



# United States Department of the Interior

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



## FRONT RANGE RESOURCE ADVISORY COUNCIL MINUTES August 8, 2012

### RAC MEMEBERS PRESENT

#### Category 1

Bill Dvorak  
Ed Nielsen

#### Category 2

Ted Hoefer, III  
Tom Olson  
Greg Labbe  
Mike Nelson

#### Category 3

Dean Sandoval  
Al Trujillo  
Christopher "Kit" Shy  
Laura Benjamin

### ATTENDEES

Leah Quesenberry, Acting Front Range District Manager; Andrew Archuleta, San Luis Valley Field Manager; Keith Berger, Royal Gorge Field Manager; Paul Tigan, Assistant San Luis Valley Field Manager; John Nahomenuk, BLM River Manager; Stephanie Carter, BLM Geologist; Kalem Lenard, BLM Recreation Planner; Dave Gilbert, BLM Fisheries Biologist; Amy Titterington, BLM Geologist; and Denise Adamic, Front Range Public Affairs Specialist / RAC Coordinator

### OLD BUSINESS

The meeting was called to order by Chairman Kit Shy at 9:30 a.m. Kit led the group in saying the pledge then asked for any comment on, or corrections to the minutes from the May meeting. No one had anything to offer. Mike Nelson moved that the minutes be accepted as written; Ed Nielsen seconded. The motion was approved.

Chairman Shy gave a recap of the May meeting. Greg Labbe briefly explained discussions he had with a private individual regarding recreation permit fees since the last Resource Advisory Council (RAC) meeting. The individual expressed frustration and confusion with the BLM process. Greg Labbe said he would get more specific details from the individual and then report them at the next RAC meeting.

Denise Adamic reported that the new RAC nominee selections had been made. A formal announcement should come out from the Department of Interior in mid- to late August.

### PUBLIC COMMENT

There were no members of the public present to make comments. No public phone calls or e-mails were received prior to the meeting regarding any issue on the RAC's agenda.

## MANAGERS UPDATE

### **Leah Quesenberry, *Acting Front Range District Manager***

- *Front Range District Manager:* Greg Shoop has left the Front Range District for a job in the BLM Washington D.C. office. Leah Quesenberry will be acting District Manager until a replacement for Greg can be hired. The Front Range District hopes to have a permanent replacement in place by the RAC's next meeting (November 14).
- *Budget Update:* Congress has approved a continuing resolution for the federal government's operating budget. This continuing resolution is valid through the first quarter of Fiscal Year 2013. Until the BLM has an approved budget, the Front Range District cannot begin any new projects. Those projects already in process or funded with Fiscal Year 2012 funds will continue.
- *Veterans Green Corp:* The BLM has entered into an agreement with an organization known as the Veterans Green Corp. The group is focused on bringing veterans into the federal work force, similar to the Youth Corps. Those veterans who are selected will come into the BLM as interns. Both the Royal Gorge and San Luis Valley field offices have submitted proposals requesting to be part of this initiative.

### **Paul Tigan, *Assistant Field Manager, San Luis Valley Field Office***

- *Valley-wide Ethnographic Study:* The San Luis Valley Field Office (SLVFO) is conducting a valley-wide ethnographic study of the area's current and past residents. The study began as part of the research conducted for the BLM's nation-wide Solar Programmatic Environmental Impact Statement. The purpose of the study is to engage with traditional groups who call the Valley home, including: Native Americans, Hispanics, Mormon settlers and others. To date, the literature review is complete. The BLM staff continues to make weekly trips to areas identified as future Solar Energy Zones. Additionally, staffs have traveled to traditional areas of the Valley to meet with local elders. All the research is being conducted through audio, visual and textual means.
- *Geothermal Leasing Environmental Assessment:* Earlier this year, the SLVFO released for public review and comment an environmental assessment (EA) for geothermal leasing on public lands within the Valley. This EA tiers to the 2008 programmatic environmental impact statement for geothermal leasing on BLM and USFS lands across the country. When finalized, the EA will amend the 1991 San Luis Resource Area Management Plan. The final EA is scheduled for release in late September for a 30-day public protest period and 60-day Governor's consistency review. The finding of no significant impact (FONSI) and decision record should be released in late November.
- *Blanca Wetlands Expansion:* This spring the SLVFO completed public scoping to prepare an environmental assessment (EA) for expanding the Blanca Wetlands Area of Critical

Environmental Concern. The EA also analyzes grazing on three allotments within the wetlands area. The BLM staff is completing the draft EA and hope to have it ready for public review in September. Once the comments from that public review are compiled, the SLVFO will complete the final EA and release it to the public; this will likely occur early in 2013.

