United States Department of the Interior
FRONT RANGE
RESOURCE ADVISORY COUNCIL MINUTES
February 13, 2013
Denver West Marriot, Golden, Colorado

RAC MEMEBERS PRESENT

Category 1	Category 2	Category 3
Bill Dvorak	Ted Hoefer, III	John Stevenson
Michael Barningham	Mark Hesse	Al Trujillo
		Christopher "Kit" Shy
		Laura Benjamin

ATTENDEES

Tom Heinlein, Front Range District Manager; Leah Quesenberry, Associate Front Range District Manager; Paul Tigan, Assistant San Luis Valley Field Manager; Keith Berger, Royal Gorge Field Manager; Denise Adamic, Front Range Public Affairs Specialist / RAC Coordinator; Erin Adair, Clean Water Action; Suzanne O'Neill, Colorado Wildlife Federation; Eddie Kochman, Park County resident; Cliff Smedley; Terrance O'Neill, Colorado Wildlife Federation; Misi Ballard, Great Old Broads for Wilderness; Alisa Lapp, Clean Water Action; Janet Wise, Great Old Broads for Wilderness; Chip Taylor, Colorado Counties Inc.; and Phillip Doe.

OLD BUSINESS

The meeting was called to order by Chairman Kit Shy at 1 p.m. Kit led the group in saying the pledge then asked for any comment on, or corrections to, the minutes from the last meeting. No one had anything to offer. Ted Hoefer III, moved that the minutes be approved as written; Al Trujillo seconded. The RAC unanimously approved the minutes.

Introductions were made by RAC members and the public in attendance (see attendee list above). Additionally, Chairman Shy introduced Chip Taylor as a member of Colorado Counties Inc. Taylor was invited by Shy to listen in on the RAC meeting on behalf of Colorado Counties Inc.

PUBLIC COMMENT

Seven members of the public were present to address the Front Range RAC. Those statements are outlined below. If formal statements were submitted, those are attached to the official minutes as well.

1) *Erin Adair, Clean Water Action.* Adair was present to explain a "Don't FRAC" campaign geared to stopping oil and gas development in the Park County and South Park basin. Adair

addressed South Park parcels that were deferred from the February 2013 lease sale, and asked that the BLM create a Master Leasing Plan (MLP) to protect resources and drinking water. (Formal statement submitted, see attached).

Adair also submitted a box of comment cards and letters to be delivered to the BLM Colorado State Director. There were approximately 900 signed form letters (attached) and about 400 individual correspondence ranging from typed formal letters to handwritten and children's drawings. The theme throughout everything was to stop fracking and stop oil and gas development.

2) *Suzanne O'Neill, Colorado Wildlife Federation*. O'Neill asked the BLM to develop a Master Leasing Plan (MLP) in South Park. O'Neill raised two main points: 1) BLM should consider an MLP process before doing a resource management plan revision, and 2) Don't entertain any leasing in the area until an MLP is completed. (Submitted statement attached)

3) *Eddie Kochman, South Park resident and advisory board member to Park County Commissioners.* Kochman appreciated that the BLM Royal Gorge Field Manager was considering doing a Master Leasing Plan (MLP). The MLP should be done immediately and before any more leasing could occur. Extensive information exists from Colorado Parks and Wildlife about resource issues in the area and the BLM should consider this information in its planning efforts. Park County has done a hydrologic study across most properties – every well has radioactivity levels that exceed water quality standards. Oil and gas development in the area has the potential to impact already poor quality water sources. (Submitted statement attached)

4) *Cliff Smedley.* National Parks should not be exploited but they should be treasured. The oil and gas industry is replete with contamination. This Industry is not a good neighbor. The BLM should stop the industry from polluting and hurting the environment. (Submitted statement attached)

5) *Terrance O'Neill, Colorado Wildlife Federation*. Water is a precious commodity. There used to be a lot of talk about conserving water, but there is not as much of that discussion going on now. In Park County 90 percent of water is appropriated to other sources. O'Neill discussed his experience of volunteering on U.S. Forest Service and BLM lands to remove trash, and report/put out fires. In 2 years of volunteering 20-40 hours a week on the forest, O'Neill only saw U.S. Forest Service staff twice. O'Neill is a concerned resident of South Park regarding the macro-scale of the oil and gas industry. A lot of money comes in from sporting and tourism activities in South Park; these industries will be adversely affected by oil and gas development. (Submitted statement attached)

