



United States Department of the Interior

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



FRONT RANGE RESOURCE ADVISORY COUNCIL MINUTES August 19, 2010

Category 1

Bill Dvorak
Charles Wm. Rech
Jim Coleman
Virginia Patton
Keary Hallack

Category 2

Donna Murphy
Tom Olson
Michael Nelson
Lucy Bambrey
Aaron Clark

Category 3

Loren Whittemore
Michael Bush
Al Trujillo
John Stevenson
Christopher "Kit" Shy

The purpose of this meeting was to review the issues and concerns the Resource Advisory Council (RAC) had identified regarding *Over The River*TM (OTR) project proposal by the artist Christo and his late wife, Jeanne-Claude the during the July 15, 2009. The RAC was to determine if these issues and concerns were adequately addressed in the OTR Draft Environmental Impact Statement (EIS).

ATTENDEES

Greg Shoop, Designated Federal Officer (Front Range District Manager); Cass Cairns, Front Range RAC Coordinator; Shelley Freer, Front Range RAC Administrative Assistant.

GUESTS

Dwight Gardner, representing U.S. Senator Michael Bennet; SeEtta Moss, Audubon Society; Bruce Goforth; Ellen Bauder, Rags Over Arkansas River (ROAR); Carol Neville, fishing industry; Joe Rall, representing Congressman Doug Lamborn; Terri Madigan, OTR; Dave Yust; Tim and Teddi Coleman; and Jim Becker, Fremont County Sheriff.

INTRODUCTIONS

All RAC members, attendees and guests introduced themselves after the meeting was called to order by Loren Whittemore at 9:10 a.m.

Greg Shoop, *Front Range District Manager (Designated Federal Officer)*

Greg Shoop began the meeting with an overview of objectives and expectations; he asked everyone to either turn off their cell phones or set them to vibrate.

Shoop stated that personal comments regarding OTR should be submitted via fax, email, or in written form. He reminded the council that each RAC member represents their own category; we are looking for advice based on those categories, and not your personal point of view.

The public may attend the entire meeting but not as active participants.

He thanked all the RAC members who attended any of the OTR public meetings. He also thanked John Stevenson, Lucy Bambrey, Chuck Rech, and Virginia Patton for their service on a sub-committee that developed the issues and topics that had been brought before the RAC for discussion and accepted by the RAC at their July 2009 meeting.

Shoop presented a plaque with a letter of appreciation to Jim Coleman and Michael Bush for their years of service to the RAC. Coleman served 11 years on the RAC representing grazing and Bush served nine years representing the public-at-large. Both members had chosen not to seek re-nomination and this was their last meeting before the expiration of their terms. Shoop also noted that former RAC member Gene King had been sent a plaque and letter of recognition for his seven years of service to the RAC representing OHV. King's term expired in August 2009.

OPPORTUNITY FOR PUBLIC COMMENT

Ellen Bauder, Vice-President of ROAR (the following is a copy of Bauder's written submission of her comments)

We are opposed to OTR for the following reasons:

1. The sheep in the canyon are struggling to maintain viable herds. The oil and gas industry is barred from placing a drill rig anywhere on this project area, let alone turning that rig on to drill. Yet OTR proposes to drill nearly 9,000 holes into this important and sensitive bighorn sheep habitat. There can be no doubt that these activities will disrupt the sheep's lives by placing stress on them, destroying schedules and routing and traditional food and water sources will be disrupted or altered.
2. The traffic studies utilized in the Draft Environmental Impact Statement (DEIS) are based on 5-year data. There is more current and accurate data from the Colorado Department of Transportation (CDOT) that shows that traffic levels have increased as much as 30% since the 2005 data was collected. The traffic plan that is referenced in the DEIS is "to be developed". Therefore, the BLM cannot arrive at any useful conclusion on traffic impacts and mitigation strategies, nor can the public provide any useful comments, based on deficient, inaccurate, and outdated data and non-existent plans.
3. The proposed industrial construction methods to be used over a 2+ year period are within an Area of Critical Environmental Concern (ACEC) yet the activities are inconsistent with the values that the ACEC was intended to protect.
4. Traffic congestion will delay provision of emergency medical and fire services which could result in unnecessary and undue property damage and death to persons who are unable to receive timely responses from emergency service providers. The DEIS provides that additional ambulance service will be provided but the provider is not specified. This is unacceptable, since a provider must be part of an existing EMS group if they are to provide services called for in this plan.

