



United States Department of the Interior

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



FRONT RANGE RESOURCE ADVISORY COUNCIL MINUTES July 15, 2009

Category 1

Charles Wm. Rech
Gene King
Jim Coleman

Category 2

Donna Murphy
Aaron Clark

Category 3

Loren Whittemore
Michael Bush
Al Trujillo
John Stevenson

ATTENDEES: Greg Shoop, Cass Cairns, Roy Masinton, Joe Vieira, Cindy Giles, Linda McGlothlen, Gene Hunt, Mike Cassell, Bruce Rittenhouse.

GUESTS: Connie Rogers, Chuck Walser, Dan Ainsworth, Ben Kass, Megan Lane, Terri Madigan, Zach Reynolds, Keith Howard, Cathey Young, Ellen Bauder, Andy Neinas, Mike Bandera, Jay Bouton, Tracy Harmon, Debbie Bell, Kit Shy, SeEtta Moss, Dwight Gardner, Clyde Slonaker, Ellen Barber, Barb Masinton

INTRODUCTIONS AND OLD BUSINESS

Roy Masinton introduced Gregg Shoop, the new Front Range Center District Manager to be located in the Canon City office. He also stated that this will be his last Resource Advisory Council (RAC) meeting as he will be retiring.

Gregg Shoop gave an introduction and biography of himself and his work history. Gregg will be officially in place on October 1, 2009 and until then he will be working and learning about his area of responsibility in the district.

The Council discussed the status of two proposed resolutions initiated at the February Statewide RAC meeting. One resolution under consideration relates to an interagency cooperation to develop a coordinated, timely, and effective approach to air quality analysis and management. The Council is unsure if a resolution of this nature is necessary considering the current regulatory laws in place. The Council is awaiting more background information before making a decision to adopt or table this proposed resolution. The other resolution is regarding strengthening BLM's social science capabilities. Aaron Clark is coordinating this resolution and is seeking further input from the environmental community on this issue.

OPPORTUNITY FOR PUBLIC COMMENT

Megan Lane represents the OTR Corporation and spoke to the RAC by reiterating the artists', Christo and Jeanne-Claude, excitement for the proposed upcoming Over The River (OTR) project. She gave her presentation by reading a letter submitted by Captain Caldwell in support of Christo and Jeanne-Claude and their proposed Over The River project. She also requested that this RAC maintain an open mind in their decisions for this proposal until the Environmental Impact Statement (EIS) has been completed.

Connie Rogers, legal counsel representing Rags Over the Arkansas River (ROAR), expressed the organization's concerns with the OTR project proposal. Those concerns included the drilling operations in the proposed project area, which is in the Big Horn Sheep Canyon. She asked if oil and gas drilling is prohibited in the Big Horn Sheep Canyon area, then why would OTR Corp be allowed to drill [anchors for the panels] in this area? She requested that drilling standards should be reviewed. Another concern addressed was OTR Corp's unreasonable mitigation measure for the potential impact to the bighorn sheep by luring the sheep away with food and water and/or import sheep to/from other areas during this timeframe. The final point was related to the projected economic benefits to local businesses. Rogers pointed out that hotels in the proposed project area will already be full during this time of season and the extra tourism will not be beneficial to this community.

Andy Neinas, an outfitter/guide permittee, 30+ year rafting business owner, and private landowner of 18 acres of riverfront property near the Arkansas River provided his comments. He is the President of Fremont County Tourist Attractions and a board member to a number of other organizations. As a river steward over a long period of time, he feels that the river will be fine during this project. He also commented about the blasting that took place to create Highway 50 through the Bighorn Sheep Canyon area and how the river, riparian areas, and bighorn sheep survived that process. Neinas expressed his support for this project from a personal, economic and artistic standpoint. He stated that he hopes the public will consider the possibility to briefly change the landscape in this community.

Mike Bandera, Royal Gorge Bridge and Park stated that he completely agrees with Andy. He also mentioned his memberships with other Pikes Peak and Royal Gorge attractions and the Chamber and Tourism board as well as many others. He is the incoming Chair for Action 22. He stated that tourism is a large part of our economics in Fremont County. He mentioned that the Royal Gorge Bridge and the rest of Fremont County will benefit from this proposed project. He also mentioned the generations of success from the media and advertising.

Zach Reynolds expressed his support for the OTR project. He is employed by the Fremont Center for the Arts and is a lifelong area resident. When he was a freshman in college, he listed all the art projects he would like to see in his life and Christo and Jeanne-Claude's art are on his list. He never dreamed this would be proposed in his home community.

