



United States Department of the Interior

Bureau of Land Management
3028 East Main Street
Cañon City, Colorado 81212



FRONT RANGE RESOURCE ADVISORY COUNCIL MINUTES JULY 15, 2008

Group I

Keary Hallack
Gene King
Virginia Patton
Jim Coleman
Charles Wm. Rech

Group II

Donna Murphy
Aaron Clark
Lucy Bembrey

Group III

Frances Matthews
Michael Bush
Al Trujillo

ATTENDEES: John Dow, Cindy Giles, Joe Vieira, Ernie Gillingham, Ed Skerjanec, Kurt Kunkle, Roy Masinton, Linda McGlothlen, Leah Quesenberry, Jan Lownes, Diana Williams

GUESTS: none

INTRODUCTIONS and OLD BUSINESS (Michael Bush):

Members discussed the last meeting held in the San Luis Valley and the field trips they took. Aaron was impressed with the Baca Wildlife Refuge. Members were impressed with the amount of work accomplished there, with little budget, using assistance from local ranchers and others. The east range held approximately 10,000 elk which was impressive. Al stated many are wandering into ranch fields causing some damage. Keeping them on the refuge is a challenge.

Virginia stated that the Coleman Ranch received the Leopold Conservation Award. This recognizes landowner achievement in voluntary conservation.

OPPORTUNITY FOR COMMENT: There were no public comments.

MANAGERS UPDATE: There is no one representing the BLM from SLV. Roy stated that in the member packet is a letter regarding a survey on socio-economic impacts. Members may be contacted for comment.

Roy discussed the frequency of meetings, the cost and the affect declining budgets are having on the office. He continued by stating that meetings every other month are costly and that this frequency is 50% more than other RACs in the state. Gene thought that Washington should be supplying funding for RACs since they are the ones who have mandated them. Roy stated that unfortunately, the local offices fund the RAC. Virginia thought that quarterly meetings would probably suffice. Roy stated that over the past 5 years the Valley meetings have not been well attended due to distance and weather, etc. and that it becomes difficult to provide a new and entertaining agenda every other

month. RAC, meetings continually focus on certain topics while others are barely mentioned. Aaron asked why this RAC has always had such an aggressive schedule. Gene stated that it is partly due to the large amount of activities on the Front Range. Jim also stated that this RAC has gotten a lot of things accomplished due to their aggressive schedule and the challenges that have been presented to them (more so than the other RACs). Francis stated that a lot of previous meetings have been necessary because important subjects required their attention, and maybe next year we could start with quarterly meetings. Lucy thought that maybe we could hold a couple of two-day statewide RAC, meetings. She added that she thought these would be more cost effective rather than BLM paying for several meetings scattered across the state. Roy stated that putting together agendas, logistics etc. are a lot of work for the employees hosting these statewide RAC programs. Al stated that action items are more important than simple updates but maybe a monthly update newsletter would suffice in lieu of meetings and then hold quarterly meetings plus a multi-RAC meeting every couple of years or so. Roy suggested this RAC consider these suggestions and put together a resolution. Michael suggested that he and Lucy get together during lunch and work on something, Aaron asked why our Colorado State Director hasn't attended a RAC yet. Roy stated that she has tried but scheduling has been difficult for her. Roy mentioned that the Deputy State Director Dave Hunsaker attended the May meeting in the Valley. Al suggested that filling our agenda with something of value for meetings would be beneficial. Gene wondered if we start quarterly meetings in January would it be better to schedule them as needed rather than set dates. The RAC meeting scheduled next September 30 is imperative for 2008.

** Roy asked for a vote for quarterly meetings, all members were in favor.

This RAC will put together a resolution for presentation to the Colorado State Director.

Roy stated that RAC training requirements will be continued, and if this RAC determines other requirements are necessary funding will be provided.

** Al made a motion to ask Sally Wisely to allow for an additional State-wide multi-RAC meeting at least every other year and requested her presence at such meeting. Virginia seconded the motion. Members discussed whether or not sub-committees were still important, following the discussion it was determined that these were still beneficial and would remain in place.

. Roy asked the RAC to provide suggestions on possible presentations they would like to see.

