



# Southwest District Resource Advisory Council Minutes

## December 9, 2022

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### **Members Present**

#### ***Category 1***

Mark Roeber–Grazing; Kathy Welt, RAC Vice Chair–Energy and Minerals; Grady Ham–Outdoor Recreation/OHV

#### ***Category 2***

Jim Haugsness–Dispersed Recreation; Roger Cesario–Developed Outdoor Recreation; Ben Katz–Environmental Organizations

#### ***Category 3***

Starr Jamison–Public-at-Large; Steve Garchar–Elected Official; Matt Thorpe–Government Agency (attended online as available)

### **Bureau of Land Management (BLM) Employees Present**

Doug Vilsack, State Director; Gordon Toevs, Acting Associate State Director; Stephanie Connolly, Southwest District (SWD) Manager; Elizabeth Dawson, SWD Deputy District Manager; Jon Kaminsky, Gunnison Field Office (GFO) Field Manager; Edd Franz, Gunnison Gorge National Conservation Area (GGNCA) Manager and acting as Uncompahgre Field Office (UFO) Field Manager; James Michels, Acting Tres Rios Field Office (TRFO) Field Manager; Brandon Lewis, Southwest Colorado Fire Management Officer; Ray O’Neil, Canyon of the Ancients National Monument (CANM) Manager; Shawn Reinhardt, SWD Public Affairs Officer; and Candis Fischer, Administrative Support Assistant

### **Public Present**

Naomi Dobbs, Southwest Colorado Regional Director for Congresswoman Lauren Boebert

Ralph Files, OHV Sub-committee for State of Colorado

## Welcome, Introductions & Housekeeping

Stephanie Connolly, in partnership with Kathy Welt, called the meeting to order at 10:05 a.m.

Shawn Reinhardt began with an ice breaker by sharing photos from the December 8 RAC field trip.

Stephanie Connolly provided a welcome message and noted that she is happy to be back as the SWD Manager following lengthy details as the Colorado State Director and Associate State Director.

Kathy Welt noted that she is happy to be back to in-person RAC meetings.

Doug Vilsack remarked that he looks forward to seeing the UFO Business Plan and appreciates the RAC members and the work they do for the BLM.

Gordon Toevs thanked the RAC for their participation and input to the new State Director and provided an overview of meeting expectations.

### Vote on Approval of Agenda and Previous RAC Minutes

Minutes were not approved due to lack of a quorum.

## Field Manager Reports

### Jon Kaminsky - Gunnison Field Office

#### **Grazing Permit Renewals**

The GFO is implementing a zone approach for renewing grazing permits. Using the zone approach will allow the GFO to focus on specific geographical areas. Zones 4 and 6 are currently in process. Zone 6 is undergoing consultation with USFWS for Gunnison Sage Grouse habitation.

#### ***Domestic Sheep Grazing EIS Proposed Decisions and Formation of RAC Sub-Committee***

On August 27, 2021, the BLM SWD released two proposed decisions for the final Environmental Impact Statement (EIS) for Domestic Sheep Grazing Permit Renewals. The project areas are in Gunnison, Hinsdale, and Ouray counties and include nine grazing allotments on 65,710 acres of public land. BLM's goal is to reach a decision that balances the needs of permittees with protections for bighorn sheep. A final decision is expected by late summer 2023.

The SW RAC voted to create a RAC sub-committee to analyze the current level of exposure between Rocky Mountain bighorn sheep and domestic sheep on high alpine

grazing allotments near Silverton, CO. The sub-committee will meet once a month for six months and consider and recommend potential management prescriptions and best management practices to reduce risk of contact and disease transmission.

**Question:** Jim Haugsness asked what exactly the BLM is looking for from the RAC sub-committee? What is the scope of best practices?

**Responses:**

Jon responded that the BLM is looking for recommendations from the RAC to set CPW, USFWS, BLM, and private groups on a realistic path going forward to control the interaction between domestic sheep and bighorn sheep and achieve effective separation. Best practices could include a variety of practices – from permittees such as two herders, satellite phones to report exposure – to what CPW can provide – truly involving a team effort.

Stephanie Connolly added that we would examine whether to manage for risk or the absolute and would be asking the sub-committee to analyze data and look at previous reports, studies, and information from other agencies and sources.