6) *Misi Ballard, Great Old Broads for Wilderness*. Ballard requested the BLM develop a Master Leasing Plan (MLP) before revising the Royal Gorge Field Office's resource management plan. Ballard feels responsible for protecting the watershed for all the population who use it, and an MLP can protect that water. (Submitted statement attached)

7) *Phillip Doe, Environmental Issues Director for Be the Change*. Waste water wells that are associated with oil and gas development should not be allowed to happen in Colorado. Only 30 percent of the BLM land in Colorado that has been leased for oil and gas is in development. The BLM should not lease any more land until the rest of the leased land is developed. (Submitted statement attached)

Additionally, two comments were submitted to the RAC outside of the public comment period and were distributed to the RAC members later. Those comments have been included in the official minutes as the last two public comments attached to this document. Those comments were:

A) *Sonia Skakich-Scrima, What the Frack?! Arapahoe.* Skakich-Scrima expressed serious concern about the extraction of natural gas, oil, uranium and other mineral extractions within the Front Range watershed of South Park and other nearby areas. (Submitted statement attached)

B) *Randee Webb, concerned citizen of Aurora, Colorado.* Webb said there is no safe distance, no safe setback, from oil and gas unconventional fracking (or horizontal, slickwater, high-volume hydraulic fracturing) and all its associated activities. (Submitted statement attached)

RAC members then addressed those comments raised by the public. The Council began by asking the BLM staff present, how does environmental review occur for leasing? The BLM explained that there is a 2-step environmental review process. First, the BLM completes an environmental assessment (EA) at the leasing stage, before a parcel is offered at the lease sale. Second, the BLM completes an environmental review of the application for permit to drill (APD) with site-specific information.

The Council then asked the BLM staff if a master leasing plan (MLP) would affect areas that are already leased. The BLM explained that an MLP would make new allocation decisions on what parcel may be offered in the future but would not impact leases already in effect.

The Council asked if an MLP would put a stop to fracking. The BLM said no: an MLP would address stipulations like critical wildlife habitat criteria and would deal primarily with surface management concerns. MLPs are a relatively new idea and so the BLM is trying to figure out exactly how they work in the overall land management process. There is no “cookbook” for creating and implementing an MLP – these plans are being done in a few places but the BLM is trying to figure out the best way to work on an MLP and how the public is involved in that process.

The Council asked if there is a fracked well in South Park? Eddie Kochman (member of the public) said he was not sure, but there are deep wells already drilled in South Park and what has been found from them is that rock and geological formations under the South Park area are naturally fractured with a lot of aquifers that may be adversely affected by fracking.

Chairman Shy thanked the public for their comments and invited them to stay for the remained of the meeting as there were other agenda topics to be addressed. Most of the public exited.

FOLLOW–UP FROM LAST MEETING

There were no issues that needed to be revisited from the last meeting.

RAC NOMINATION DISCUSSION

Denise Adamic updated the RAC on the open nomination period and whose terms were to expire in November 2013. The five open positions on the Front Range RAC include one (1) in category one, two (2) in category two, and two (2) in category three. The descriptions of these RAC positions are as follows:

Category One – Public land ranchers and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation.

Category Two – Representatives of nationally or regionally recognized environmental organizations, archaeological and historical organizations, dispersed recreation activities, and wild horse and burro organizations.

Category Three – Representatives of state, county, or local elected office; representatives and employees of a state agency responsible for the management of natural resources; representatives of Indian Tribes within or adjacent to the area for which the RAC is organized; representatives and employees of academic institutions who are involved in natural sciences; and the public-at-large.

Those members whose terms are up in November are: Ed Nielsen (Category 1), Jay Heeter (Category 2), Mike Nelson (Category 2), Laura Benjamin (Category 3), and Kit Shy (Category 3).

Adamic reminded the group that nomination forms and more details could be found on line at: http://www.blm.gov/co/st/en/BLM_Resources/racs/frrac.html. Nominations are due to Adamic by March 14.

