



# United States Department of the Interior

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



## FRONT RANGE RESOURCE ADVISORY COUNCIL MINUTES January 12, 2011

### Category 1

Charles Wm. Rech  
Virginia Patton  
Keary Hallack  
Ed Nielson

### Category 2

Tom Olson  
Lucy Bambrey  
Aaron Clark  
Mike Nelson  
Jay Heeter

### Category 3

Loren Whittemore  
Laura Benjamin  
John Stevenson  
Kit Shy

### ATTENDEES

Dan Dallas, Acting Designated Federal Officer; Keith Berger, Field Manager, Royal Gorge Field Office (RGFO); Bruce Rittenhouse, Associate Center Manager, San Luis Valley Public Lands Center (SLVPLC); Cass Cairns, Front Range RAC Coordinator; Mark Sweeny, Resource Advisor, Saguache Field Office (SFO); Sean Noonan, Recreation Planner, SFO; Leah Quesenberry, Renewable Resources Supervisor, RGFO; Bob Hurley, Fire Management Officer, RGFO; Steve Cunningham, Law Enforcement Officer, RGFO; Jimmy Dickerson, Non-Renewal Resources Supervisor, RGFO; Andrea Jones, Acting Field Manager, La Jara Field Office (LJFO); Cindy Giles, Assistant, RGFO; Melissa Garcia, SLVPLC.

### GUESTS

Donna Murphy, former RAC member; Joe Rall, District Deputy Director for Congressman Doug Lamborn; Dave Scherer, Western Slope No-Fee Coalition; and Terri Madigan, Friends of Over the River

### INTRODUCTIONS AND OLD BUSINESS

All RAC members, attendees and guests introduced themselves after the meeting was called to order by Loren Whittemore at 9:15 a.m.

There was no old business.

Dan Dallas, acting Designated Federal Officer, presented a Recognition of Service plaque to former RAC member Donna Murphy. Donna served on the RAC during the period of August 2004 – August 2010 under Category 2 representing nationally and regionally recognized environmental organizations. Dan spoke on behalf of the BLM for its appreciation for Donna's contributions during her six years of service on many Front Range District issues including rangeland health and grazing management, travel management planning, mining clean-up and

rehabilitation, and potential issues and concerns related to the *Over The River*<sup>TM</sup> Environmental Impact Statement.

## **PUBLIC COMMENT**

There were no public comments.

## **WILD HORSE INMATE PROGRAM (WHIP) TOUR**

The RAC was taken to the Colorado Corrections Facility in Cañon City for a tour of the prison's Wild Horse Inmate Program facilities. Fran Ackley, Wild Horse and Burro Program Leader, facilitated the tour. RAC members learned about the inmate training process as they watched inmates in action saddle training horses, clip hooves and administer inoculations. Fran provided a complete overview of the program - what it takes to make it work in relation to staffing, training inmates, and budget; the working relationship between the Department of Corrections and the BLM and the benefits to each agency and the public.

## **MANAGERS UPDATE**

### **Keith Berger, *Field Manager, RGFO***

The RGFO has submitted a couple of applications for State OHV grants. One is for \$68,000 that would cover funding for the Service First (BLM-US Forest Service) seasonal trail crew (two BLM, two FS), one vehicle, signs and equipment. This has been an ongoing program for the past couple of years. The second one, a \$37,000 grant request, was submitted in partnership with the Rampart Range Motorcycle Management Committee to fund maintenance and construction of off-highway vehicle trails using some of the committee's trail dozer equipment. This has been a beneficial and ongoing partnership between the BLM and the Rampart Range Motorcycle Management Committee.

The RGFO is planning on updating its 1998 Programmatic Vegetation Treatment Environment Assessment (EA.). Folks should be seeing an outreach for public scoping within a month. The new EA will be very similar to the one. The biggest change will be the addition of some new herbicides that the RGFO considering to authorize under the new EA. The EA will be consistent with the national 2007 Vegetative Treatment Programmatic Environmental Impact Statement (PEIS) that the BLM released a few years ago.