Gene suggested a presentation on Noxious Weeds. Aaron asked for Special Recreation Management Areas, as well as Solar Development on BLM. Keary asked for a presentation on alternative energy in Colorado. Al suggested BLM and USFS minerals programs i.e., development in the Grasslands as a potential subject. Roy stated that there is a solar proposal in the Valley, outside of Saguache, potentially conflicting with a land exchange proposal whereby land would be exchanged for water to supplement the Baca Wetlands. Donna said she would like to see something on the pine beetle infestation. Roy thought sudden aspen decline would be another good topic for a forestry focused agenda item. Virginia expressed interest in an Oil & Gas presentation. Roy told RAC members that the folks who make these presentations don't always know what information on each topic interests the RAC, so encouraged members to challenge the staff with questions as they come up during their presentations. Donna suggested aquatic issues i.e., water rights, instream flow and aquatic issues.

Roy announced that this is Francis Matthews' last meeting. She told the RAC how she represented Senator Armstrong in 1987, and how she got involved with the RAC when Cy Jamison was the BLM Director. She also told them how things have progressed during her time on the RAC. She talked about some of the highlights and the folks she worked with throughout the years. She stated

that she now does personal tours of the Rosemount Mansion for anyone interested. Roy thanked her for her service.

FIRE UPDATE (Ed Skerjanec): Ed began by explaining the interagency nature of the Canon City program whereby the BLM - Royal Gorge Field Office, and USFS - San Carlos Ranger District, share resources operating as one fire management unit to the benefit of both agencies. This program is the first and only unit on the Front Range of Colorado to blend and work as an interagency unit in fire management.

At this point in the year, the Southern Front Range is running between 50 and 60% deficit for annual precipitation. There have been 31 Red Flag Warnings issued this season in south-eastern Colorado, and fire danger has on a couple of occasions exceeded the levels established during the record breaking season of 2002. This year's monsoon has provided some relief but has not been significant enough to lower area fire danger over the long term. Although the monsoon is on time this year, it has been weaker than what we have seen in recent years.

Historically BLM averages approximately 170 acres burned per season, and the year-to-date total so far this season is 158 acres. So far this year, the BLM and USFS have assisted local counties with 11 fires on private land under Mutual Aid. Mutual Aid provisions in the various county Annual Operating Plans allow the federal agencies and counties to assist each other for up to 24 hours without billing each other for services. Even though federal funds are being spent on private land fires, the investment to catch a fire early is well worth it when considering the costs associated with a larger fire that ends up burning onto federal lands. The BLM and USFS have also assisted the Department of Defense, Ft. Carson and Pinon Canyon maneuver site with three of their large fires this season under reimbursable agreements.

A couple of local fires this season were financed through a cost share agreement, whereby the total suppression cost of an incident is determined by acres burned by jurisdiction. One example was the Ferguson fire of May 12. BLM paid for 62% of the cost (62% of total acres burned were on BLM) and the State of Colorado will pay 37% (37% of the total acres burned were private). In this case, the state utilized the Emergency Fire Fund (EFF) to assist counties in paying for large fire suppression costs. EFF funds are made available through an annual payment by participating Colorado Counties into a fund administered by the Colorado State Forest Service that is set aside for this type of emergency.

While the BLM and USFS have not implemented fire restrictions yet this year, they are evaluating the situation on a weekly basis, monitoring live and dead fuel moisture levels, precipitation, fire activity and human caused risk factors. A number of counties have already entered restrictions this year which creates a dilemma in terms of how a county chooses enforce or not enforce their restrictions on federal lands. Explaining this to the public is difficult and creates problems for the federal agencies. Some counties will enforce their restrictions on federal lands, others will not. Work will continue to develop better consistency and communications between the counties and federal agencies regarding fire restrictions.

ARKANSAS RIVER TRAVEL MGMT PLAN RMP AMENDMENT EA (2004-2007) (Joe Vieira): BLM State Director signed the amendment, Roy signed the implementation decision, it was posted to the internet for a 30 day appeal period with no appeals. After the 15 day grace period, there were still no appeals. Now that the appeal period is over we are able to move forward with the decision. So,

we are in the process of implementation. Next we must post supplementary rules for law enforcement purposes. The 100 ft rule, the target shooting regulations, route designations and supplementary rules, and mountain bike rules will be open to the public for comment. Then a federal registry notice will follow.