MANAGER UPDATES

Keith Berger, *Manager, Royal Gorge Field Office*

- *Resource Management Plan Revision:* The Royal Gorge Field Office (RGFO) is planning to update its resource management plan (RMP) when the budget allows. The BLM has considered several options for this revision and is currently considering a total plan overhaul. The RGFO spoke with the Park County Advisory Board about possibly doing an MLP as part of the plan revision. The BLM is not sure yet how completing an MLP would look in relation

to the overall RMP revision time frame or the budget to do it. The BLM Washington D.C. office has reviewed the RGFO's pre-plan proposals for how and what the RGFO plans to do in an RMP revision. Because the BLM is currently working under a continuing resolution through March 27, 2013, the RGFO cannot begin any RMP revision efforts. Once the Federal government's budget is finalized, the RGFO will have a better idea of a timeframe for revising the RMP.

Al Trujillo asked if the BLM hires contractors to complete RMP revisions. Berger explained that some but not all of the environmental analysis for completing an RMP may be contracted out.

- *Oil and Gas leasing and development:* On February 11, 2013, the BLM Royal Gorge Field Office released a preliminary parcel listing for public consideration in the November 14, 2013, oil and gas lease sale. The preliminary listing includes 12 parcels of public mineral estate in Baca, Bent, Kiowa, Huerfano and Weld counties. Those parcels will be analyzed in an environmental assessment, which is scheduled for a 30-day comment period in May 2013.

- *Lesser Prairie Chicken***:** The lesser prairie chicken has been considered a candidate species for several years but now has become eligible for listing, possibly as "threatened." The RGFO is participating in a five-state effort to consider range-wide conservation plans as well as Candidate Conservation Agreements (CCAs). A CCA is an agreement that any federal operator (grazing permittee, oil and gas leasee, right-of-way holder) may sign in order to identify best management practices for their operations. With a CCA in place, should a species be listed, the operator can continue with their operations.

  Kit Shy asked that form does a CCA take, do other agencies have input into what is agreed upon? Berger explained that the U.S. Fish and Wildlife Service (FWS) must approve any best management practices that are agreed upon. There is voluntary monitoring involved until a species is listed; then there are monitoring requirements.

  Shy then asked if the BLM reviews its own actions in the area, for example dispersed camping. Berger said yes, by law the BLM must look at its own actions in those areas and must confer with FWS to determine what, if any, impacts there would be to a species and its habitat.

- *Southern Great Plains Rapid Ecosystem Assessment (REA)*: The RGFO will be involved in a Rapid Ecosystem Assessment. Climate change and other widespread environmental influences are affecting the western landscapes that are managed, in part, by the Bureau of Land Management (BLM). In response, the BLM has launched fourteen Rapid Eco-regional Assessments (REAs) since 2010 to improve the understanding of the existing condition of these landscapes, and how conditions may be altered by ongoing environmental changes and land use demands.

  The REAs examine ecological values, conditions, and trends within ecoregions, which are large, connected areas that have similar environmental characteristics. Examples of

ecoregions include the Sonoran Desert and the Colorado Plateau. Ecoregions span administrative boundaries and typically encompass areas much larger than those managed by individual BLM field offices. The ecoregions under assessment range in size from 11 million to 91 million acres. Assessments of these larger areas provide land managers additional information and tools to use in subsequent resource planning and decision-making.

REAs are called "rapid" assessments because they synthesize existing information, rather than conduct research or collect new data, and are generally completed within 18 months. This time frame is relatively "rapid" in comparison to assessments that conduct research or collect new data, or in comparison to the preparation of a BLM land-use plan, which typically takes from 36 to 48 months to complete.

- *Arkansas River Travel Management Plan Supplementary Rules*: The RGFO issued final supplementary rules for the Arkansas River Travel Management Plan (ARTMP) area. The rules were published in the Federal Register on Feb. 13, and become effective March 15, 2013. Travel management plans designate uses and travel routes to protect natural resources while still providing various recreational opportunities. The Federal Register notice addresses decisions made through the ARTMP, which was developed with extensive public participation over a period of two years.

  The ARTMP rules include:

  1) All motorized travel is limited to designated roads and trails. For the purposes of parking, including camping, travel is allowed up to 100 feet from the centerline of a designated road or trail only if this travel does not cause or is unlikely to cause significant undue damage to or disturbances of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other uses of the public lands.