**Wilderness Fire Workshop and North Powderhorn Fuels Reduction Project**

The GFO is currently evaluating a programmatic hazardous fuels reduction project on public lands managed by the BLM near Powderhorn, CO. The total project area consists of 90,725 acres, including 53,877 acres within the Powderhorn Wilderness and the Powderhorn Wilderness Study Area (WSA). The GFO would implement the project over 15 years with a total treatment area of around 20,000 acres, targeting bark beetle outbreaks, including numerous portions of the project area suffering 100% spruce mortality. Site-specific NEPA would follow for individual projects within the project area. There is potential for controversy associated with the wilderness aspect of the project – that the BLM could go in and change the wilderness.

Edd Franz noted that there is a trade-off between the impacts from a catastrophic fire and resiliency.

Jon Kaminsky indicated that humans have manipulated wilderness through fire suppression. The purpose of the action is not to remove trees, but to change the behavior of fire.

**Question:** Ben Katz asked what the proposed actions are.

**Response:** Jon Kaminsky responded that there is a strategy outlined in the Minimum Requirements Decision Guide to conduct minimum requirements analyses, which is ongoing based on each fuels project. The GFO analyzed what it intended to do, the fuel loads, terrain, etc., and the minimum requirement to kick off the project. With high fuel loads, the safety of fire crews is always a concern. The minimum requirement in

wilderness would mean that no new roads would be cut; crews would hike in; and ignition points would be either aerial or by hand.

### **Weeds**

GFO is preparing an environmental assessment to consider whether to use integrated noxious and invasive plant management within the Gunnison Resource Area to reduce adverse impacts associated with increases in noxious and invasive plants.

### **Recreation**

GFO continues to see significant increases in visitor use on the Alpine Loop and is working with the State Office to increase law enforcement services, with a plan to add another law enforcement officer to support the Silverton side of the Alpine Loop.

**Question:** Jim Haugsness asked why the Alpine Loop is part of the GFO when there is no access point outside of Lake City?

#### **Responses:**

Stephanie Connolly indicated that the question has been brought up numerous times over the years and the county commissioners and State Director had decided that the area is better managed by one field office rather than the previous split between GFO and TRFO.

Jon Kaminsky added that the Hinsdale County side of the Alpine Loop has always been under GFO management, while the Silverton side came under BLM management in 1983, but was formerly managed by TRFO.

### Edd Franz - Uncompahgre Field Office, including Gunnison Gorge NCA and the UFO portion of Dominguez-Escalante NCA

#### **Grazing Permit Renewals**

UFO is continuing to implement a five-year strategic plan to fully process grazing permits. The effort includes an assessment of land health conditions to determine whether Colorado Standards for Public Land Health are being met and requires regular communications with applicants (permittees). Grazing permits are being processed using categorical exclusions (CXs) or EAs. Complex and high visibility permits currently being evaluated include the Mailbox Park Allotment: UFO is currently evaluating received public comments on the released EA to issue a sheep grazing permit on Mailbox Park allotment.

*Cushman Allotment:* UFO received an appeal in 2021 on a transfer of preference decision for the Cushman allotment from the Rocky Mountain Bighorn Society (RMBS)

over bighorn and domestic sheep concerns. The U.S. Department of the Interior Office of Hearings and Appeal (OHA) issued an order in August 2022 vacating the UFO's decision. UFO is currently working with the base property owner and grazing permit applicant regarding the next steps, including planning for analysis of a grazing permit application on the Cushman allotment. Land health conditions are currently being assessed in preparation for an EA.

*Cactus Park & Lower Escalante allotments:* UFO is currently working on a grazing permit renewal in bighorn habitat in the Cactus Park and Lower Escalante allotments in the Dominguez-Escalante National Conservation Area. The project is being developed in collaboration with the National Wildlife Federation, including installation of water catchments in support of livestock conversion from sheep to cattle. Land health conditions are being assessed on all allotments.

