



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
3170 EAST MAIN STREET  
CANON CITY, COLORADO 81212



FRONT RANGE RESOURCE ADVISORY COUNCIL MEETING  
CANON CITY, CO  
March 15, 2006

**MINUTES**

**Group 1**

**Virginia Patton**  
**Gene King**  
**Jim Coleman**  
**Chuck Rech**  
**Rick Thompson**

**Group 2**

**Lucy Bambrey**  
**Larry Strohl**  
**Aaron Clark**

**Group 3**

**Loren Whittemore**  
**Michael Bush**  
**Jim Bensberg**  
**Frances Mathews**

RAC Members not in attendance: Donna Murphy, Josh Osterhoudt and Joseph Duda,.

**GUESTS:** B.J. Jones, Senator Allard's Pueblo Office; Sal Pace, Congressman Salazar's Pueblo Office; SeEtta Moss, Arkansas Valley Audubon Society;

**BLM/FS PERSONNEL:** Roy Masinton, Tom Goodwin, Ken Smith, Dave Walker

**COUNCIL BUSINESS:** RAC Nominations are due March 27.

**PUBLIC COMMENTS:** SeEtta Moss, Arkansas Valley Audubon Society, showed a few power point slides on Trials Events and asked BLM to consider the impacts of this type of organized use.

**Roy Masinton** stated that SeEtta pointed out the specific impacts on those areas with a permanent use. But, she was not the only one who has complained about the use, the permittee in that area made a point to take him out to see the kind of impact that occurred on the ground. While we anticipated no real impact to the area where the actual event occurred there was quite an impact on the bottom area and the grazing permittee was not happy about it and he figured the recovery for that area would be an extensive period of time. What is being discussed is how much to manage these kinds of permitted events and after travel management planning is in place, is it appropriate to permit these kinds of events. We are looking for some ideas from the RAC. In some of these areas erosion damage is probably the biggest potential and in other areas it can be reseeded.

**Larry Strohl** brought up a news article about Pete Zwaneveld & the Christo project. He wanted to know if there was a BLM policy about responding to something that is not accurate. This was a letter to the editor of the Salida Mountain Mail and has to do with

the “Over the River” project and the fact that BLM’s costs for working on the proposal are 100% reimbursable. BLM time is not being paid by the American taxpayer but being paid by Christo. It does not mean he will get authorization or special treatment.

Ken Smith said BLM is not planning to directly respond to this letter but will make an effort to get correct information out in the future. B. J. Jones said they also have found that to be the best way to handle this type of situation.

**MANAGERS UPDATE:**

**San Luis Valley Issues; Tom Goodwin:** There is current legislation to create a Rio Grande Natural Area in the Rio Grande Corridor. The July RAC meeting is scheduled in the San Luis Valley and they are planning to do a float trip on the Rio Grande to look at this area.

They are still looking at doing the National Environmental Policy Act (NEPA) work on the MacIntyre/Simpson area for some uses and how to best utilize that land. They are hoping to get State Office funding to help with that NEPA effort.

It looks like the Rainbow Family is probably coming to Southern Colorado. They are not sure which Forest will be affected yet.

Elk numbers in the Refuge next to the National Park are in significant numbers. The Forest Service was told, when the Park was established, that the Liberty Road would be the boundary and the Forest Service would have the road and 50 feet west for access. However the first 7/10ths of a mile does not belong to the Forest Service so there is no public access to the new forest portion for hunting. They are trying to resolve the problem.

**Roy Masinton, Royal Gorge Field Manager:**

**Salida Ditch Update:** The Salida Ditch Company was allowed to do maintenance on their historic area that was disturbed during the original construction of the Ditch. They far exceeded that. The Army Corp of Engineers was requesting an after the fact permit from Salida Ditch. They received a comment from the State Department of Public Health and Environment suggesting they use Section 401, Storm Water Discharge. The Army Corp of Engineers have sent Salida Ditch a letter stating their request for permit has been denied and they need to fix this immediately. The State Department of Public Health and Environment has also sent them notice that this has to be done by April 1<sup>st</sup>. BLM’s Archeologist went to the site and did a complete inventory of what was lost and found several significant sites. This information has been shared with the State Historic Preservation Office and the Corp of Engineers. They will be looking at the cultural values in this area before anything is done.