- *Dan Hughes / San Francisco Creek #1 APD:* The SLVFO is completing an environmental assessment for the San Francisco Creek #1 Application for Permit to Drill (APD). A public meeting concerning the EA will be held on September 6 in Del Norte. The meeting will include a presentation by the BLM beginning at 5:30 p.m. The APD is for a proposed exploratory oil and gas well that would be drilled on land owned by the Dan A. Hughes Company, five miles south of Del Norte. The federal mineral rights below the private land were leased from the BLM in 2006.

The SLVFO will attend the August 29 Rio Grande County Commissioner's meeting to discuss the BLM's process for reviewing and approving the APD. The County recently passed a temporary moratorium on the approval of oil and gas permits until a county-funded hydrologic study can be completed. The BLM does not anticipate the County's study will be completed in time to be incorporated into this APD's environmental analysis, but the SLVFO will consider water impacts and current data in its analysis.

- *Rio Grande Natural Area Commission:* The next Rio Grande Natural Area Commission meeting is planned for Thursday, September 13 in Alamosa. The Commission will continue discussions on the draft plan, including how to manage the feral and abandoned horse issues in the area. This summer a local resident was tried and sentenced for letting his horses trespass on BLM lands. If the individual is caught in trespass again, he will face impoundment of his animals. The BLM staff has seen nearly 100 horses in the area. Some of these are abandoned and others are in trespass.

**Keith Berger, Manager, Royal Gorge Field Office**

- *Staffing changes:* The Royal Gorge Field Office (RGFO) is welcoming two new members to its management team. Melissa Garcia, formerly of the SLVFO, has taken the Assistant Field Manager for Renewable Resources position. She began in July and is filling behind Leah Quesenberry who vacated the position to become the Front Range Associate District Manager. Jay Raiford of BLM Nevada has taken the Assistant Field Manager for Nonrenewable Resources position. Jay will begin at the RGFO in late September. Jay fills the position behind Jimmy Dickerson who retired in June.
- *NAGPRA:* The BLM is subject to the Native American Graves Protection and Repatriation Act (NAGPRA). The Act gives museums and federal agencies authority to return Native American items such as human remains, funerary objects, sacred objects or other cultural pieces to lineal descendants or culturally affiliated tribes. The RGFO will participate in a reburial in late August. The remains were found along the river bank in Salida.
- *Arkansas Headwaters Recreation Area river management plan:* The BLM and Colorado Parks and Wildlife continue to meet regarding an appropriate template for updating the river

management plan. Both agencies have certain planning criteria that must be met, so both groups are trying to incorporate each other's needs into a single document.