We urge the BLM to properly and fully analyze all of the impacts in the final EIS, using complete, accurate, and timely data; and select the "no action" alternative as the only viable alternative in light of the anticipated impacts.

SeEtta Moss, Audubon Society

SeEtta Moss feels there is a gap in the analysis with the Arkansas River Travel Management Plan (ARTMP); ARTMP changes for the Texas Creek area for reducing impacts to area resources have not yet been implemented. BLM needs to implement these changes before they can even think of approving Christo's proposal.

Carol Neville, Fly Fishing Guide (the following is a copy of Neville's written submission of her comments)

Carol Neville lives in Nathrop and has been a professional fly-fishing guide on the Arkansas River for ten years. In the process of analyzing Christo's OTR proposal, she read the mission statements of AHRA and BLM. The goal of both these agencies is to protect resources, which is contradictory to Christo's proposal. She has three main concerns about OTR and the DEIS related to impacts on the fishing industry:

1. Questionable data in DEIS – Assumptions and estimates are built on severely outdated and incorrect data. For example, page 4-243 states “analysis of angling impacts is based on the AHRA's 1995 angling use information and CDOW's 2007 creel census pointing out that the 2007 survey was quite limited with the conclusion “assumed that angler use on the Arkansas River has remained relatively constant for the past 15 years”. This defies the facts as the shop she guides for was started here in 1995. Staff included one owner and 2-3 guides who worked up to a few hundred trips per year. By 2005, they had nearly 20 guides and ran 2500 trips per year. At two people per trip, that is 5,000 anglers/year just in their shop alone.
2. Traffic and Economics – The impact from traffic delays, especially during “installation” (more accurately called construction) is grossly understated. Fishing involves multiple trips through sections of the canyon daily. The DEIS completely omits this operations. Both private and commercial transit will be significantly interrupted. We can't just “disperse” to other areas as the DEIS suggests. The caddis are where they are, and fish feed when and where they feed. This is where she goes to work.
3. Contradictions to AHRA and BLM agreements and RMP – Christo's proposal contradicts the RMP's designation of the river's Section 3 for fishing. There are more fish per mile there than anywhere else on the Arkansas River. There is no whitewater commercial rafting on Section 3. Every alternative DEIS offers includes Section 3. Does this mean non-fishing, commercial rafts will be permitted through here to the exclusion of fishing and in contradiction to the AHRA RMP?

She concluded her oral comments with the paraphrase: “The needs of the many outweigh the wants of the one”.

Terry Madagan, OTR

Terry Madagan showed one of Christo's books so that everyone could see the photos of past projects. She doesn't believe that the OTR project is just for Christo as it will unite the community and bring beauty to the project location. It will leave the community better financially, ecologically, and environmentally. “We must trust Christo and BLM to make good decisions,” said Madagan. She attended three out of the four public meetings and expected controversies but not many occurred. Madagan shows maps at a Farmer's Market booth and continually receives supportive comments. Madagan indicated that misconceptions about the

proposed project are rampant and they need to be clarified. The impacts are temporary and can be mitigated with traffic impacting only two Saturdays and two Sundays, from 10:00 a.m.-4:00 p.m., and delays of between 16-23 minutes. The city of Canon City will get revenue from parking lots and bus rides and local government will benefit as well. Christo is giving us a genuine and sincere project as a gift and no taxpayer dollars will be spent.

RAC member Aaron Clark asked Madagan if she knew of any one project on federal lands that had the intensity of this level of construction.

Madagan cited Christo's Running Fence project in California that went across 57 properties covering 5.5 miles. The project ran across ranches; united ranchers for support; and the ranchers had asked for and received the fabric used for the project, which they used to cover their hay. Everything used in the project was recycled.

Clark then asked what level of engineering that Running Fences required.