The White Nose Syndrome (WNS) is an emerging issue on hibernating bats that the BLM is taking seriously. It's a fungus that attacks the ears and nose of bats that started in the east and is spreading steadily in the west. Last documented cases were in northwestern Oklahoma, within a couple hundred miles of Colorado. Approximately one million bats have died from this disease. It's communicable from bat-to-bat contact and there is some evidence that it can also be transported via humans moving in and out of caves where bats are located. The BLM has done a lot of outreach, talking with stakeholder groups and wildlife agencies about getting plans together to deal with the problem. There isn't a lot of bat habitat within the RGFO. The RGFO staff is working with the Colorado Division of Wildlife (CDOW) to identify potential habitat locations where there may be issues. Abandoned mines tend to be an issue because bats use them for habitat. Most of the abandoned mines that have been closed within the RGFO have

special grates that allow the bats access in and out of the mines while preventing human access. The RGFO hopes this would help minimize the potential for the spread of the WNS.

Keith talked about the sale of the Mt. Princeton Geothermal Lease Parcel to 3E Geothermal, LLC from Colorado Springs. It was sold at the November 2010 BLM State Oil & Gas Lease Sale. The parcel sold for just under \$30,000. 3E Geothermal is associated with Young Life, which is a large landowner in that area around the Mt. Princeton Hot Springs. The group has been following the lease sale for some time and there was some public speculation whether they had acquired that lease in an effort to prevent further development of that resource. However, it appears that 3E Geothermal is interested in seeing what they can do about geothermal development in their area.

Keith briefed the RAC about a long ongoing informal target shooting area in Cotopaxi, north of the Cotopaxi School baseball diamond. Several years ago the Cotopaxi School came to the BLM with an application for a Recreation and Public Purposes Act (R&PP) permit for a lease to build their ball field on that site. When the school obtained the lease from the BLM, they spoke with local recreational shooters and reached an informal agreement to allow them to continue with recreational shooting activities. There was no desire to curtail that activity and it has continued over the years on the R&PP leased land. The BLM began receiving complaints related to safety concerns over a year ago and has been looking into those concerns. The target shooter group had constructed a formal target shooting facility by adding a concrete bench and some back stops. The BLM was not aware of the target shooting activity at the time of the R&PP application so that activity and related safety issues had not been part of the permit's analysis. Investigation of the safety concerns show that the shooting bench sits on one side of a public road and the back stop sets on another.

Regulations on R&PP leases are very clear about target shooting; it is not allowed under a formal R&PP lease. There are two ways under current regulations that the BLM can formerly authorize target shooting areas; through a direct land parcel sale or by issuing a patent into private ownership under the R&PP Act. The RGFO Resource Management Plan has not slated the parcel where the existing R&PP lease is located for disposal either through a direct sale or a patent so the BLM cannot transfer that property into private ownership.

The BLM has had a lot of discussion with the shooters and the school district. The RGFO's recommendation is to remove the target shooting facilities and discontinue target shooting within the R&PP lease area. The BLM is not against target shooting on public land; dispersed target shooting is allowed all over on BLM lands. The RGFO expressed it would consider this activity at a formal setting as allowed under current regulations but it would have to occur on a different location. The RGFO is providing maps and recommending that the shooters and school district take a look at some alternative sites in the area. If they can find an alternative location, the BLM would be happy to work with them to see what can be done under the regulations. The BLM recognizes recreational target shooting as an appropriate use of public lands and the need for those areas.

Keith provided a quick overview and update on the drilling of the new Park Center Well. He spoke about: the major leak in the original 3,000-foot deep, 80-year old deteriorating artesian-fed

well; water is leased to the Park Center Water District, which is their primary winter water source serving about 4,000 Cañon City residents; the unexpected event when drilling of the new well hit a higher than anticipated pressure causing a blowout of the well; control of the blowout and re-drilling operations; facing some technical problems and some leaks but overall the new well is sound; allocated funds for the new well have been depleted due to the unforeseen difficulties; and the BLM is seeking additional funding and anticipates things will get back on track in the near future so the project can be completed. The future lease rate on the water will factor in a percentage to cover future maintenance on the new well.

The RGFO has been in the process of a complex acquisition of the Goodwin Ranch near the town of Howard through the use of land and water conservation funding over the past couple of years. The Trust for Public Lands (TPL) has been assisting the BLM in acquiring this property. The property borders the Arkansas River with a county road going through it that would provide public access to the river. The BLM found out that the Union Pacific (UP) bisects the property. TPL spent a lot of time and effort trying to work with UP to get public access from the county road through the UP right of way to the river. UP access issues are very difficult to deal with and TPL was unsuccessful. A second land appraisal was required and it ended up less than the original appraised value. Penrose Water District owns the property and when they looked at the new appraised value, they weren't interested in selling the property to TPL and decided to place the property back on the open market. TPL and the BLM will not continue to make any further attempts to acquire the property without a willing seller at the appraised values. This property would have served two purposes; increased open space and considerable additional public access to the river.