  2) Bicycle riding is limited to designated roads and trails marked open to such use by a Bureau of Land Management sign or map.

  3) Recreational target shooting is prohibited on all public lands within the Methodist Mountain Area south of Salida (2,314 acres) and the Turkey Rock area near Howard (361 acres). These areas are identified as closed to recreational target shooting by either a BLM sign or map.

  4) Operation of a motorized vehicle within the area known as Turkey Rock Trials Area (52 acres) is limited to motorcycles specifically designed for observed trials riding.

  5) Motorcycles specifically designed for observed trials riding are prohibited within the Turkey Rock Trials Area after sunset or before sunrise.

  In the coming months, the BLM will begin installing signs throughout the area to reflect the travel management rules.

- *Arkansas Headwaters Recreation Area River Plan Update:* The RGFO has held meetings with Colorado Parks and Wildlife (CPW) to merge what each agency needs to do for their environmental analysis requirements. Both agencies decided to look at only what areas of the plan that needs to be updated rather than an all-encompassing management plan revision.

Previously, the agencies had planned to revise the entire plan. The new plan updates will happen next year.

- *Interactive Minerals Website* – The RGFO launched an interactive website that allows visitors to learn where minerals are found along Colorado's Front Range and the role minerals play in their daily lives. The RGFO's new website: www.blm.gov/co/st/en/fo/rgfo/minerals.html provides users with an interactive map of Colorado's Front Range counties. By clicking on each county, visitors can explore which minerals are found on public lands there and how those minerals are used. The website also includes general guidance and regulations for mining minerals on BLM lands.

- *Intern and Veteran employment programs*: Amy Titterington who was a geologist intern with the RGFO has been hired as a full time geologist with BLM at Lake Havasu. Titterington is a great success story as she was offered two BLM positions. In terms of veterans' employment, the RGFO is participating in the Wounded Warrior and Operation Warfighter programs. This is a cooperative effort with Fort Carson Army base. The RGFO has had one person (Nathan Edgerton) successfully complete the program and was hired as a seasonal. The RGFO has hired a second participant this year.

- *Garden Park National Natural Landmark (NNL) expansion update*: The National Park System Advisory Board concurred with the BLM's recommendation for expanding the Garden Park Fossil Area's National Natural Landmark designation. The RGFO just received a memo certifying that decision. Now, the ultimate decision authority resides with the Secretary of Interior.

- *Cache Creek update*: At the last Front Range RAC meeting, Berger was asked about visitation numbers for 2011 and 2012 at Cache Creek recreational placer mining area. He said he would have to talk to staff in order to get those numbers. At this meeting, Berger answered the question stating that as of 9/13/2011 there were a total of 3,500 total miners (1,187 sluicers, 479 high bankers, 468 panners). The 2012 figures have not been split yet, but the total number of users was 4,400.

- *Guffey Gorge*: Guffey Gorge is an area of BLM land where the public swims and cliff jumps. The public safety issue that must be addressed first is parking along the road. There is very limited space for cars to park safely without being a traffic hazard. All Park County can do currently to control this is to issue parking tickets to people. Unfortunately, writing parking tickets is not alleviating the problem because the parking tickets are not costly enough to deter the illegal parking. The RGFO plans to meet with Park County Commissioners to discuss possibly expanding the parking lot area in the hopes that more space will illuminate the overcrowded roadway. The BLM has already tried to limit parking, but that has not stopped people from lining the road with cars.

  Bill Dvorak asked if the drought has affected the amount of water present in Guffey Gorge. Berger said, no. Mark Hesse asked if there is an erosion problem with trails leading to the

swimming hole. Berger explained that there has been, but the RGFO has rerouted trails to avoid such problems.

Paul Tigan, *Assistant Field Manager, San Luis Valley Field Office*

- *Geothermal leasing environmental assessment (EA):* The final EA was released in October 2012. The SLVFO received no protests from the public or in the Governor's Consistency Review. The record of decision is pending a biological assessment that is mostly dependent upon on the Gunnison sage-grouse listing and critical habitat announcements that were recently made by the U.S. Fish and Wildlife Service.

- *Solar programmatic environmental impact statement (PEIS) and competitive interest announcement:* The SLVFO currently has two applications pending for leases to develop solar energy in the De Tilla Gulch & Los Mogotes solar energy zones (SEZ). The language of the Solar PEIS demands a competitive leasing process must occur in order for the BLM to issue a lease.