Madagan stated that the fabric was anchored across 200 feet, over a lot of space. Many things were learned from that project.

Vince Hooper (BLM OTR program manager) later mentioned that no other Christo project has had a comparable level of engineering or level of construction as the OTR project to compare to.

Dave Yust, private citizen

Dave Yust has spent 46 years teaching at CSU in Fort Collins. The question he is most asked regarding Christo's project: "Is it art?" Regardless of the answer, Christo and Jeanne-Claude have done more than anyone else to promote art discussion. Their works involve three stages: drawings and collages sold to fund their projects, the realization phase, and memory. Their projects provide poignant memories and have left lifelong, lasting impressions on Christo as well as for all who view them. He does not make a profit and shows a gentle and wonderful spirit in a difficult world. Dave supports Alternative 1A.

Bruce Goforth, retired Colorado Division of Wildlife professional

Bruce Goforth served on the RAC for eight years and is familiar with their responsibilities. He helped to establish the Palmer Foundation and founded the Upper Arkansas Land Trust and spoke on behalf of himself. He asked that 43 CFR 2920 be reviewed as it speaks to the rules and regulations of realty use. Christo's project is inconsistent with this CFR delegation that instructs there be minimal project impact on the land. The Royal Gorge Resource Management Plan from 1996 states that management for recreation and tourism must be in balance with other resources; Christo's proposal does not balance those resources. He would like the RAC to review their principles and understand who they are working for; how can they rationalize away all of their concerns? Aaron asked Bruce about his thoughts on Alternative 4 and Bruce responded that it might not be as drastic but it would still have a great deal of impact.

Teddi Coleman, private citizen

Teddi Coleman feels the canyon is already beautiful; please don't change it.

Jim Beicker, Fremont County Sheriff

Sheriff Jim Beicker is gravely concerned about public safety. He said the statement that taxpayer's dollars are not spent is false; he and his employees who have had to attend the public meetings and review letters they have already received about the project are not being reimbursed by Christo. Some letters have been threatening and have had to be investigated, which has also used taxpayer dollars. He referred to the recent fire in the canyon; what if there was a fire during the viewing period of the project? There are already radio communication issues. The radio system in the area cannot handle an increased number of radio transmissions. The concern is not the number of available radios, it's the increase in radio transmissions, which can overload and crash the system. There will be issues for the prison when transporting inmates. How will search and rescue attempt to save injured persons underneath the fabric? This project will bring world-wide attention to this rural area, bringing the possibility of terrorist attack. Security-wise, this will be worse than the Democratic National Convention because of the location. The BLM would be remiss not to look at these issues.

RAC member Lucy Bambrey asked if Beicker if the EIS has looked at these issues adequately enough. Beicker replied that he didn't think it has. He also brought up that the county jail only has five holding cells; all full at this time. What if more were needed during the project period? There are issues on a daily basis and Beicker doesn't believe all can be mitigated away but the department will do the best they can to mitigate and protect if the project goes forward.

Greg Shoop mentioned that the Draft EIS does have a section on safety and OTR will be providing 800 megahertz radios so everyone can communicate. He recommended that someone from the Sheriff's department checks the Draft EIS regarding the communication capacity. He expects some of this would be covered in the event management plan.

Vince Hooper, Over The River Project Manager

Vince Hooper gave an overview of the entire OTR proposal, including visuals with maps and drawings. The comment period has been extended to September 14; comments will be categorized, responded to, and considered into the Final EIS. Comments need to be specific, not just stating "for" or "against". There are seven alternatives; 1B was dropped. Alternatives 1A, 1C, and 1D use all eight panels; Alternative 2 cuts it down to 4.8 miles of panel; Alternative 3 cuts it down to 4.1 miles of panel; and Alternative 4 cuts it down to 1.4 miles of panel. The draft final decision should be out in February of 2011; after a 30-day comment period, the final decision should be released in March of 2011. In the decision making process, Keith Berger, Field Manager, will make the final decision. An appeals process will follow the final decision.

The question was raised about the RAC's OTR resolution last year; it was to provide for the NEPA process to proceed and run its course within the time necessary to provide for a thorough analysis. Resolutions do not carry any more weight than a comment from a private citizen.