- *Destiny Mine:* The RGFO completed the environmental assessment (EA) for the Destiny Mine proposal near South Park. An application was submitted by Destiny Mining, LLC, for a proposed combination gold mine and sand and gravel operation just outside the city limits of Fairplay, Colorado. The operation will be on an isolated 80-acre parcel of BLM-managed land directly adjacent to a subdivision within the city limits. The RGFO released the final EA, FONSI and decision record in July for a 30-day public protest period. The mining application is now going through the Colorado Department of Reclamation Mining Safety's approval process.
- *Over The River project update:* In May, the Department of Justice filed a motion to dismiss the Rags Over the Arkansas River (ROAR) law suit or stay the proceedings until the Interior Board of Land Appeals (IBLA) makes a determination on the Rocky Smith et al. appeal. In July Judge Kane issued an Order to Stay the ROAR civil action with conditions, including consultation between parties. BLM and ROAR disagreed on how to interpret Judge Kane's Order, so both filed cross-motions to clarify Judge Kane's order. Later in July, Christo publically announced that he was going to place the project's construction activities on hold pending the resolution of all current legal actions. The BLM is not sure what new timeline Christo will present to the RGFO. There is no clear timeframe for when the court cases facing the BLM will be resolved.
- *Oil and Gas leasing:* The Front Range District, which includes the RGFO and the SLVFO, is offering 48 parcels for sale in the November 2012 oil and gas lease sale. The sale will total 21,088 acres of public mineral estate in Elbert, Morgan, Cheyenne, Kiowa, Prowers, and Yuma counties – all areas where the mineral estate is managed by the RGFO. The RGFO will also release a preliminary environmental assessment analyzing the proposed sale of oil and gas leases on 156 parcels totaling 72,756 acres of public mineral estate in Baca, Bent, Cheyenne, Crowley, Kiowa, Lincoln, Park, Prowers, Otero, and Weld counties for the February 2013 lease sale. Six of these parcels are in the South Park area and were deferred from the November 2011 oil and gas lease sale.

## **CACHE CREEK PLACER MINING AREA PRESENTATION**

Stephanie Carter and Amy Titterington presented the history of mining in the Cache Creek area. The BLM acquired the Cache Creek Area in 2002 to protect important wildlife, aquatic and riparian values and to offer recreational-level placer mining. Recreational mining consists of non-motorized and non-mechanical activities such as panning. This activity is allowed on most public lands. "High banking" is considered motorized sluicing (43 CFR 8365.1-5) and is not recreational level mining. High banking is administered under the 1872 Mining Law. Because the Cache Creek Area is acquired land, the area is not subject to the 1872 Mining Law.

Over the past two years, activity at the Cache Creek Placer Area has increased drastically. Greater visitation has led to user conflicts and damage to the area's natural resources, prompting BLM to take a hard look at past and present activities in this area. Based on that review of BLM regulations, the RGFO determined that "mining" activities on the Cache Creek property should be limited to recreational-level mining and should not include motorized or mechanical devices to aid in the collection of minerals.

Therefore, on Memorial Day in 2012 (May 28), high banking activities were no longer permitted at the Cache Creek Placer area. Recreational-level gold panning and other non-mechanized/non-motorized activities will continue to be allowed in the area.

### FIELD TRIP TO THE CREEK AREA

The group traveled to the Cache Creek area to see the resource issues the BLM is facing. Dave Gilbert gave a brief history of the area and Kalem Lenard discussed the recreational demands on the resources.

During the field trip, the group discussed how resources are impacted by the recreational uses in the area. Al Trujillo raised concerns about how water rights are affected by the water diversions occurring near Cache Creek, and whether the diversions there to enhance the recreation values are legal. Trujillo said that the BLM should engage the Colorado Division of Water Resources as soon as possible. From a state agency perspective, Trujillo said he was concerned about what the loss of water from the main stem of Cache Creek could have on existing flows and aquatic resources.

### CLOSING DISCUSSIONS

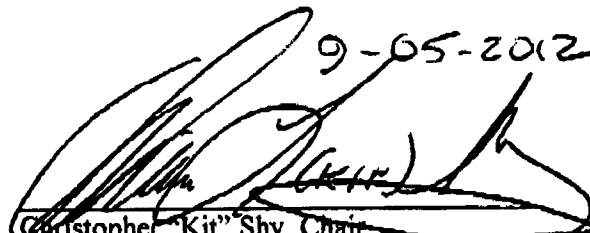
Before adjourning the meeting, Chairman Shy asked if any RAC members had further questions about anything discussed at the meeting. None were raised.

Ed Nielsen moved to adjourn the meeting; Al Trujillo seconded the motion. The meeting was adjourned at 3:45 pm.

### NEXT MEETING DATE

November 14, in Cañon City, Colorado.

*Leah Quesenberry 9/6/12*  
 Leah Quesenberry, Designated Federal Officer  
 Front Range District Office  
 Bureau of Land Management

*9-05-2012*  
  
 Christopher "Kit" Shy, Chair  
 Front Range Resource Advisory Council