  It is not clear how the BLM will proceed if there is only one applicant. Because the PEIS requires a competitive process, the BLM cannot move forward with just one applicant - at least for now. When the new regulations are finalized, the BLM anticipates that there will be a procedure for moving forward with one applicant. The BLM doesn't know what that would look like, but there are similar situations that BLM administers, such as some kinds of coal leasing, where the BLM sets a reserve price that must be met through a closed bid process for the lease to move forward.

  What will the BLM do before the leasing process is established in regulation? The BLM will use the competitive leasing process that is already codified in regulation at 43 CFR 2804.23. The new competitive leasing regulations will be specifically tailored to renewable energy production on public lands.

  The BLM Colorado State Office has prepared a public interest announcement for this current application. The interest announcement will hopefully drum up other interested parties. The announcement includes a Federal Register Notice, press release, legal notice, and letter to current solar energy developers in the San Luis Valley. This competitive interest announcement is the first in the nation and a high priority for the BLM's headquarters.

- *Rio Grande Natural Area (RGNA):* The Rio Grande Natural Area Commission continues to make progress in its efforts to develop a management plan for the private lands within the Natural Area. The Rio Grande Water Conservation District was recently given approval to hire writer/editor staff to help begin drafting the required resource plan for non-Federal lands within the Natural Area.

  The SLVFO continues to find ways to address the feral horse issues in the area which are becoming a dominant topic of discussion for the BLM and the Commission. In mid-December, the SLVFO hosted a media tour which kicked off the public education campaign

the BLM is taking on consisting of editorials in all the Valley papers, presentations at community lecture series, posters at livestock sale barns, and helping the Commission write editorials.

The RGNA Commission will hold its next meeting on March 14, 2013, in Canon City and will tour the Wild Horse and Inmate Program training facility.

- *San Francisco Creek / Dan Hughes application permit to drill (APD):* The APD is for a proposed exploratory oil and gas well that would be drilled on land owned by the Dan A. Hughes Company, five miles south of Del Norte. The federal mineral rights below the private land were leased from the BLM in 2006. The SLVFO is about a month away from releasing a draft environmental assessment (EA). During the scoping period, the major comments from the public were for the BLM to consider findings from the Rio Grande County hydrogeological study. The BLM has done so. Some key findings will guide BLM (and the State) in permitting a drilling plan that is both reasonable for the proponent and protective of the groundwater resources.

- *Blanca Wetlands:* The SLVFO is completing a draft environmental assessment (EA) for expanding the Blanca Wetlands Area of Critical Environmental Concern (ACEC). The EA also analyzes grazing on three allotments within the wetlands area. The SLVFO expects to begin the BLM-internal review of the draft EA at the district and state offices in the coming weeks.

  Additionally, the BLM plans to continue its restoration work in the area by running water on the land north of the ACEC this summer. When the first round of such work occurred last fall, the BLM wildlife biologists noted remarkable results in vegetative and microinvertebrate recovery.

- *Gunnison's Sage Grouse proposed listing and critical habitat:* The long-awaited proposed listing of the Gunnison sage-grouse came from the U.S. Fish and Wildlife Service in January 2013. This action affects the northern edge of the SLVFO where a satellite population of three male birds has been found. The BLM plans to begin road closures this spring around the Poncha Pass Lek site. The BLM will continue funding the Poncha Pass Population Working Group Coordinator position.

  The SLVFO has several concerns should the bird become listed, including: how to manage habitat in an area lacking water and have questionable restoration possibilities based upon the soil type; what is the long term viability of a population and its historical connection to the Gunnison basin; and what would grazing management prescriptions look like.

- *Southwestern Willow Flycatcher critical habitat:* The U.S. Fish and Wildlife Service designated critical habitat for the Southwestern Willow Flycatcher on January 3, 2013. This designation does not include the private land in the San Luis Valley because of the Rio Grande Water Conservation District’s Habitat Conservation Plan. The BLM believes the

designation is a positive move to acknowledge the special resources in the McIntire Simpson area, Rio Grande Natural Area, and the Alamosa Wildlife Refuge.