INDIVIDUAL RAC MEMBER COMMENTS

Donna Murphy (represents environmental)

Donna Murphy is glad to see the process moving forward. It is a construction project but with a high level of examination. Change is difficult and there has been a great deal of change in the canyon over the years. This project may be of some use for future planning. BLM is doing a good job during this process.

Keary Hallack (represents transportation/ rights-of-way)

Keary Hallack agrees with Murphy's comments. She has many personal opinions as a taxpayer and a citizen but feels there is no point making an official opinion at this point. She is concerned that much of Christo's proposal may not be in agreement with the Resource Management Plan and there may be some double standards in comparison with the oil and gas program. The VRM Class 2 is to retain the physical landscape. No alternative allows for mitigation; how do you retain the character (oxymoron)? She would like to understand more about the level of monitoring that will be conducted.

Virginia Patton (represents grazing)

Virginia Patton is concerned about transportation and traffic congestion. She will support the proposal if those issues can be addressed and mitigated properly.

Aaron Clark (represents environmental)

Aaron Clark would like to see a clarification on the purpose and need statement; it seems like the Draft EIS is adopting the artist's purpose and need. What does the BLM hope to accomplish by doing this analysis and what is the BLM purpose and need of this project?

There is a burden of proof and the purpose of NEPA is to take a hard look. Political pressure has caused the need to read into the sentences to find things compatible while other things are not. The alternatives are allowing contradictions to the ACEC (Area of Critical Environmental Concern) that is d; why is any proposal being considered in this area? If the project is approved, it should start from Alternative 4; outside of special management areas; other areas should be off the table. What about the mitigation of the sound impact? Thirty years ago, the EPA created a system for prediction of acoustic disability (SPrEAD) to determine how noise propagates in different environments and how different species react to the sound decibels; he feels the BLM should utilize the GIS model that The Wilderness Society's scientists adapted to the original SPrEAD models in relation to the proposal. The project claims a 310-acre footprint which seems small compared to the size of the project. Clark would like to see how it's justifiable; stresses on wildlife and their activities. He feels the footprint addressed is misleading; it's literal not the actual effective footprint.

Michal Bush (represents public-at-large)

Michael Bush is shocked the BLM may be looking at double standards and echoes everyone else's comments. He is concerned about the information Sheriff Beicker provided earlier. He feels political pressure and money [socioeconomic] are part of the double standards.

Kit Shy (represents elected official)

Kit Shy drives the river often and knows it well. Is this proposal appropriate for public land? He has learned it was not the BLM's decision to determine that but it IS their job to complete the process thoroughly and correctly. Congressional letter of support showed it's truly political. We need to concentrate on the EIS process. The public information that has been distributed is confusing. The definition of art is in the back of everyone's mind. We have all been struggling with the term "art" and its definition. Calvin Coolidge supported the sculpting of Mount Rushmore and described the art as something that inspires, commemorates history and culture. He felt it would be arrogant to define art in general but a definition of art appropriate for public lands is a task to be tackled. For an art project to serve the public, it needs to endure and span

generations. The fleeting nature of OTR does not meet that standard and so it does not balance the impact regardless of mitigation, especially since it's contemplated in an area already identified as sensitive environmentally and that public value has been recognized.

Shy is also concerned about mitigation, particularly with emergency response; medical, fire, and hazmat. Need to explore all ancillary impacts of large groups of people: camping; firewood issues, what is left behind.

Bill Dvorak (represents commercial recreation)

Bill Dvorak attended the first meeting of AHRA and BLM in 1995. He felt a lot of the issues were folks tilting at windmills and almost all the concerns had been addressed or mitigated. He sees economic benefits that will help the community. There are always going to be things like rockslides, fires, etc. and we locals have always figured a way to continue business. Christo's proposal won't be causing any of that. He noted an example: currently, it takes local EMS volunteers, all basic EMTs, 20-30 minutes to respond to a call. At that time they have to decide if advanced life support (ALS) is needed; if so then they have to call for an intercept from either Chaffee County EMS or Fremont County. These ambulances can only respond if they are not engaged and it can still take 30-50 minutes to intercept they are not engaged. With a helicopter and paramedics staged and on call in the canyon, response time for ALS assistance will take a fraction of the current time.

