



United States Department of the Interior

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



FRONT RANGE RESOURCE ADVISORY COUNCIL MEETING CANON CITY, COLORADO March 25, 2008

MINUTES

ATTENDEES

Group 1

Keary Hallack
Gene King

Group 2

Aaron Clark
Tom Olson
Frank Yeager

Group 3

Al Trujillo
Michael Bush
Jim Coleman
Frances Mathews
Loren Whittemore

GUESTS: Richard and Nancy Seger, Terry Gierhart, landowners near Waugh Mountain.

BLM/USFS/ PERSONNEL: Roy Masinton, Cindy Giles, Jan Lownes, Dan Dallas, Dan Grenard, Linda McGlothlen, John Petersen, Joe Vieira.

PUBLIC COMMENT: Nancy Seeger with husband, Richard Seeger explained their home location on the foothills of Waugh Mountain. and how some of the mining companies have affected their cattle ranching business at their previous location in Arizona. She further explained their business, mining activities, and her work with mining and multiple use agencies. She stated they worked with everyone who enjoyed their ranch property. Her family history in ranching has been extensive along with her childhood history in Colorado. They moved "home" to Colorado located on approximately 40 acres of land. Last year they received a notice of mining claim containing the wrong lot number for their property (she later learned that the lot numbers 9, 7 and 6 are all on her property). She explained that they are personally frightened about drilling for uranium on their personal property. www.blackrange minerals.com is a website she refers to where she learned that the companies are investigating options for obtaining licenses, etc. Her concern is health, property value, animals, water quality, etc. Tallahassee Creek is the main creek that runs through the area, and could potentially be polluted in the near future. Her hope is this RAC could have some input into fast-tracking the impacts of this type of activity. She stated that she has previously promoted and supported multiple uses of the lands until this type of activity has taken place in her area. She also read a letter from another concerned landowner. His letter expressed concerns about the invasiveness of this type of activity. He asked if mineral rights take precedence above all other land use activities.

Another guest, Terry Gierhart also attended with these same concerns.

Roy Masinton posted a map on the wall showing the Tallahassee Creek area which showed surface estate ownership, and crosshatching depicting the Federal mineral estate. He explained that much of the area shows the government administers the mineral rights. Nancy explained that there are several private homeowners with millions of dollars invested in these subdivisions that are impacted. Roy explained that most people do not own the mineral rights. He explained that if, in a land deed, it is not stated that the owner has the mineral rights, the owner does not have those rights. He explained mining companies can remove the surface to get the subsurface minerals while compensating the surface owner for loss of improvements. Once mining projects are completed, land should be reclaimed. Roy further explained that the federal government does not generally get involved between landowners and mining companies in private matters. Dan Grenard explained that commonly mine companies enter into agreements with surface owners and compensation for loss of improvements or damages is commonly included in those agreements. Al asked about how subsurface rights “trump” surface rights--how would that affect multiple land uses. Roy explained that in some cases other uses are simply not compatible with active mining. There are “in situ” methodologies that are compatible with other uses – but can have serious impacts for water wells. Terry Gierhart asked then, where she owns 290 acres of land, they are tree farmers, this is their living, can a mining company come in and destroy their livelihood and means of living. Roy explained that was a question for the court.

RAC members discussed mining regulations and how this had affected private landowners. Roy stated that BLM can only enforce the current regulations as they currently are. Dan explained that under the 1860 original Homestead Act mineral rights were patented to the landowner. He also explained the Stockraising Homestead Act of 1916 which now supports the regulations for mining laws. Nancy stated there is greed at some point where one landowner takes the rights to extreme. She stated that how smaller chunks of land could be of so much insignificance; and why wouldn't the government agencies require some discretion where the smaller chunks (landowners' yards) could be affected. She stated that when they returned here they used to have wildlife, turkeys that no longer visit their property due to drilling and mining activities. She stated that springs have dried up after activity in the 1970's. Al suggested that Nancy and other landowners visit with county commissioners to see if severance tax dollars could be used for their assistance. Or, that they find someone to be a liaison in their behalf. Al stated that LaPlata County has a group that represents landowners. Aaron Clark named the Western Resource Advocates, and others who could be of assistance.

Roy stated that this RAC needs to hear these concerns and thanked guest speakers for their attendance.