Chuck Walser, a lifelong resident of Fremont County also appreciates and supports this project and stated his rule of 7's; that any new dollar brought into an area will be re-circulated seven times. He states that he estimated that the \$195,000,000 to be brought into the area will be times seven and will cycle through to over a billion dollars. He is also President for the Fremont

Center for the Arts and has stated that the board members support this project 100 percent. He stated that he reviewed the records kept regarding Christo and Jeanne-Claude. He researched the Rifle Gap project and the people he spoke with stated they all fully supported Christo and Jeanne-Claude and the artists had an excellent reputation there. He claimed the rumor the artists left trash after the Rifle project is untrue. Art is in the eye of the beholder and he feels we should be honored to have these folks in the area. He also stated that approximately 53% of the tourists coming to see this project will be foreigners. Walser stated that this project would be the "Super Bowl of Art." When asked by one of the Council members, what if the EIS finds that this project would be too damaging, he responded that he would live with that but that he would remain supportive of constructing the project.

RAC member Aaron Clark pointed out that the RAC has been asked to keep an open mind during the EIS process more than once during this public comment period. It appears there is a misperception that the RAC has formed a pre-decisional opinion regarding the OTR project. Aaron clarified that the Council has no intention to develop an opinion until a full analysis of the project proposal has been completed.

Jay Bouton stated that this project is temporary, the mitigation factors will go through the EIS and hopes everyone will hold their opinions until the EIS final has been revealed.

Terry Madigan has been living in the area since 1983 and has raised her children here. Four years ago she knew nothing of Christo and Jeanne-Claude and stated that as the project resurfaced, she "Googled" and researched their projects and found nothing but favorable reviews regarding their art projects. Madigan found in her research that Christo and Jeanne-Claude donate millions of dollars toward nature and education projects that their son supports.

At the conclusion of the public comments, Council member Keary Hallack addressed the issues and questions regarding drilling in preparation of the project. Hallack pointed out the drilling depth for the panel anchors would not require the depth that would occur for oil and gas purposes. Council member Al Trujillo reminded everyone that the role as a RAC member requires impartiality and no bias throughout this EIS process. DFO Roy Masinton reminded the RAC that if any RAC member has a direct interest related to the OTR project, they should recuse themselves from the process.

Paleontology Resources Preservation Act (PRPA) of 2009, *Shley Snider, RGFO intern from GeoCorps*

A presentation was given regarding the recent passing of the March 2009 Paleontology Resources Preservation Act (PRPA) and what it brings to the BLM. Previous preservation laws did not specifically address paleontology and consequently, paleontology-related violations were harder to prosecute. The new PRPA provides language that specifically addresses the protection of fossils (non-vertebrate fossils are exempt). The PRPA authorizes the government to spend money on improving systems and procedures for protecting fossil resources and encourages the development of programs for public education. Facts highlighted in the presentation include; over 50% of fossils on display in museums are from public lands in the west, paleontology is the lowest funded program in the BLM, and there are only five paleontologists employed by the BLM and two by the US Forest Service in the nation – alone they must protect, preserve, and study 448 million acres of land.

MANAGERS UPDATE

Bruce Rittenhouse, *San Luis Valley Public Lands Center (SLVPLC) Associate Center Manager*

SLVPLC Travel Management Plan

The Resource Management Plan Amendment decision was signed by the State Director this past spring and the implementation decision was signed by SLVPLC Manager Dan Dallas on June 13 for the 30-day appeal period which is ending this week.

Noxious/Invasive Weed EA

The San Luis Valley is preparing an Environmental Assessment (EA) to treat noxious/invasive species in the valley. The EA will tier to the BLM Programmatic EIS to allow the BLM to use an additional 15 herbicides. A draft for public review is anticipated by the end of August.

Range Term Permit Renewals

The valley is anticipating completing all of our grazing term permit renewals as we are working on completing the NEPA.

American Recovery and Reinvestment Act (ARRA)

The valley received approximately \$700,000 to implement nine stimulus projects ranging from campground construction, habitat restoration, abandoned mine land restoration, and support for the Solar Preliminary EIS.

Solar Energy Study Areas

Secretary Salazar and Senator Reid announced on June 29 the initiative to “fast track” 24 tracts of BLM lands across the west, including four in the San Luis Valley. These 24 tracts total 676,000 acres of which 20,910 acres are in Colorado. In addition, these lands are being dedicated for solar energy and are being withdrawn from entry under the general land laws for a two-year period. The public is being asked to provide comments on these study areas. Secretary Salazar mentioned that he would like to have 13 commercial scale projects on BLM lands under construction by the end of 2010. Stimulus funds are going to be used to conduct natural resource and visual surveys on the four Colorado parcels.

