201 acres on and around Horse Mountain 6 miles southeast of Eagle as permanent open space. Federal parcels C, D and E, as you know, have been identified for disposal due to their isolated location from other BLM lands in the county. When we first contacted you in 2009, there was an application pending from a private landowner to acquire a right-of-way over Federal Parcel C in order to build an access road to lands he holds on Horse Mountain. It was feared by the community that both the road and any housing he would build on the mountain could severely compromise the visual integrity of Horse Mountain, which can be seen from Interstate 70 and many parts of Eagle, Eagle Ranch and the Brush Creek valley. Horse Mountain is a prominent landmark for us, and should be preserved in its current natural state.

Happily, at that time in 2009, the nearby Lady Belle Ranch stepped forward to indicate that they were willing to acquire Parcels C, D and E in a land exchange at full appraised market value, and to thereafter donate a conservation easement on all three parcels to the Eagle Valley Land Trust. Ultimately, parcels C, D, and E were included in the Sutey Ranch land exchange and we have been encouraging its approval ever since.

Eagle County has just finished working with the Eagle Valley Land Trust, Forest Service and many others to successfully complete a land exchange further up valley, and it would be as real coup if the Sutey Ranch exchange can also be completed this year. We have reviewed the environmental assessment you recently released on the Sutey exchange and find it to be a complete analysis of the positive impacts of the exchange in Eagle County. We are very pleased that Pitkin County has now signed on in support of the exchange, as we have been urging them to do for several years.

In summary, the Sutey Ranch appears to be a true "win-win" for the public in Eagle, Garfield and Pitkin Counties, and we are happy to notice that it also has the full support of the Colorado Division of Wildlife. We encourage you to move it forward to completion.

Sincerely,
Eagle County Board of Commissioners



Jon Stavney
Chairman



Sara J. Fisher
Commissioner



Jill H. Ryan
Commissioner



EAGLE COUNTY

OFFICE OF THE
COUNTY MANAGER
P.O. Box 850
Eagle, Colorado 81631-0850

Colorado River Valley Field Office
U.S. Bureau of Land Management (BLM)
Attn: Monty Senor
2300 River Frontage Rd.
Silt, CO 81652



8165288633





SI_CRVFO_Webmail, BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Ranch Land Exchange

1 message

Laurie Stevens [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Tue, May 28, 2013 at 12:36 PM

Dear BLM Representatives,

I am writing in support of the proposed Sutey Ranch Land Exchange. My family has lived near the Sutey Ranch for 22 years and realize the importance of protecting this historic ranch. The wildlife, wildlife habitat, agricultural uses, water rights, historic values and preservation of open space are important factors in evaluating the exchange. Both Pitkin and Garfield Counties are benefiting from this exchange, as well as the surrounding communities.

Please move forward and approved the proposed exchange. Thank you.

Lauri e Stevens

[REDACTED]
[REDACTED]
[REDACTED]



Proposed Sutey Ranch land exchange

Carl Ted Stude [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Wed, May 1, 2013 at 7:48 AM

I use public lands extensively for hiking (including on snowshoes), fishing, and to a lesser extent mountain biking. I also support their use by off road vehicles on designated trails.

From my perspective, the problem with public lands in the West – and particularly those managed by the BLM – is not any lack of total acreage. Rather it is a combination of these limiting factors:

1. Most of the acre is dry land that has limited aesthetic value (few large trees or wildflowers).
2. The value for wildlife is limited by the lack of water, and so wildlife densities are low.
3. Access is often blocked by private lands.

The proposed acquisition of Sutey Ranch and another 112 acres adjacent to the Crown in Pitkin County, in exchange for 1,269 acres of nondescript dry land, would do much to compensate for these problems in the vicinity of Carbondale, where I live and recreate year round. The acquisition would certainly benefit me, and I think would also benefit the many other people who live and vacation in this area and use the public lands for many forms of recreation.

In planning for the future management of Sutey Ranch, consideration should be given to using less water for irrigation and selling a portion of the water rights to downstream users, such that more flow would remain in Cattle Creek. It might also be modified to improve fish habitat, such as by constructing underwater weirs of boulders to create pools.

Carl Ted Stude
[REDACTED]
[REDACTED]

May 23. 2013

I would like you to know I am concerned about the Ranch property of Tony Suti, previous owner of this Ranch. and if it could be brought to your attention that I have enjoyed the land that I am speaking of to be preserved for wild life for future generations for all types of Habitat.