Tom Heinlein, *Front Range District Manager*

- *Uncertain Federal Budgets and Sequestration*: BLM Colorado is preparing to absorb an 8 to 10 percent budget cut should sequestration take effect. The Front Range District (FRD) is in decent shape since the budget is 70 percent labor and 30 percent operations. "Labor" funds go to paying for personnel, while "operations" go to paying for such things as office supplies, vehicles, facilities, etc. BLM Colorado has been conservative this fiscal year with its budget. The threat of sequestration is not an entirely new concept for the BLM since the agency is use to operating under continuing resolutions in which a Federal budget is uncertain until the middle of the fiscal year. The BLM will continue maintaining positions and staff to keep key agency activities operating, but the agency is not expecting to receive an infusion of money.

  There are six key vacancies in the upper levels of the BLM and DOI right now. Once those positions are filled, the leadership will clarify what the agency's priorities are for the coming years. America's Great Outdoor will likely remain an important program.

- *Drought and beetles:* Colorado and most of the West have faced several years of drought that has stressed the area's natural resources, making it easier for various types of beetles to hit Colorado's forests. Bark beetles are spreading east from the Continental Divide, and most are going after Engelmann and other types of spruce trees. Near Canon City, there is a large IPS beetle infestation. Throughout the Front Range, various types of beetles are attacking the forests.

  The FRD is not quite sure yet how the lack of moisture will affect resources this year. The BLM has visited with some grazing permittees who have shared their concern about being able to count on BLM allotments. Unfortunately, the BLM cannot yet determine what conditions will look like at turn out time for permittees, but the agency is keeping permittees informed. The FRD hopes for a very wet spring with recovery, but not made any determinations yet on grazing allotments. The BLM will work with permittees to consider contingencies.

CLOSING DISCUSSION

Once the managers completed their reports, Chairman Shy opened the meeting for general discussions. The Council posed questions to the BLM, which were answered in turn, and vise-versa:

RAC: How does the RAC support the BLM in Resource Management Plan (RMP) revisions and Master Leasing Plan (MLP) development? The BLM is new to developing MLPs, so the BLM is not quite sure how the process will look; however, when the process begins the RAC will be tapped for advice and review.

The group moved into a discussion. Some RAC members voiced concerns about getting MLPs done before or outside of the RMP revision process because revising or amending an RMP can be a lengthy exercise. Other RAC members thought it was important to look at all issues holistically, so an MLP should be developed within or concurrently with an RMP revision.

BLM: The State Director has asked the RAC for feedback about how to get the public more involved in BLM planning processes. Some RAC members thought one way to keep the public involved in a planning process was for the BLM to take a phased approached to planning, that way there would always be something going on for the public to be engaged in. Otherwise, the public may think that their input is not heard because the current planning effort is so broad (when completed all at once). The BLM pointed out that the National Environmental Policy Act requires the agency to take a look at cumulative impacts – meaning that every use or impact must be considered at once and as a whole action. A RAC member raised another point: the public that is vocal are those people who have been affected by a certain type of use. The RAC should take tours of the areas that are negatively affected by federal actions. Another member pointed out that the public feels that their voices don't matter when they do raise an opinion. This creates a sense of distrust in the public. The public feels that there are bigger / more political powers at play that make the decisions regardless of what the public's input is.

RAC: Could the RAC look at which categories within an RMP have been reviewed within the last 10 years and decide which is ready for update and which are not? The BLM said, not necessarily. When new data comes forth, that needs to be put in the plan. Also, in Colorado demographics change so quickly along with demands on the public lands, that everything should be reviewed periodically. For instance, climate change is a new concept for many RMPs and should be addressed. A RAC member said that land managers expect the public to come to come to them, but managers never go to the public for input – maybe they should. There are forums where people can go to share ideas. Also, land management terminology and process is overwhelming and so much of the public does not understand what is going on.

Before adjourning the meeting, Chairman Shy asked if any RAC members had further questions about anything discussed at the meeting. None were raised.

John Stevenson moved to adjourn the meeting, Ted Hoefer III, seconded. The meeting was adjourned at 5:21 p.m.

NEXT MEETING DATE

July 10, San Luis Valley, Colorado.

Tom Heinlein, Designated Federal Officer Front Range District Office Bureau of Land Management	Christopher "Kit" Shy, Chair Front Range Resource Advisory Council