Opti-Solar

A letter was sent in April to Opti-Solar requesting a plan of development (POD) within 90 days (by mid-July). Opti-Solar has not submitted a POD to date. SLVPLC is preparing another letter requesting Opti-Solar to either submit a POD in 60-days or ask for an extension or risk having their application rejected.

Roy Masinton, Royal Gorge Field Office Manager (Designated Federal Officer)

Range Permit Status

Renewals are expected to be done on time. 2010 begins the next 10-year cycle.

Black Hills Energy

The bio mass project feeding woodchips to Aquila for energy is slowing down - Black Hills Energy has bought Aquila and doesn't seem interested in the project. BLM has attempted to gain some commitment from Black Hills but without response. Other contacts have been made to resolve this issue.

Garden Park and Shaws Park Travel Management Plan (TMP)

The Record of Decision has been signed for the Garden Park - Shaws Park TMP EA.

Alternative B was selected for the Garden Park Parcel (320 acres). This decision favors non-motorized use in this parcel. A proposal for new trails for mountain bicycling and hiking will be analyzed in a separate EA.

Alternative C was selected for the Shaws Park Parcel (1,280 acres). This alternative allows for motorized use that connects into the Seep Springs road and trail system to the north. Routes that connect to the Garden Park area to the east are designated for non-motorized use.

Astembroski mining proposal (Fairplay)

Boyd Astemborski owns the mineral rights to an 80-acre parcel in the town of Fairplay. Astemborski has plans to mine for gold but has not as of yet submitted an application with a mining proposal. The parcel is located adjacent to private lands and a newly developed subdivision. This is a highly contentious issue with the homeowners who are concerned with noise, dust and possible contamination of water resources. The BLM cannot do anything at this point until an application is submitted for review.

Heath right-of-way application

Mark Heath appealed the BLM decision regarding his right-of-way (ROW) application that would allow access across BLM land. The court supported BLM except in the amount of the bond to be held for rehabilitation. Heath plans to build a home on a patented mining claim he owns located on the face of a mountain in Boulder County. To access the site, Heath will have to construct a road that would require extensive excavation. BLM is in the process of issuing another decision that will require Heath to post a bond in the amount of \$80,000 - \$90,000. Approval of Heath's application would also require that he provide documentation from Boulder County for the proper authorizations to build the home prior to BLM issuing a notice to proceed. BLM anticipates an appeal of these stipulations.

Park Center Well

BLM is about to issue a right-of-way permit for Park Center Well to include the pipeline for the well. The drilling contract is proceeding as planned.

Uranium Issues

The Tallahassee area near Hwy 9 is surrounded by and includes many subdivisions. A handout map indicated areas for potential uranium mine proposals and shows the areas that are split-estate for Federal minerals. BLM has not received any proposals so cannot respond to the issues that have surfaced with local landowners.

Roy also mentioned stimulus dollars have been allocated for abandoned mine projects and the drilling of the new Park Center Well.

OVER THE RIVER™ Discussion, Front Range RAC Working Group and RAC

A RAC work group (Chuck Rech, Lucy Bambrey, Virginia Patton and John Stevenson) got together prior to the meeting to outline concerns, issues, and major questions regarding the OTR proposed project in preparation of today's discussion. Lucy Bambrey encapsulated the working group's major questions and concerns, which was handed out to the Council members.

The Council expressed that their main concern was regarding the endorsement and support from highly elected officials and others for the OTR project prior to all issues being addressed and facts made known. More importantly, these endorsements are being made prior to the completion and publication of the draft EIS. The draft EIS is not scheduled to be published until June 2010. They feel such endorsements are pre-decisional in nature as they do not factor in an analysis of potential impacts or an analysis of potential mitigations. The Council also pointed out that there was an expressed concern that the RAC intended to pass a resolution today stating their support or opposition to the project. Though that was not their intent for their discussion today, they questioned why it was acceptable for high political officials and others of influence to express their support and not acceptable for the RAC to state their position at this stage of the process?

During the discussion it was pointed out that those who support the OTR project proposal base their support on social, cultural and economic reasons. Mitigation on key issues is speculative since the analysis on the proposed project has only begun.

The list of major questions developed focused on key issues related to potential impacts to the environment and safety of the public. The Council does not want to make a resolution to oppose or support the OTR project until they are fully informed and that will not be possible until the NEPA process is able to run its course.

The Council did pass a resolution supporting the BLM to allow the NEPA process to proceed and run its course within the time necessary to provide for a thorough analysis, an opportunity to address and possibly develop mitigations for major concerns, and for the objectivity and integrity of the review process be scrupulously maintained.

Loren Whittemore adjourned the meeting at 2:30 p.m.



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



Loren Whittemore, Chair
Front Range Resource Advisory Council