Please consider my request to help preserve future wild life Habitat

yours Truly

Tim Sandquist

BUREAU OF LAND MANAGEMENT
RECEIVED

MAY 28 2013

CORNER VALLEY FIELD OFFICE

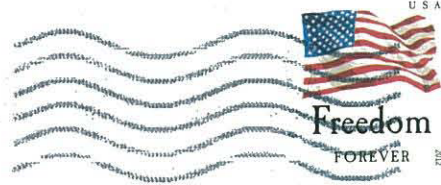
612 E. Canyon St.
[Redacted]



[Redacted]

PERMIA IL 616

24 MAY 2013 PM 2 L



BUREAU OF LAND MANAGEMENT
RECEIVED
MAY 28 2013

CORNER VALLEY FIELD OFFICE

B. L.M.
2300 Riverfrontage Rd.
Silt Colorado
81652

ATT. Suti Ranch
land Exchange





Sutey Ranch Land Exchange

10/23/2013

R Udall [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Thu, May 23, 2013 at 8:00 AM

May 23, 2013

Colorado River Valley Field Office
U.S. Bureau of Land Management
Attn: Monty Senor
2300 River Frontage Rd.
Silt, CO 81652

Subject: Sutey Ranch Land Exchange

Dear Mr. Senor,

On behalf of the Prince Creek Homeowners Association, I'm writing to reiterate our support for the Sutey Ranch land exchange.

Prince Creek Subdivision is a group of 20 homesites immediately adjacent to the BLM land that would be acquired by the Wexner family. After examining the recent Environmental Assessment, we find it to be accurate with respect to the elements of the land exchange that involve the Prince Creek area.

Since the land exchange was first proposed, its terms have been improved for those of living here:

- * The addition to the exchange of the 112 acre "West Crown parcel" which will go to BLM. This is a huge benefit for us as it will get rid of the unsafe parking situation that currently exists at the base of our subdivision access road, and get non-motorized traffic off the Prince Creek road itself.
- * We were involved from the outset in working with Pitkin County Open Space and Trail officials, the Roaring Fork Mountain Bike Association, Carbondale Parks & Recreation, Western Land Group, and others to see if the West

Crown Parcel could be acquired by the public. Such acquisition would legitimize the current user created trails that exist on the parcel. BLM acquisition of the parcel (as is explained on page 3-11 of the EA) could solve the unsafe parking situation discussed on page 3-11 of the EA. While Pitkin County OST attempted to acquire the parcel, it was always recognized that BLM ownership would be the ideal situation, given the parcel's adjacency to the Crown.

Therefore, when the Wexners acquired it for the purpose of including it in the land exchange, the best possible scenario was realized.

* The Wexners and Pitkin County have also agreed that the Wexners will donate \$700,000 upon completion of the exchange to develop, with the County, a trail easement and bike/pedestrian path on the Tybar Ranch to connect to the West Crown parcel. That is a tremendous gain for all concerned with outdoor recreation in Prince Creek.

* If the exchange goes through, and the ongoing negotiations over a Tybar easement are concluded in the near future, it will be possible for the public: to park off road at the "Bullpen" area on the lower Prince Creek Road (well below our road entrance), continue approximately 1 mile on a new trail on the Tybar Ranch, and then connect into the West Crown parcel and on into the Crown itself. All this activity will be off the Prince Creek Road, which will benefit bikers, hikers and car traffic over the unsafe status quo.

* The land exchange offers tremendous benefits to the deer, elk, and bighorn who use the BLM land to the south of our subdivision as critical winter and summer range. The current terms of the conservation easement on Two Shoes land at Potato Bill Creek includes a ban on grazing domestic sheep.

* Two Shoes is also surrendering the right to develop 10 homesites that Pitkin County approved for the ranch in the past. Most of those sites would be visible from Highway 133 and the Crystal River near the Thomas Creek bridge, so this concession will greatly benefit scenic preservation in that area.

Finally, although we live in Prince Creek, we would be remiss to ignore the key public benefits associated with BLM acquisition of the Sutey Ranch. Lots of us use Red Hill on occasion, and the opportunity to further expand the SRMA and its important wildlife and recreational lands is a positive for our whole valley. Sutey was under imminent threat of development when the Wexners bought it at the urging of the Aspen Valley Land Trust to conserve it in perpetuity.

In conclusion, the proposed land exchange is an excellent deal for our

community, for local wildlife, and for recreational users. Pitkin County has now joined Garfield and Eagle Counties in endorsing it. Its public benefits are simply impossible to ignore, and we thank you for producing an EA which explains them so clearly.