**Browns Canyon WSA Update:** We currently are viewing legislation that is in committee, both the House and Senate. It is a basic simple legislation and if passed would make Brown Canyon a Wilderness Area (approx. 12,000 acres of FS and 8,000 acres of BLM).

**Ruby Mtn/Pike Update:** Mr. Pike, a neighboring land owner, appealed a decision that allowed commercial outfitters with handicap persons to launch their entire party from Ruby Mountain Recreation Site. The Interior Board of Land Appeals affirmed BLM's Decision Record, but Mr. Pike has asked for reconsideration.

**Over the River:** BLM is still considering the possibility of bumping this into an EIS and has consulted with the State Director. She has yet to make a decision on it.

**Simmons Road Trespass:** Mr. Simmons is in a sub-division that is divided into 2 ½ acres parcels, he owns 2 of these parcels. He has legal access through the sub-division parcels. About 10 years ago he build a road from the County Road up a drainage across his neighbor's property to access his property. He not only trespassed across BLM property but his neighbor's property as well. BLM gave Mr. Simmons 5 years to figure a different access and in 2001 they extended that period by 5 years. Mr. Simmons has been informed, when that period ends BLM will not extend his time to find an alternative access that does not include BLM managed public land.

**Caughman Trespass:** This is an historic trespass BLM has been dealing with for a number of years. Mr. Caughman took a significant amount of timber off of public land in trespass, BLM cited him and he took us to court. The court awarded BLM a settlement in excess of \$60,000, however Mr. Caughman has not paid yet. Collection is now being pursued through the U.S. Treasury.

**BLM Water Mangement Issues in Southeast Colorado, Roy Smith:**

**Blanca Wetlands Area:** The Blanca Wetlands Area is an official mitigation site for the impacts associated with that Closed Basin Project. There were some surface impacts and wetland losses associated with that project. The water supply is about 40 plus wells that are drilled into the confined aquifer under the San Luis Valley. Those wells were built between the mid 1970's and mid 1980's. BLM operates 21 wells on an Annual Substitute Water Supply Plan and is moving toward a Decreed Augmentation Plan.

**Simpson-McIntyre Complex:** It straddles the Conejos River and incorporates McIntyre Spring, this property has Southwest Willow Flycatcher habitat and also host Yellow Belly Cuckoos. It is comprised of 2 acquisitions and comes with significant surface and groundwater rights. Challenges are: BLM is attempting to transfer those groundwater rights to Blanca to help off-set depletions to the confined aquifer, rehabilitate ditches and headgates and trying to figure out an infrastructure and irrigation plan to optimize Southwest Willow Flycatcher habitat and grazing forage.

**Proposed Rio Grande Natural Area:** Legislation has passed in the Senate and there was a hearing in the House last Thursday. The idea is to create a protective river corridor without a federal water right. The legislation calls for a commission that will create a plan for land and water management. The idea is to work with the water managers in the San Luis Valley to adjust the flows on that part of the river and not increase them, to improve the fisheries.

**Cooperation with Colorado Water Conservation Board, Instream Flow Protection:** Statewide we have cooperated with CWCB on more than 100 stream segments. BLM has been collecting data on streams, doing model runs and making recommendations for instream water rights.

**Grape Creek – De Weese-Dye Cooperation Instream Flow Protection:** BLM purchases water on the open market in the Arkansas River Valley and then exchanges that water to De Weese reservoir for holding in that storage space. On November 15<sup>th</sup> when the gates would normally be shut at Deweese Reservoir they are able to slowly release the water into Grape Creek to maintain the fisheries.