Regarding the *Over the River*<sup>TM</sup> Environmental Impact Statement (EIS), the Final EIS is scheduled to be released in mid-March with a 30-day availability period. This is not a public comment period and the BLM will not be soliciting for comments. This will be an opportunity for the public to review the Final EIS and if there's anything of significance that has not already been considered to this point then comments may be submitted during the 30-day review period to address those issues. Those comments will be reviewed before the BLM issues the Record of Decision. The Final EIS will identify the preferred alternative and provide responses to the comments received during the Draft EIS. Keith pointed out that the preferred alternative will not necessarily be one of the specific alternatives laid out in the Draft EIS as it could be a hybrid of the various alternatives. Every aspect of the preferred alternative would have been addressed at some point during the analysis of the Draft EIS. The final decision is expected to come out in mid-May 2011.

Some may have heard that the *Over The River* Corporation came out and said that they were delaying implementation of construction of the project for approximately a year. The BLM's understanding is that extra time will give them a little more time to get through the permitting process for the other agencies and jurisdictions that they'll need to go through if the project moves forward. Construction may begin in spring 2012 with the actual event occurring in July or August of 2014.

**Bruce Rittenhouse, Associate Center Manager, SLVPLC**

Following up on the WNS, the SLVPLC is not aware of that much bat habitat in the San Luis Valley (SLV). The US Forest Service has closed caves for public access for a period of one year. The Land Orient Mine on the Orient Land Trust property near Villa Grove has the largest colony of Mexican Free-Tail bats in Colorado, which is a great concern.

A Resource Management Plan (RMP) Amendment EA is underway for geothermal leasing and energy development in the SLV. The BLM did a national Programmatic EIS (PEIS) for geothermal energy a couple of years ago that amended 114 land use plans of the BLM. There was an oversight and it did not amend the SLVPLC RMP so this is why the RMP Amendment EA is underway. The amendment will allow the SLVPLC's RMP to tier to the BLM PEIS. A draft EA for public review is proposed for April that will cover lands in three categories: open to geothermal with the standard stipulations such as no surface occupancy; controlled surface use and/or tiny limitations for certain resources; or closed to geothermal energy development. The EA is expected to be out in the later part of June 2011 with a decision in August 2011.

The field office is in the early stages of looking at adjusting boundaries for the Blanca Area of Critical Environmental Concern (ACEC) as it is tied to the possibility of acquiring some nature conservancy lands on part of the Medano-Zapata Ranch through the land water conservation fund. To qualify for funding, the land has to be within the ACEC boundaries. Alternatives development and public scoping have not been done. There will most likely be a presentation to the RAC on this later on.

Regarding the Rio Grande Natural Area – a law was written to identify the Rio Grande Natural Area defined as a quarter-mile from each bank of the Rio Grande River from the southern edge of the Alamosa Refuge to New Mexico/Colorado border. Part of the legislation includes a Natural Area Commission composed of nine members; four from the public, a representative from the Rio Grande Water Conservation District, a representative from the Colorado Division of Water Resources, CDOW, the refuge manager of the Alamos Wildlife Refuge, and a person from the BLM representing the BLM Colorado State Director. An outreach was done for position nominations and it is going through the same process required under the Federal Advisory Committee Act and the SLVPLC is now waiting for the Interior Secretary approval. The task of the Natural Area Commission will be to develop a management plan for those non-federal lands within this corridor between the boundaries of the natural areas.

The national BLM Draft Solar Programmatic EIS is out for public comment. The public has until March 17, 2011 to submit comments. The PEIS states that there are 148,072 acres of BLM lands available for solar development in Colorado and 21,050 acres are within four solar energy zones identified in the SLV. The PEIS can be found on the web at <http://solareis.anl.gov/> and related maps can be found at <http://blm.gov/td5c>. The only public meeting to be held in Colorado will be in Alamosa on March 7, which will be announced in the local and regional newspapers. Two applications in the SLV have been received for Solar Energy development. The applications are on hold until the record of decision is signed in the fall.