Sincerely,

Randy Udall
Prince Creek Homeowners Association



COLORADO PARKS & WILDLIFE

NW Regional Service Center
711 Independent Avenue • Grand Junction, Colorado 81505
Phone (970) 255-6100 • FAX (970) 255-6111
wildlife.state.co.us • parks.state.co.us

May 28, 2013

Steve Bennett
Area Field Manager
Colorado River Valley Field Office
Bureau of Land Management
2300 River Frontage Road
Silt, CO 81652

RE: Sutey Ranch Land Exchange

Dear ^{Steve}~~Steve~~ Bennett:

Colorado Parks and Wildlife (CPW) has reviewed the environmental assessment prepared for the Sutey Ranch land exchange and supports the proposed action. During the past several years, CPW has been involved in this project to ensure adequate protections for wildlife and provide hunting access for sportsmen. The current proposal will permanently protect wildlife habitat on previously owned BLM lands by utilizing conservation easements. Furthermore, the locality of newly acquired parcels by BLM will ensure protection to wildlife habitat while concurrently providing access for sportsmen and women.

Wildlife species utilizing the Two Shoes Ranch and Potato Bill Creek area include mule deer, black bear, elk, and bighorn sheep. The area provides critical seasonal habitat to ensure the persistence of these species within the Roaring Fork Valley. CPW is pleased to see the Two Shoes Ranch agree to place these lands in a conservation easement upon successful exchange with the BLM. Additional conservation easements between the Lady Belle Ranch and Eagle Valley Land Trust in Eagle County will further preserve important habitat for wildlife.

CPW supports the terms of these conservation easements and feels that the permitted and prohibited uses in the agreements are fair to the landowners while still preserving the value of these lands for wildlife. Specifically, CPW would encourage strict adherence to the requirement for a noxious weed management program, grazing management plan, and big game management plan. Local CPW staff is available to assist in the development and implementation of these programs.

Newly acquired lands by BLM will include the Sutey Ranch and Haynes (West Crown) parcel. These parcels contain important big game winter range and production areas for elk during calving. CPW feels strongly that local staff be involved in the land management of the Sutey Ranch and the development of site specific land use plans for

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Home
Bill Kane, Vice-Chair • Gaspar Pericone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

each parcel. Any water rights that are acquired with the Sutey Ranch should be utilized for the benefit of wildlife and wildlife habitat. CPW still recommends that the Sutey Ranch not be managed under the Red Hill Special Recreation Management Plan, and would like to emphasize the importance of the Sutey property as winter range to both deer and elk. The Sutey Ranch and surrounding areas serve as winter range habitat for deer and elk herds that range from north of Ruedi Reservoir and the Red Table Mountain area. Development within the Missouri Heights and Spring Valley areas has contributed to the loss of winter range habitat making preservation of remaining parcels critical for herd survival.

Recreation pressures continue to increase on public lands both in user numbers and periods of use. Winter recreation on deer and elk winter range increases stress levels and can force animals into less suitable habitat, diminishing herd health. CPW recommends a winter use closure on the Sutey parcel from December 1 through May 15 to protect wintering wildlife. In addition, the creation of any new trails should be balanced by closing and reclaiming old trails to achieve no net loss of wildlife habitat. Permitted trails should prohibit motorized use and dogs should be leashed at all times to prevent unlawful harassment of wildlife.

The acquisition of the Haynes (West Crown) parcel gives land managers the opportunity to create a controlled access point to the popular recreation area known as the Crown. CPW recommends full winter closures at access points to the Crown. This area supports large numbers of mule deer and elk throughout the winter and should be closed to all methods of travel from December 1 to April 15.

Colorado Parks and Wildlife commends the BLM for their effort in the Sutey Ranch land exchange. Local staff looks forward to the opportunity to help in the creation of site specific management plans and on the ground management of the Sutey Ranch parcel. If there are any further questions please contact District Wildlife Managers John Groves at (970) 947-2933 or Matt Yamashita at (970) 947-2931.

Sincerely,



Ron Velarde, Regional Manager

Cc: Perry Will, Area Wildlife Manager
John Groves, District Wildlife Manager
Matt Yamashita, District Wildlife Manager
Taylor Elm, Land Use Specialist
File

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: David R. Brougham • Gary Butterworth, Vice-Chair • Chris Castilian
Dorothea Farris • Tim Glenn, Chair • Allan Jones • Bill Kane • Gaspar Perricone • Jim Pribyl • John Singletary
Mark Smith, Secretary • Robert Streeter • Lenna Watson • Dean Wingfield
Ex Officio Members: Mike King and John Salazar



SI_CRVFO_Webmail@BLM_CO <blm_co_si_crvfo_webmail@blm.gov>

Sutey Ranch

1 message

Gloria Greene [REDACTED]
To: BLM_CO_SI_CRVFO_Webmail@blm.gov

Fri, May 24, 2013 at 3:16 PM



To whom it may Concern.docx
131K

To whom it may Concern;

My Name is Gloria Wallace and I am a homeowner in the Pinon Peaks area, nearby the Sutey Ranch.