MANAGERS UPDATE: John Petersen, USFS, Pike-San Isabel Cimarron & Comanche National Grasslands stated that the last time he attended they were working on the '05 planning rule. He reported that they are working on an 08 planning rule which will paint a broad picture of what they hope to achieve on USFS lands in the next 10-20 years. These plans will be a lot more general. After that the Cimarron and Comanche National Grasslands will be addressed for their plan. He explained where they are with Travel Management and where the South Platte is at with their maps for travel management. Aaron stated that very few forests are working on motor-vehicle use maps first and are ahead of most of the country in this endeavor. Aaron further stated that NEPA rules were not followed in the decision process for their travel management map. He pointed out that in some cases the map may be in violation of the rules and regulations according to the law and consideration under 36 CFR. John stated that most of these routes were followed long before NEPA. Aaron stated that if

routes were pre-NEPA it may be an exception, however anything left off the map for any length of time would be in violation. John stated that they are faced with some very complicated processes to consider in their travel management plan where pre-existing routes were there and they had to consider with their best guess as to where to place and establish their road system. Aaron stated that he and Gene represent diverse user groups and that they would like to see information that is accurate and without missing routes or routes with lingering doubts as to whether they are existing or not. Aaron stated that the process should follow the letter of the law. John explained that it is very difficult to choose one method of process in this decision making process. He stated that this is only the first map indicating where they think the roads are, and that there will be other maps to follow. Aaron stated that he would like to discuss this further with them. Al asked if some of the roads may have been abandoned. Aaron stated that the USFS did not keep old records for referral; therefore it is not a good indication of how the USFS can determine the proper locations. John stated that if there is a map that shows the road is opened (even if a sign has been removed) then it should be considered as opened. Further discussion leads the decision for Aaron and John to consult this process at a later date.

Dan Dallas spoke for USFS and BLM at the Public Lands Center. He stated that they are working on an EIS for Wolf Creek. He stated that there are a series of lawsuits as a result and due to one, their process will probably begin all over again. He stated that there is an argument that legal access must be provided in one of the issues. Dan stated that the agency position is that they have to provide legal access to land surrounded by USFS. He also stated that they have another effort on the upper Rio Grande where it also ended up in court regarding a land exchange. He also stated that the Anderson Ditch Proposal (Mark Sweeney) is moving forward. He explained how different land allotments were removed. He also said the biggest effort they are working on is the Oil & Gas Lease issue – they had a public meeting with a lot of controversy. Dan stated that some parcels were deferred since they hadn't been any leasing for so many years so that he could go and inform more people of the issues. He explained that also the office is significantly understaffed. Roy also stated that due to a large number of retirements and significant budget cuts, the RGFO is also lacking significant “brain-trust”.

Roy stated that RAC nominations are expiring, Loren being one term that either needs to be reappointed or filled. Applications should be sent to the RGFO with attention to John Dow. Aaron asked how to make an effort to stay on--Roy explained that one must re-apply. Roy explained how state administration has been actively involved in the selection and recommendation process in the past.

Roy spoke of the Southern Delivery System and explained how water supplies Colorado Springs and then goes back to the Arkansas River. He also explained how water at the Blue Heron area is being considered as a possibility for supply. He stated that there are seven different alternatives and the draft EIS is up for public comment. He stated that in order to comment public can “google” Southern Delivery System online. He also reported that HB-1069 is now law. Roy has asked the RGFO law enforcement officer work with the DOW officers in providing the necessary information for them to begin enforcement.

Roy passed out the most recent articles regarding the issue of shot bison on private and BLM land in South Park. He explained the Colorado Fence Law. He explained how a private landowner allegedly invited Native Americans to shoot bison that had trespassed onto his property. Some of the animals were not on his property, some animal were shot repeatedly, others butchered. Meat was not taken,

the slaughter is brutal and currently under investigation. Bison are not considered domestic livestock in the State of Colorado. Al Trujillo said they are not a recognized wildlife species either; therefore hunting regulations cannot be enforced. Roy also stated that by enlarge this will be a law enforcement issue to be handled by the Park County Sheriff's Department.

ARKANSAS RIVER TRAVEL MANAGEMENT: At the last meeting a resolution was passed in support of the TMP proposed alternative. There was some controversy therefore Joe Vieira is going to update members via PowerPoint regarding the amendment and implementation of the travel management plan. OHV area designations were determined and outlined in Joe's presentation (see attached). Joe explained that as of March 3 there have been no public protests. He also explained the Governor's review process and how our Colorado State Office interacts in the process. As a result of the governor's Consistency Review, the Department of Natural Resources had asked for additional time for their review which would include comments from the Division of Wildlife. Joe further explained the alternatives that were chosen for implementation. Roy explained how an area can be closed to target shooting, yet open to hunting i.e., in relationship to the area at Turkey Rock. Further steps were explained by Joe as well as notices in reference to law enforcement. He explained how supplementary rules will be added in accordance with 43 CFR and how a comment period will be added in the decision process. Joe answered questions about the process. Aaron asked about the 100 ft approach in the travel management purposefully to limit to 100 ft in off road travel in order to enforce the law deliberately without addressing things like game retrieval, dispersed camping, or other possible exceptions.