## **Recreation**

The Montrose Uncompahgre Trails (MUT) chapter of COPMOBA was awarded a \$242,000 trail construction and resource protection grant last winter from CPW for the Electric Hills trail system project. 12 miles of the proposed 17 miles of the singletrack trail system. The grant is helping the group and BLM complete the planned 17 miles of trails in the system, as well as some associated resource protection work. UFO, CPW, MUT and community partners have been working together on this project for several years. MUT expects to have the trail system completed the summer of 2023.

**Question:** Jim Haugsness asked who looks at safety issues for riders?

### **Responses:**

Edd Franz indicated that MUT reached out to riders and asked what type of trail difficulty they were looking for. There will always be a risk depending on rider ability.

Stephanie Connolly added that when collaborating on development of trail systems, some trails are required to have a search and rescue plan in place, as with the Palisade Plunge Trail System, and with an emphasis on "know before you go."

Edd Franz noted that kiosks and signage are currently being designed and that the BLM can add safety information to kiosks and request that difficulty and safety information be added to the COTRAX app as well.

Grady Ham stated that trail difficulty and rider abilities should be the responsibility of the rider, similar to backcountry skiing.

Jon Kaminsky noted that grade levels should be added to signage and kiosks.

## Dumping on Public Lands

In 2022, staff investigated, logged (through an application called Survey 1-2-3), and addressed over 25 dumpsites (including several abandoned campsites). BLM staff cleaned up and disposed of: 206 tires, 10 mattresses, 940 pounds of e-waste, and 48,420 pounds of trash (24.21 tons) and carted off 19,422 pounds of metal to Recla Metals for recycling.

UFO has hired a part-time employee to run a pilot program to create an anti-dumping campaign strategy. If the plan is found to be successful, it would be forwarded to the State Office for possible implementation statewide.

Individual RAC members have discussed with us options for engaging in this effort and we would appreciate further RAC engagement on this issue, which affects BLM-managed lands statewide.

Stephanie Connolly provided the focus areas for the SWD illegal dumping campaign: Education; marketing; volunteer efforts; law enforcement; and partnerships and noted that the Southwest District is excited to have a plan going forward to tackle this problem.

Lisa Dawson added that, if the plan is found to be successful, it will provide a framework for a project plan that we can implement for our entire district, the Upper Colorado River District, and possibly statewide at some point. There will be further discussion at our March statewide RAC meeting.

**Question:** Jim Haugsness asked if we could implement a program like the CPW "Operation Game Thief" with a call-in number for the public to report dumping? Or if signage could be put up on known dump sites with a reporting number, so that dumpers know they are being watched, or use a game camera?

**Responses:**

Stephanie Connolly noted that the BLM currently has a call-in number for TRFO/CANM and does not seem to get much public reporting.

Edd Franz added that while UFO law enforcement officer Sam Flournoy has game cameras set up for some sites, most of the dump sites in the Adobes are hard to hide cameras on-site.

## Lands and Minerals

### ***Thompson Divide Withdrawal***

In a Federal Register Notice published October 17, 2022, the Secretary of the Interior, on behalf of the BLM and U.S. Forest Service, proposed to withdraw approximately 224,794 acres, including approximately 200,518 acres of National Forest System lands, approximately 15,465 acres of BLM-managed public lands, and approximately 8,810

acres of reserved Federal mineral interest, from all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights. The boundary of the proposed withdrawal area also includes approximately 35,473 acres of non-federal lands with no federal interest, which would not be subject to the proposed withdrawal unless they are subsequently acquired by the Federal Government.

The withdrawal is proposed for a period of 20 years to protect agricultural, ranching, wildlife, air quality, recreational, ecological, and scenic values in the Thompson Divide Area of Colorado. The FRN segregates the land for two years from all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights, and initiates a 90-day public comment period on the proposed withdrawal.

Stephanie Connolly added that a public meeting on the Thompson Divide Withdrawal would be held on December 14, 2022 in Carbondale.

## **Gunnison Gorge National Conservation Area**

*Eagle Rock Shelter:* This year, the BLM funded a contract for initial interpretive design at the site. The contractor, History Associates, Inc., held in-person and virtual meetings this spring with various stakeholders, including representatives of the Ute tribes, to help identify a path forward for interpretation of the site.

*Cottonwood Days Education Program:* After two years of field trips being cancelled by local schools, this year, about 400 sixth graders from Delta County and Olathe School attended in-person educational events along the Gunnison River within GGNCA. Other critical participants included CPW, Gunnison Gorge Anglers (TU), and the Ute Indian Museum.