The river water is low at that time of year; commercial boaters won't have issues with safety, private boaters may. He doesn't see the threat of terrorism; can't compare to other large events.

He has a hard time believing the numbers in the proposal and feels that the fishing numbers are too high and the recreation numbers are too low. There should be very little impact to seasonal caddis fly hatch. There should be very little traffic impact during construction. The ACEC and WSA boundaries do not include railroads.

He concluded by saying that the proposal is indeed logical and that the needs of the many outweigh the minor inconveniences of the few.

Al Trujillo (represents state agency)

Al Trujillo has three main issues with Christo's proposal:

1. He dislikes the subjective discussion about art. Art is a topic like politics and religion that shouldn't be discussed except in certain settings. It bothers him to hear that Christo's proposal is being compared to the Mona Lisa; every time he goes up the canyon he sees the Mona Lisa.
2. The economic part of the proposal will help the community but does the EIS really study the bigger picture? There are three major travel routes that will be affected by the delays on Highway 50 – 160, I-70, and I-25 – yet the EIS doesn't address the impact on these other routes.
3. He is greatly concerned about the bighorn sheep issue. The general public who are supporting the project do not comprehend the cumulative direct-indirect impacts to wildlife. Species will deteriorate in health over a period of time. You can't just round them up, move them, and then bring them back again. If you stress the animals today,

you won't see those effects in December; something profound has effects over a 10-year period. It does affect bighorn sheep health and they start to downgrade in health and life. Trujillo would like to the EIS address the cumulative direct and indirect effect on bighorn sheep. This proposal is totally impractical for the sheep.

Mike Nelson (represents dispersed recreation)

Mike Nelson is trying to understand the purpose of the project. He feels that the BLM cannot ever mitigate the effects of what he sees as an environmental degradation. There are many long-term concerns including wildlife and fishing; the Platte River used to be the river of choice for coming to Colorado and the now it's the Arkansas River.

Nelson is worried about the overall effects on the environment during the construction phase and the emplacement of the anchors as well as heavy equipment on the soils and rocks. There will also be an effect on water quality. He has many concerns but not enough time to state them all today.

Jim Coleman (represents grazing)

Jim Coleman doesn't think man can improve on Mother Nature. Putting a curtain over the river won't improve the look of the river. The BLM is charged with the health of the land which is important to all of us. This will cause many wildlife issues; if the species move out and go away, when will they come back IF they come back? Is this project worth a possible death from a traffic accident? Christo began his projects in New York and Washington, DC but those people probably haven't been here and don't realize that this project isn't a good idea for this location.

Tom Olson (represents dispersed recreation)

Tom Olson has acquired more concerns after today's discussion. Public safety and prisoner transport need to be addressed in further detail. The Sheriff has stated many concerns that also need to be addressed. There are many assumptions in the DEIS based on outdated data. He also has travel management concerns.

John Stevenson (represents public-at-large)

John Stevenson first drove through the canyon in 1980 and was struck by its beauty. He represents the public at large and must determine what purpose and function this project will serve. It has created a great deal of divisiveness in the community. The DEIS fails to address the effects on commerce. There are no mitigation effects identified on socioeconomic impacts; Section 5.14 in the DEIS relating to socio-economic issues states that no mitigation measures were identified. He was disappointed the CAs [*cooperating agencies*] was not present as he had a lot of questions to ask.

The DEIS comes short with the effect on commerce, monitoring, and enforcement. He feels commerce is loosely defined. He also stated that bonding is not the answer, especially if something of magnitude happens; wondered if cash in escrow could be a consideration.