## **CAMPGROUND FEE PROPOSALS FOR ZAPATA FALLS AND PENITENTE CANYON CAMPGROUNDS, *Sean Noonan, SFO Recreation Planner***

Proposed new campground fees and increases have to be reviewed and approved by the Recreation RAC (RRAC) before they can be implemented. However, the RRAC has not been able to convene since 2009 because the council has not been able to meet the required member representation in order to legally function as an advisory council per its established charter. This presentation was given with the objective of getting a recommendation of support for establishing campground fees for the newly developed Zapata Falls Campground and raising the existing fees for the Penitent Canyon Campground. Any recommendations would be submitted to the BLM Colorado State Director and the RRAC for consideration in the event it is able to convene as a council.

The Zapata Falls Campground is a newly developed campground facility in the Zapata Falls Special Recreation Management Area. This is a high-use area utilized in the past for dispersed camping for visitors to Zapata Falls and the Great Sand Dunes National Park and Preserve along the Sangre de Cristo mountain range of the SLV. The development of the campground was an American Recovery and Reinvestment Act project that begun in 2010 and is expected to be completed in June 2011. It was anticipated that the RRAC would be functional before the opening of the new facilities. Maintenance and upkeep of the facilities and services provided are dependent on fee-generated revenues. The BLM does not feel it could open the campground and adequately manage and sustain it without the establishment of user fees. The RAC raised the question of the ability to use a donation box as an alternative until user fees can be established and it was determined worth the consideration. The Zapata Falls Campground will consist of 25 sites: 9 drive-in tent sites; 14 RV sites, 1 camp host site; 1 group site and all with tent pads, fire rings and tables.

The RAC motioned for a resolution and it was seconded with a recommendation strongly supporting the BLM in finding alternative means to collect recreation funds such as public in-kind donations at the Zapata Falls Campground until the RRAC is able to reconvene and address the establishment of the recommended fees.

The Penitente Canyon Campground was constructed and fees implemented in 1997. There have not been any fees increases implemented since that time to account for increasing inflation or rising costs to perform routine, annual, and deferred maintenance, cost of living increases for seasonal employees, equipment operating expenses, etc. The BLM is proposing to increase the existing fees from \$5 to \$11 a night for a single site and from \$15 to \$20 a night for a group site. The proposed fee increases are comparable to public lands-style developed campgrounds throughout the SLV.

The RAC motioned for a resolution and it was seconded with a recommendation strongly supporting the BLM with increasing the standard campsites fees to \$11 per night and group campsites to \$20 per night.

**BIGHORN SHEEP, LA JARA SHEEP ALLOTMENT TERM PERMIT RENEWALS,  
Mark Sweeney, SFO Resource Advisory**

Public scoping open houses were conducted in November and December of last year on the renewal of the La Jara Field Office's 13 term grazing permits for grazing allotments, 12 which are specific to domestic sheep grazing. Mark explained the differences and complications with the allotments, highlighting the key concern of the potential risk to Rocky Mountain bighorn sheep herds by coming into contact with domestic sheep. The contact has the potential to transmit diseases that could have detrimental impacts on the health, distribution, and viability of bighorn sheep herds. Rocky Mountain bighorn sheep are not an endangered or sensitive species but they are a species with issues and concerns in relation to the renewal of the term grazing permits. A draft Risk Assessment for domestic and bighorn sheep contact has been developed for the allotments. Draft conservation measures are being considered as mitigation and terms and conditions for the term grazing permits in moderate and high risk allotments. Permittees have raised concerns of a known diseased bighorn sheep herd. Management of the bighorn sheep herds is under the jurisdiction of the CDOW and the BLM is seeking support action by the CDOW.

The La Jara Field Office will keep the RAC abreast of further developments on the term permit renewal process and related issues and will seek the RAC's recommendation on the issues of concern as it moves towards its decision process.

**RAC MEETING SCHEDULE FOR 2011**

The RAC members set up their meeting schedule for the calendar year.

RAC meeting dates for 2011:

April 27, 2011: at the RGFO in Canon City

July 20, 2011: San Luis Valley (location to be determined)

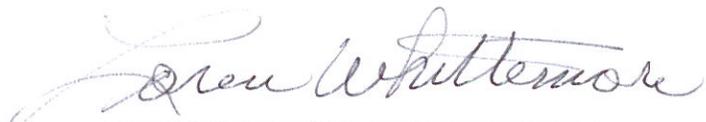
October 19, 2011: at the RGFO in Canon City

**Adjournment**

Ed Nielsen motioned for adjournment at 4:30 p.m., all were in favor.



Dan Dallas, Acting Designated Federal Officer  
Front Range District Office  
Bureau of Land Management



Loren Whittemore, Chair  
Front Range Resource Advisory Council