*GGNCA-Black Canyon Bighorn Sheep Study:* CPW is conducting a bighorn sheep study on current herds in the GGNCA and Black Canyon areas.

## **James Michels - Tres Rios Field Office**

### **Planning**

*Transportation and Access Plan (TAP 2):* The TAP plan is for Tres Rios lands located in Dolores, San Miguel, and Montrose counties. The project lead position for TAP2 (TRFO Planning & Environmental Coordinator Specialist) is presently vacant. The timeline for this project will be updated when this vacancy being filled. The BLM interdisciplinary

team (IDT) is finalizing alternatives to share with the public for Transportation and Access Plan #2 (TAP 2). Scoping with public meetings will be planned to occur with the issuance of the environmental analysis.

### **Fuels and Timber**

*West Rim Timber Cutting for Community Service and Pine Health:* To keep Ponderosa pine forests healthy, the BLM completed a contract on 484 acres in the East pines area. On North Pines, 178 acres of thinning have been completed to date. The BLM completed an additional 614 acres of thinning on the West Rim East Pines this summer. The BLM expects to thin 518 acres in 2023. Total thinning and logging on the West Rim are 1276 acres.

*Durango Area Hazardous Fuels Projects:* This project reduces hazards associated with vegetation near and around the Durango area. The BLM is implementing various treatments, including prescribed fire, manual tree removal/felling, pile burning, understory burning, and vegetative mastication, and addresses a long-term need to manage vegetation adjacent to critical infrastructure, which includes reducing tree and shrub densities and fuel loads and protecting ecosystem heterogeneity.

**Question:** Jim Haugsness asked what the status is on last meeting's complaints regarding the sub-division and Chutes and Ladders open fire ban?

#### **Responses:**

Stephanie Connolly indicated BLM met with HOA regarding the requests.

Lisa Dawson added that the HOA was not happy with the proposed solution. TRFO is working through its options currently. There are more things TRFO can do to reduce fuels risk – and the RAC's recommendations are the kick-off point. TRFO still must do the analysis and based on the range of alternatives, the Field Manager will make the decision.

### **Wildlife**

The BLM awarded a contract to install permanent gates at popular recreation access points within the winter wildlife closures areas around Durango.

### **Weeds**

The local BLM weeds crew directly treats approximately 300 acres of BLM-managed lands on TRFO and CANM annually. These acres are treated strategically to benefit functioning ecosystems and to prevent new outbreaks from spreading, particularly in critical and potential habitat for Gunnison sage grouse.



## Wild Horse and Burro Program

The current Spring Creek Basin Herd Management Area (HMA) population is 64, which is within the Appropriate Management Level (AML). A water catchment on the HMA was repaired by the BLM range shop early in the 2022 field season as part of the implementation of the 2020 HMAP revision. In 2022, PZP fertility control efforts focused on retreating 23 mares that were not vaccinated last season.

## Minerals

Kinder Morgan has several projects with the BLM currently and represents the largest federal customer for fluid mineral development (primarily producing CO<sub>2</sub> for secondary oil recovery operations in Texas). Recent coordination meetings have resulted in an agreement to rescind the Risley Canyon #3 and #4 Applications for Permit to Drill, which were originally submitted to the BLM for analysis in March 2020 and had not progressed due to environmental concerns expressed by CPW at BLM public scoping and onsite meetings.

TRFO is actively seeking operator plans for wells that have been in Temporary Abandonment (TA) and Shut-In (SI) statuses for over six months. Plug or produce letters have been sent to Petrox for many of their wells currently in TA and SI status in the northern portion of the TRFO area (primarily in San Miguel County). Plug or produce letters have also been sent on several tribal oil and gas producing locations.

## Ray O'Neil - Canyons of the Ancients National Monument

### Visitor Center Update

A project to stabilize settling of the floor of the visitor center will lead to the center's closure in January and February 2023. Funds have been secured for a project to provide a major upgrade to the exhibits in the front, or visitor center portion of the facility. The new displays will provide a much-improved overview of the monument and public use opportunities and will be installed by September 2023.