**Aaron asked if he could be included on the e-mail list regarding this process and the comment information.

SOUTH PARK LAND TENURE ADJUSTMENT (Joe Vieira): The draft EA for public comment received five comments. The comments were on changes and clarification on parcels for disposal – the public would like to see held in BLM ownership. The intent is to get the BLM's responses out within a couple of weeks. Joe passed the comment letters around for the RAC to review. Most commenters were semi-satisfied with BLM's proposal. Joe stated that if some of the comments had come earlier; it might have been easier to implement. He explained that retention of some of the lands by the BLM might not be in the best interest of the BLM or the American taxpayer because they are expensive to manage. He explained that this exercise allows for allocation of these parcels not sale or exchange those are separate and distinct decisions.

OTR (Joe Vieira): Joe briefed the RAC on the timeline of events and discussed the proposals as well as the calendar schedule. BLM has asked for event plans, timelines for removal, etc. from the artists. The artists representatives have been invited to attend the September RAC meeting, Colorado agencies have signed onto an MOU with the counties and State Patrol. Union Pacific issued BLM a letter in April, 2008 stating a notice of intent to allow the artists access to their ROW. UP does intend to enter into an agreement with OTR that will better define the time place and manner of the artists use of their ROW. OTR delivered a detailed design proposal to BLM that outlined specific intentions in June, 2008. This information is posted online for public review. It specifies how many holes will be drilled, the location of a permanent building at Texas Creek as well as much more regarding impacts. BLM delivered a draft EIS statement of work to the cooperating agencies in May, 2008. A statement of work will be issued to a group of contractors selected by BLM and bids will be reviewed based on technical ability and experience completing this type of analysis. In addition to the EIS, the proponent must submit a land use permit, which is a distinct and separate process. This process requires a Notice of Realty Action (NORA) be published in the Federal Register. The Federal Register Notice notifies the public that BLM is entertaining this use of public lands.

Joe stated that the RGFO RMP is silent on land use authorizations but the recreation goals might be broad enough to encompass a project of this type, but the ACEC goals in the recreation section need to be discussed within BLM before deciding conformance. The BLM RMP conformance decision tree in the NEPA manual will be reviewed by the BLM Field manager and the BLM State Director before a the final conformance decision is made.

** Joe requested this RAC provide advice on the issues presented and provide clear direction on what must be addressed in the final decision.

**Lucy asked if it would be of benefit if the RAC put together a sub-committee to evaluate these issues. Roy stated that it would be good to invite Jonita and Vince Davenport to discuss issues with this RAC. He said there are specific conflicts and concerns that must be addressed between the RMP and our project screening criteria. Roy stated that he and Joe will be meeting with the State Director

next week to discuss these conflicts. Roy said that politically, this is a huge decision to determine. Aaron expressed concerned with the physical impacts as well as the people impact.

Roy stated that today's agenda item for an oil and gas presentation could be bumped to our next meeting if this RAC would prefer to meet and discuss these issues this afternoon. All were in agreement.

BROWNS CANYON WILDERNESS STUDY AREA (Kurt Kunkle): A Browns Canyon area powerpoint slide presentation was given to RAC members by Kurt Kunkle. Kurt explained how a wilderness study area is established to protect public lands. He showed slides of the scenery, wildlife, plant life, bluffs, etc. He presented a map of trails systems, hiking trails, state and private lands, and roads in the area.. Kurt explained what wilderness is, and what it is not. He told RAC members that the Arkansas River railroad, mining claims, state and private land are excluded from the Wilderness Study Area. The characteristics of a wilderness area are undeveloped lands that are roadless, and contain opportunities for unconfined recreation. A common misconception is that wilderness areas must be pristine. The definition of a wilderness area is natural land with the imprints of man being substantially unnoticeable but no mention of pristine. Congress has a special definition of a road as being something that is mechanically constructed, maintained, and used by vehicles. The roads in this area do not fit that definition. Currently this area is a "let burn" area as defined by fire management. BLM closed the old Turret Trail to motorized and mechanized travel in 1977 but still allows horse and foot travel along the trail. It is lower in elevation and tends to be accessible in winter, which allows the public to enjoy the area for longer periods than higher altitude wilderness areas.

Kurt entertained questions and answers for this RAC.