Some Very important points my family and I wish you to consider would be protection of wildlife and wildlife habitat, preservation of clean air and water, preservation of a historic ranch and open space, and closure of the ranch in the winter for wildlife protection. Recreational uses could be summer opening of the ranch so that hiking and biking trails could be extended to the BLM parcels at the North Side Loop. This trail hooks up to the Red Hill trail management system and we believe this would be a great benefit.

After living here quite a few years, we know from experience County Rd. 112 is not up to County Rd. standards and an increase in traffic from recreational use wouldn't be supported. We are asking you not to include a parking lot at the base of Sutey ranch in future uses, as this would increase traffic on the road.

Allowing hunting on Sutey Ranch should not be permitted. There are many private homes surrounding the ranch and my concern is that stray bullets from hunting could end up endangering surrounding properties and people. Most nearby residents hike, snowshoe, and bike ride very close to the ranch and our concern is a stray bullet could kill. No hunting should be allowed on the property.

Motorized vehicles, camping and camp fires are issues that need to be addressed. We believe that the noise from motorized vehicles would be intrusive to wildlife habitat and neighbors. Camping permits should be considered during the summer season, but we would ask to ban campfires, as this area is very close to residential neighborhoods.

Thank you for your consideration,

Gloria Wallace



Blm Co Si Crvfo Webmail

Sutey-2 shoes exchange

Batflapper@aol.com [REDACTED]
To: blm_co_si_crvfo_webmail@blm.gov

Thu, May 2, 2013 at 8:52 PM

Dear BLM,

I would like to go on record as opposing the Wexner trade of these parcels. I have gone over and over the deals offered by Mr. Wexner and all I can come up with is the fact that He would control and OWN eight square miles of land at the base of MT. Sopris, The Gateway to the Elk Mountain range. It would no longer be able for the public to access the land west and south of Dinkle Lake, as Mr. Wexner would own it. I personally like to hike some of the draws and valleys that flow through this area in spring, when the green is just starting to bud out and the sage and pines are really light green. These draws run with water in spring and I was not aware that elk calf in this terrain. They don't eat sage and they stay more in the aspens.

The biggest problem with the trade is the fact that Mr. Wexner will be able to cut off the easiest access to the north side of MT. Sopris. I am 68 years old and have trouble with steep terrain now. I enjoy a gentler access and the present BLM envelope provides. It seems to me that in this day of many young strong forest users, the BLM and the Forest Service has forgotten about us older geezers that can't walk that far any more. To access the north side of Sopris, I would have to start on the rocky scree field on the western flank and scramble through the scree field to the BLM /Forest above Mr Wexners new parcel. This adds hours to the climb up the north flank. I am tired of the "Wilderness" program pushed by the young with disregard for the thoughts and needs of us older users. It's bad enough that I can't drive my 4 wheeler up to my favorite lake on the South Fork of Lake Creek because some young buck decided it was wilderness, even though 5 generations have been DRIVING up there for 100 years, and it used to be a pass called Lake Pass over to the Taylor River drainage. My 4 wheeler doesn't leave anymore of a footprint than a horses deep hoof tracks and doesn't smell like fecal matter. Mr Wexners' cattle and sheep will tear up the terrain beyond an acceptable level. And why? So He can stand in his parlor and point to MT. Sopris and say to his well heeled guests " That's all mine from here to Sopris." Stop this trade before OUR LANDS are given away to the wealthy. I have lived in Aspen for 49 years and have climbed all of the Fourteeners twice. Please do not let this trade go through. Thanks for reading my opinion. James A. Wingers

[REDACTED]



Sutey-Two Shoes Land Swap

MaryLou [REDACTED]
To: blm_co_si_crvo_Webmail@blm.gov
Cc: letters@aspentimes.com

Wed, May 1, 2013 at 3:17 PM

Wen we first drove up the road from Glenwood Springs many years ago the sight of Mt. Sopris took our breath away. Turns out that the lower part was ranched by The Big Four, Nieslaniks and other REAL cattlemen. "BONANZA" was on TV, a man's handshake was his bond, and life was good. Today-not so much. It seems to be all about money, votes and power. I understand that Mr. Wexner is a very nice man and the younger ranching managers he employs are the best and have deep local ties. The problem lies in what happens many years from now . Once the land is gone it's gone. Conservation easements may be well intentioned but what happens when another unfathomably wealthy man comes along and persuades the party in power at the time to just change the law???? Why can't you just lease the land to Mr. Wexner who already has a massive amount of beautiful land and keep the title where it belongs with The United States of America?

Best regards,

Mary Lou Fite Zordel
[REDACTED]