**Instream Flow Protection-Arkansas River:** This is based on a Memorandum of Understanding with Colorado Department of Natural Resources, BLM and the Bureau of Reclamation. Department of Natural Resources sends an annual letter to the Bureau of Reclamation to request the flow rate needed through out the year to be released from Reclamation projects. They set monthly flow targets and are trying to balance the water needs on the river for recreation, fishery, riparian, wildlife rafting, etc.

**Blue Heron Property:** This property is located on the Arkansas River and was acquired by BLM for the purpose of recreation. The State of Colorado requires an augmentation plan to replace the evaporation from the ponds in the old gravel pits located on the property. In the last year several parties have expressed an interest in diverting water from this property for municipal use.

**Park Center Well – Municipal Water Supply:** This well is located next to 4-Mile Creek, it is 3000 feet deep, artesian flow and is a non-tributary well. Since the 1930's the water has been leased first for agriculture uses and then to Park Center District for municipal water supply. Park Center District has indicated they would like to take additional water from this well. BLM will need to go back to the State of Colorado and make another water rights application, this time on a non-tributary water bases. BLM is in the process of updating the lease on the water to Park Center District because water prices are increasing and BLM is obligated to charge fair market value for the water.

## LUNCH

**Draft Resolutions from January Meeting, Roy Masinton**  
**FRRAC 06-02 Implementation of the draft remediation plan for the “clean-up of the mill tailings at Millsap Gulch south of Victor:**

**Loren Whittemore** asked who the contributors are?

The Colorado Division of Minerals and Geology (DMG) have agreed to provide approximately \$600,000 and BLM has agreed to provide \$150,000 towards the \$900,000 estimated total cost.

After review of the draft resolution it was passed unanimously by the Council members present.

**FRRAC 06-03 Regarding the need for additional Law Enforcement presence in the Royal Gorge Field Office area.**

There was some discussion about the 6<sup>th</sup> paragraph and the need to remove “particularly OHV use” to avoid the perception that most of the problems are from that use. It was decided to change that sentence to read “**Whereas** use on public land is expected to dramatically increase and”

The Resolution was unanimously passed as amended.

**Motorcycle Trials Events Workshop, Dave Walker**

Dave Walker asked the RAC for advice on 3 questions:

(1) Should BLM continue to provide opportunities for holding motorcycle trials events on public lands?

The RAC recommended that opportunities for holding trails events continue to be considered, subject to the stipulations included in the special recreation use permits that are issued for the events.

(2) If motorcycle trials events are permitted on public lands, should the events be allowed to expand into new areas; should the events be limited to the existing three areas or should the events be limited to a single area?

The RAC tabled offering a recommendation on this question until the next meeting in May. The members had several questions concerning how the events were scheduled and conducted that need to be resolved before the May meeting, including the question of how long the existing areas are allowed to rest between events.

(3) If motorcycle trials events are permitted on public lands, should the area(s) be designated as open trials riding areas for year round use?

The RAC also tabled offering a recommendation on this question until the May meeting. Questions were raised regarding the request that was made by the Rocky Mountain Trials Association (RMTA) to designate the existing trials areas open year round for practice. Is RMTA requesting that all three areas be designated open for year round practice or would they be satisfied if only one or two the areas were designated open?

Mr. Cliff Tucker, Land Use Office for RMTA, was at the meeting and tried to answer the above questions. Not all of the questions, however, were satisfactorily answered and the RAC requested that Dave Walker and Mr. Tucker get together and resolve these questions before the May meeting.

A revised draft of the “Royal Gorge Field Office – Guidelines for Managing Access between BLM and private Lands” was handed out by Dave Walker. This will be discussed at the next meeting.

The next meeting is May 10 & 11, 2006.

The meeting was adjourned at 3:30 p.m.

Roy L. Masinton  
Royal Gorge Field Manager  
Bureau of Land Management

Loren R. Whittemore  
Chairman  
Front Range Resource Advisory Council