**Question:** Steve Garchar asked if there have been any illegal dumping issues for CANM?

**Response:** Ray O'Neil stated they had two abandoned vehicles and there were some law enforcement issues with a local homeless camp that was closed, but there were no other major dumping issues in CANM.

### Painted Hand Road Relocation and Trailhead Improvements Project

Painted Hand trailhead includes 11 public sites, with an access road that crossed privately owned land, which created some issues and resulted in renewed attention

being brought to the Painted Hand trailhead and road. Pending improvements would include a new gravel road across public lands, allowing for improved public access.

### **Domestic Sheep/Bighorn Sub-committee update**

The RAC sub-committee includes Mark Roeber, Steve Garchar, Jim Haugsness, and Matt Thorpe. The RAC sub-committee has held two administrative meetings. There will be a total of six sub-committee meetings to discuss a plan to establish recommendations to the RAC. The SWD is working to create a website, as well as a repository site for all sub-committee members to analyze documentation, studies, maps, manuals, and other information from other agencies. The highest risk and greatest focus for the sub-committee would be on areas where there is potential for interaction with the Tier 1 bighorn herd on three allotments on Engineer Pass at altitudes from 12,000 to 13,000 feet.

### **Uncompahgre Field Office Business Plan** (Edd Franz)

\*Matt Thorpe called in online during the discussion, briefly creating a quorum.

UFO currently has no fee structure that would generate the revenue necessary to meet increasing usage and improve visitor experience. The proposed fees would be intended for UFO, not the NCA or other accounts. Proposed fees would apply to 11 existing and 3 proposed recreation sites. The fees would generate revenue to meet current visitor usage and improve the visitor experience by potentially providing additional law enforcement and maintenance personnel. Recreation planners are still exploring how to go about collecting the fees. Propositions range from annual day use, multi-site use passes, to voluntary donations.

UFO is requesting recommendations from the RAC for the initiation of a fee program. The sites were chosen due to high visitation at current sites and anticipated visitation levels once new trail projects are completed.

Many sites already have "standard amenities," which include six items: Designated parking, permanent toilet facilities, permanent trash receptacle, interpretive sign exhibit or kiosk, picnic tables and security services. The proposed sites would require higher levels of staff involvement and the visitor experience would be improved with increased amenities. Current operating costs increase each year. UFO compared fees with Colorado parks, national parks, and other agencies currently charging day use and or camping fees. The proposed fees consist of \$4 for day use; \$12 for a campsite; and a \$20 annual pass for current sites.

Recreation Site	Existing Fee	Proposed Fee
<b>Standard Amenity Fee at Day-Use Sites</b>		
Lower Beaver, Specie Creek, Caddis Flats, Ridgway Area Trails, Buzzard Gulch, Lower Spring Creek, Rim Road, Upper Beaver	\$0	\$4/vehicle
<b>Site Specific Standard Amenity Pass (Annual Day-Use Pass)</b>		
All Day-Use Sites	\$0	\$20/year
<b>Expanded Amenity Fee at Existing Sites</b>		
Lower Beaver, Caddis Flats, Fall Creek, Ledges Cottonwood, Ledges Rockhouse	\$0	\$12/night
<b>Expanded Amenity Fee at Proposed Sites</b>		
Electric Hills Rim, Nucla, Paradox	\$0	\$12/night

### Questions for the RAC:

- **Should UFO honor the “America the Beautiful” pass?** It was discussed that the selling agency collects the fees for the pass, but then a visitor can use it for other recreation sites, those managing offices do not receive any of the funds from the purchase but are still responsible for the upkeep of the site. It is questioned whether the office is obligated to honor the pass or if they can charge a fee for the site.
- **Has sufficient outreach proposed in this plan sufficient?** Should additional public outreach occur before fees have been decided?
- **Are the proposed fees appropriate for operating costs?**
- **Does the RAC feel that there will be enough public support for non-motorized fee?** UFO has a high demand for new non-motorized trails, but no funding for them. Motorized trails are supported through the OHV sticker fund, which in turn funds the OHV crews to maintain the trails appropriately.

### Discussion:

A robust discussion on the Business Plan followed, involving all RAC members. There was discussion on whether the fee was per person or per vehicle. The group discussed the pros and cons of each, as well as what CPW charges (vehicle and individual) for comparison. Ultimately, the BLM noted it will need to refine the Business Plan to clarify this issue.