SOUTH PARK LAND TENURE ADJUSTMENT PLAN: Joe Vieira explained the rationale for this EA in addressing issues for its purpose. He gave the timeline of events, meetings, etc. He further explained the alternatives including the proposed Alternative D. Joe spoke of the consideration of specific disposals and/or exchanges. He informed members of where the proposed changes are located within the RMP. (See attachment.) Joe also displayed a summary of EA results addressing Terrestrial Wildlife, Migratory Birds, Wetlands, Mountain Clover Habitat, Recreation, Range Management, etc. The EA is in libraries within the Front Range and on the internet for public comment. The next steps will be to address public comment, FONSI-- spring 2008, the 30-day public protest period, the 60-day Governor's Consistency Review, the RMP amendment recommendation, and the Colorado State Director decision. Roy stated that Park County had been highly involved in this and that finally, it will be important for this RAC to be in support of the final decision

OVER THE RIVER EIS UPDATE: (Christo and Jeanne-Claude) Joe Vieira gave an update of the timeline of events and process for the Over the River Environmental Impact Statement (OTR EIS). Joe explained that specific information has been requested for consideration in the process. (Approximately 580,000 visitors may be expected to visit the sites pending estimates of when, and where the exact project will take place.) Specifically requests were made in reference to the Union-Pacific Railroad ROW authorization. Union-Pacific Railroad has given ROW authorization granted for a Right of entry. Joe explained that currently we have an incomplete application for this project based on the lack of specific information needed. We are currently awaiting response from Union-Pacific Railroad in order to address constraints (if any) for this project. Roy explained that until specific information is provided, the BLM cannot continue with the process. Joe explained that consultants are reviewing documents and the OTR event management plan. Roy stated that the OTR is on the agenda and nearly every public meeting held by the BLM. RAC members discussed the

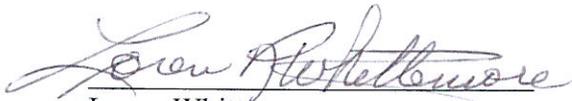
prominence of Christo and Jeanne-Claude's art work and their projects, and how they have become such a lucrative endeavor.

GRAZING PERMIT RENEWALS: Roy informed the RAC of BLM requirements for grazing permit renewals and that this district holds some 400+ grazing permittees; more than any other district-in the state. Tom Grette, Range Conservationist, explained the administrative process as it occurred in the past. He stated that the National Wildlife Federation filed a lawsuit in the 1990's where BLM lost the case (Utah) which changed the process. Now, we must follow a NEPA process, including evaluation of cultural values, threatened and endangered species issues, and a Land Health Assessment. September 30, 2009 is the deadline for all the required changes to be accomplished, Tom explained that we have done about 80 % of acres under grazing lease. Additional health assessments are on smaller more scattered tracts in the Denver area and the eastern plains of Colorado. Within the next year and a half we hope to accomplish the assessments on the smaller tracts via Arial photos and existing information as a method of streamlining an otherwise time consuming and costly endeavor. Standards for soils, water quality, land health, endangered species, etc. must be followed precisely. Tom stated that a large portion of these tracts are smaller 40-acre tracts containing blue-gamma grasses, and not much vegetation. He stated that for us to have a closer monitoring program on these areas we would have had to have some other land issues to consider. Roy stated that last year 100 of these were completed. Congress passed a budget-rider act allowing the processing of bills as-is for those that were incomplete however all the lands are required to be completed by 2009. This 10-year assessment is still questioned as to whether the entire process will start again or will the process simply continue with the timeline. Roy stated that we complicated the issue in-house by choosing to do watershed assessments in conjunction that take longer to accomplish.

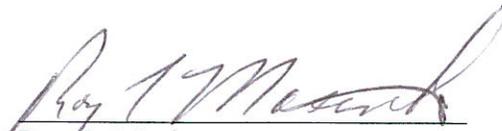
Al Trujillo officially thanked Ernie Gillingham, Erik Brekke, Roy Masinton and staff for arranging a meeting for the Division of Wildlife on Oil & Gas Leasing.

The RAC requested a boat tour of the Rio Grande at the next RAC meeting in May. Dan Dallas agreed that this could be arranged.

Meeting was adjourned with a tour of the new BLM/USFS building.



Loren Whittemore
Chairman
Front Range Resource Advisory Council



Roy L. Masinton
Field Manager
Royal Gorge Field Office

RECEIVED

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