**Michael Bush read the RAC resolution for the State Director; after editing, all were in favor of submission.

OIL and GAS PRODUCTION (Ernie Gillingham): Cancelled to continue OTR

OTR (Joe Vieira): Joe started his presentation by stating that a proposal received for action by BLM must be clearly defined by the applicant. Copies of pertinent information for this land use management plan were passed out to RAC members to help them decide if the OTR proposal conformed to the RMP. Joe told RAC members that there is clear guidance on Land use authorizations in 43 CFR 2900. Joe pointed out RMP decisions that might be in-line with the proposal and others that were not. Joe explained that the impacts to Visual Resource Management (VRM) are the size of the disturbance on the landscape, how long or short term the disturbance will be, and whether there will be active or inactive rehabilitation, etc. Joe felt a definition of what is in conformance with the plan must be clarified. Classes of VRM were defined by Leah Quesenberry. Recreation management decisions have been a point of discussion within BLM, specifically whether or not VRM II is appropriate for this are of the canyon Joe stated that we can mitigate impact (regarding fisheries) but an environmental analysis has not been done to determine fisheries impact. Joe told RAC members that since the proponent considers this an art event not a recreational event they may not accept the recreation plan conformance decision.

Joe pointed out that the RMP is "silent" on land use authorizations (RMP conformance questions BLM NEPA Handbook H-1790-1). He continued by explaining that in this evaluation, there are four

possible conclusions (per handout). Joe thought an argument could be made that sight-seeing is a type of recreation, people travel to see sights like the Grand Canyon why wouldn't they travel to see this project. Following that line of reasoning one could assume that this project might conform if considered a recreational event. Joe stressed to the RAC members that the issue at this time is one of conformance not impacts they analyzed in the NEPA process. Avoidance areas for land use authorizations, ACECs, were defined in the White River Resource Management Plan as read to the RAC members however this language is not in the Royal Gorge Resource Management Plan. Since land use authorization language was not included in the Royal Gorge Resource Management Plan BLM must analyze land use authorizations through the NEPA process.

Chuck Rech pointed out that although this is an ACEC area, there is a highway on one side of the Arkansas River, and a railroad on the other side of the river and there is a lot of activity in between these areas that do not fit with the perception of an ACEC area. Leah Quesenberry pointed out that this was rated a class II area within the river corridor and that questions have been raised whether or not that is the appropriate designation. A question was raised as to exactly what would be amended in the RMP for this type of activity. Keary suggested an amendment to the VRM portion to allow the project. Joe pointed out an amendment now, given the project is already proposed, might be arbitrary and capricious. Roy stated that his comfort level is with reviewing item no. 2 of the alternatives. Following this scenario the proponent would remove 68% of the affected area and greatly reduce the impacts on the bighorn. Roy stated that the Solicitor thought that this action must be "clearly consistent" with the RMP or the BLM may be vulnerable to appeal or protest of the decision.

Chuck asked how long the cables will be up? Roy stated that it could be up to 3 years. Chuck stated that it could impact anglers, outfitters, or other users. Joe stated that fabric panels will start going up approximately two-three weeks before actual display, and it may take equally as long to remove them following the two-week display. Al asked how much weight a RAC resolution would have on the final decision. Roy thought a well-informed decision by this RAC could carry a lot of weight. Lucy asked about the timeframe for their decision. Joe stated that it will depend on the RMP conformance decision by the State Director.. Lucy thought that maybe item no. 3 would be more the path or question to consider. Joe also pointed out that 32% of the project is not in the ACEC and therefore is probably more allowable. Chuck stated that the role of this RAC would be to put a policy in place that would explain how to deal with large scale events. Al thought that if it is not specifically silent, then it is probably allowed. Diana stated that the activity is very general and therefore probably in conformance with the LUP. She continued by stating that the RGRARMP did not address land use authorizations as the White River RMP did, and therefore we need to analyze these questions during the NEPA process. Joe also stated that the RMP supports tourism and the economic stimulus that stems from people visiting the public lands. Roy stated that he will accept whatever the RAC proposes. Next September, OTR folks will attend the RAC to present their proposal. The NORA must be done before the EIS can start. Chuck stated that this RAC does not have enough information at this time to make a decision. He also said that he would like to see an analysis by BLM addressing what exactly the ACEC is protecting, or have the artist remove the ACEC from the plan. Al also agreed that a broader analysis would be nice. Gene wondered if it would be possible to request OTR to move their proposal out of the ACEC. Roy stated that they have hired private consultants to survey and locate their choice areas at no small expense. These areas were suggested in accordance with criteria they needed to meet in order to be effective in placement of their fabric panels..

RAC members discussed options for suggestion to OTR representatives. Joe explained how boundaries were created to protect special values. He also stated that these values are not so "clean" by definition.