Lucy Bambrey (represents archaeology/historic)

Lucy is also concerned about the purpose and need, specifically with CEQ definition and repeated in BLM's handbook. It should be the BLM purpose and need for the action and not the applicant's that should be stated up front; the need for a BLM action, permit application, goal or

objective to solve a problem or achieve certain goals. The whole EIS relies on the purpose and need which is basically talking about a construction project; look at it this way regardless of the exhibition period. One of the problems with the purpose and need is that it ties it into recreation. The DEIS is missing the mark on the need for addressing the need for a public art exhibition or display and the purpose to pursue the action. Need to downplay the recreation; it's a poor fit. The purpose and need statement as written doesn't support the alternatives in Chapter 2; the EIS has to be supported by the purpose and need statement. All alternatives have to be based on and respond to the purpose and need. The purpose and need is the Achilles heel of an EIS.

Lucy's area is cultural resources and she doesn't have many issues with that. Cultural resources don't move around like the sheep do. Native American groups and the Advisory Council on Historic Preservation should also be consulted.

Chuck Rech (represents energy/minerals)

Chuck Rech felt the BLM needs to look carefully at the ACEC and how it would apply to energy minerals exploration now or in the future. He wanted to know why the river bottom and road bed is considered part of the ACEC; need to take a hard look at that. As a RAC member, he doesn't want to get into the need for the project. He doesn't feel this is an obscure proposal; whether it's a right spot is a different issue and what we should determine. He feels that if 200,000-300,000 people are interested in this project, it is a legitimate use of public land. He is also concerned about mitigation. What authority will the monitors really have? There needs to be proper bonding but that wasn't properly addressed in the DEIS. When the final EIS is released, there needs to be better explanations.

Loren Whittemore (represents public-at-large)

It is the role of the RAC to look at and come up with mitigation ideas. The health of the land is the reason we are here. We need to be concerned about the safety and welfare of the general population and we should prepare for the possibility of a terrorism situation.

Discussion was held on what to do next. There are concerns about reclamation bonding (how much is needed?), liability insurance, and the event management plan. A disconnect between the BLM, the county representatives, and the Sheriff's Office seem to be occurring. Will the county, State Parks, law enforcement, and other groups be reimbursed? Is there compliance with BLM use?

Shelley and Cass will type up the minutes and comments. Lucy has also been taking notes and those will be incorporated into the minutes. All members will have a chance to review their comments for accuracy before the minutes are published.

Kit also added some other mitigation concerns which included:

1. EMS/fire dispatch - He suggested that all OTR personnel be certified in first aid and CPR, hazmat, and carry red cards. Due to the timing of the project, brush trucks and a wildlife fire crew should be available along with a water rescue team and a vehicle extrication crew. All public access locations need to have a first aid station with a defibrillator.
2. Engineering - The proposal does not cover a static load event (hail). The proposal needs to be reviewed by an engineering design team, not just Christo.

3. Economics - Maybe September would be better than August. It would be more beneficial to the merchants because we already have a busy tourist season in June, July and August. Schools could also have field trips if the project was done in September.
4. Impact to the people - He feels that there will be many problems due to the crowds. This will include people trying to view the project by climbing rock walls which will be extremely dangerous. Other problems may include sanitation issues, illegal camping or firewood collections, and language barriers.

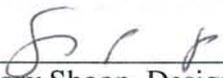
John again reiterated his concern with monitoring enforcement. Christo should have no part in that aspect of the project.

Aaron asked if a Freedom of Information Act (FOIA) request could be done to find out how much time OTR took away from other BLM projects. Vince Hooper is the only person solely assigned to OTR but how many other employees have spent time on OTR and how much time was spent? What BLM projects are being neglected and impacted?

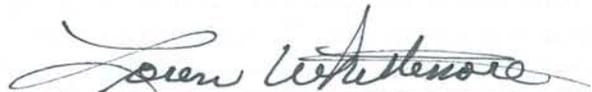
John made a motion that the RAC should prepare a letter to BLM based on these many concerns and issues. Virginia seconded the motion. The motion passed with all "aye" votes. Cass will prepare the letter for Loren's signature.

Cass mentioned the State-wide RAC meeting; the RAC's recommendation is for it to be held on the dates of February 16-18, 2011 in either Colorado Springs or Pueblo.

Jim motioned to adjourn the meeting; meeting adjourned at 3:30 p.m.



Gregory Shoop, Designated Federal Officer
Front Range District Office
Bureau of Land Management



Loren Whittemore, Chair
Front Range Resource Advisory Council