The conversation flowed between how the fee is calculated – from comparing other sites versus the cost of the operations themselves and having a fee based on those costs. Also, what limitations there are on campground use, special recreation permits, and funding for trails.

There was also discussion on looking at fees statewide – as CPW does – and how the National Parks Pass could impact fee collection. Another option brought up by the RAC was whether UFO could obtain funding through a non-profit for the amenities and trail construction and maintenance.

Stephanie Connolly noted that the Business Plan would need to address all the nuances noted by the RAC.

Kathy Welt moved for the RAC to support the continuation of the Business Plan and move forward with public outreach while pursuing a fee structure that would be appropriate for the operation costs. However, at the time of the motion, there was no longer a quorum and no second was made.

Stephanie Connolly indicated that, at the next meeting, UFO could come back to the RAC with clarifications on (1) vehicle or individual user fee and (2) refining the fee structure to include campground limitations and other items discussed.

Kathy Welt asked the RAC whether they supported that proposal, and the members present indicated their support.

## Public Comment Period

### Ralph Files, OHV Sub-Committee for State of Colorado

- Noted the OHV sub-committee fully supports BLM winter wildlife closures but would like to ask that when an area is closed off for OHV use, it also be closed for all use to give the wildlife the full benefits to the closure.
- Requested that closures be tailored to the specific area based on wildlife. There is too much pressure from hikers and dogs out on public lands. There are no OHV, but human presence is still heavy during these months when the wildlife needs to not be pressured. We need to be more in tune with the wildlife.

### Naomi Dobbs: Southwest Colorado Regional Director for Congresswoman Lauren Boebert

- District 3 is one of the largest districts in the state for Representative Boebert.
- Noted that her office has received numerous calls and complaints from constituents regarding the mountain biking community not contributing to trail maintenance and provided concerns that the mountain bike community is not paying their fair share, while having significant input on trail development and appearing to have the volunteers, money, etc. they are not paying for the use.

**Question:** When we discuss equitable and fair use, what about the price of the bike?

- Have received concerns regarding (1) enforcement; (2) human waste on public lands; and (3) recreational impacts to grazing; hearing about increasing access for non-motorized uses in allotments (e.g., by moving or removing fencing).

**Question:** What brought the issue of domestic sheep grazing in bighorn sheep habitat forward?

**Response:** Jon Kaminsky noted that every ten years the BLM is required by Congress to analyze grazing allotments; sometimes we can issue permit renewals under FLPMA. In 2015, the BLM analyzed a large number of grazing allotments across GFO, which became the nine allotments analyzed in the Sheep Grazing EIS.

During development of an environmental assessment, the BLM recognized that there were impacts that could not be mitigated, so the BLM would need to do an EIS, noting that the beauty of an EIS is that you do not have to mitigate. The BLM has a proposed decision and is attempting to resolve the protests.

The BLM reached out to the RAC for help in resolving protests to build consensus, which is extremely difficult to reach. Public meetings, the collision of bad geography, no way to get away from each other, timing, good altitude for grazing in area that also has a high value bighorn sheep herd all add to the complexity. The BLM ultimately made the decision to kick it to the RAC to see whether consensus could be reached.

**Discussion:**

- Roger Cesario noted that there are limited law enforcement officers for vast amounts of acreage – both BLM and Forest Service.
- Naomi Dobbs indicated hearing the same issue from the Forest Service and Bureau of Indian Affairs; offered to bring Representative Boebert to a future conversation; also noted that the fees are for all users, not just mountain bike riders.

## **Closing Remarks**

The RAC and Stephanie Connolly indicated that there appears to be general support for moving forward with the UFO Business Plan and we can revisit the fee structure proposal with UFO at the next RAC meeting. If approved, then public outreach would take place. UFO will research the “America the Beautiful” pass to determine whether it must be honored or can be refused at our recreation sites.

Stephanie Connolly thanked the RAC for their participation and noted that the next meeting would be the Statewide RAC in Glenwood Springs on March 29, followed by a combined RAC with the Northwest District on March 30.

## **Meeting Adjourned**