**Roy stated that for the next meeting, analyses can be prepared in advance for this RAC to review before the next RAC meeting in September. This RAC would like to be more informed before meeting with the OTR representatives.

ADJOURN (Jim Coleman):

**Decisions made.



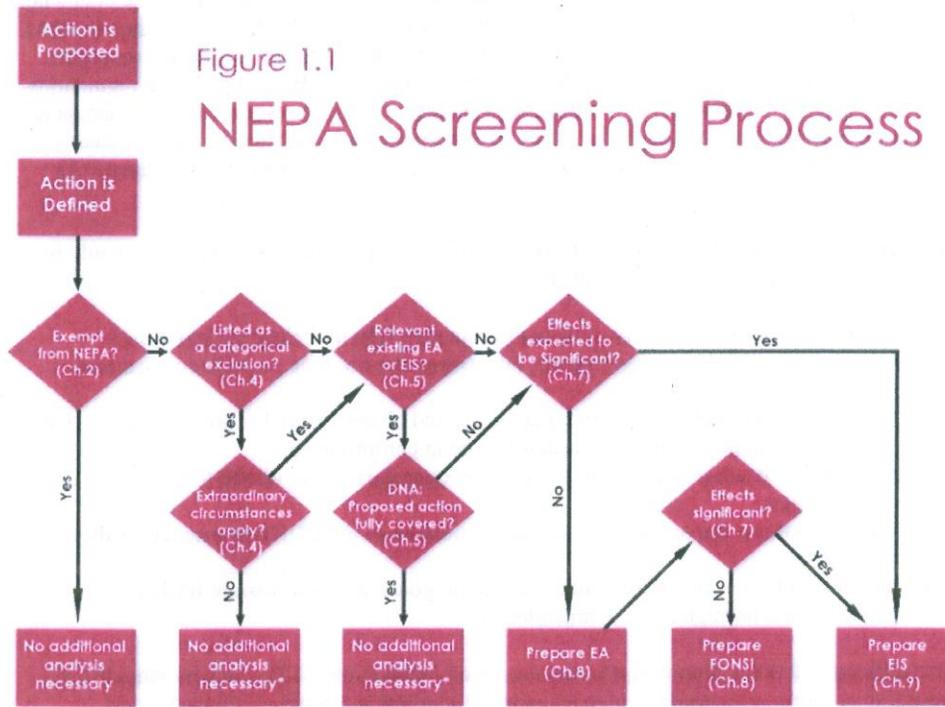
Roy L. Masinton
Royal Gorge Field Manager
Bureau of Land Management



Michael Bush
Vice-Chairman
Front Range Resource Advisory Council

AUG 12 2008
BLM-RGFC

Figure 1.1 NEPA Screening Process



* See Chapters 4 and 5 for documentation requirements.

1.5 CONFORMANCE WITH THE EXISTING LAND USE PLAN

All actions approved or authorized by the BLM must conform to the existing land use plan where one exists ([43 CFR 1610.5-3](#), [516 DM 11.5](#)). Although it is not a NEPA requirement, the BLM includes within all its NEPA documents a statement about the conformance of the proposed action and alternatives with the existing land use plan (LUP). The BLM's planning regulations state that the term "conformity" or "conformance" means that "... a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment" ([43 CFR 1601.0-5\(b\)](#)).

A proposal for an action that has been clearly identified and provided for in the LUP would be considered to be in conformance with the plan.

If the LUP is silent about an activity, review the plan direction including the broad and programmatic goals and objectives. In this evaluation, there are four possible conclusions:

1. the activity contributes to meeting plan goals and objectives and is not inconsistent with the plan, and hence it can be considered to be in conformance;
2. the proposal is not in conformance, but the proposal can be modified to be in conformance;
3. the proposal is not in conformance, but amendment of the LUP is warranted to allow the activity; or
4. the proposal is not in conformance, and the proposal does not warrant further consideration through an LUP amendment.

If you determine that the proposed action does not conform to the LUP, you may modify the proposal to conform, or consider a plan amendment to allow the action. In the case of externally-generated proposals, working with the applicant before submission of a proposed action to suggest modifications to their initial proposal may result in conformance with the LUP.

When a proposal cannot be modified and does not warrant amendment of the LUP, drop the proposal. (See **Figure 1.2, Screening for Land Use Plan Conformance**).