

Joint Northwest-Southwest Colorado Resource Advisory Council
Meeting Minutes: May 2, 2024
Bill Heddles Recreation Center
531 N Palmer St. Delta, Colorado

Southwest RAC in attendance

Designated Federal Officer: Stephanie McCormick (Southwest District Manager)

In person: James Dietrich, Tif Rodriguez, Steve Garchar (Vice Chair), Lynn Padgett (Chair), Justin Musser, Gary Crisp, Victoria Atkins, and Mark Roeber

Remotely: Ben Katz and Grady Ham

Northwest RAC in attendance

Designated Federal Officer: James Michels (Acting Northwest District Manager)

In person: Kathy Chandler-Henry, Katie Steele (Vice Chair), Sean Burke, Scott Robertson, Michael Camblin, Jeff Comstock, Kirk Daehling, Shawn Brennan, Kris Middledorf, and Scott Braden (Chair)

Remotely: Beatriz Soto, Callie Scritchfield, Merritt Linke, and Hattie Johnson

BLM employees attending:

In person: Stephanie McCormick, Greg Larson, Derek Padilla, Maggie Magee, Ray O'Neil, Charley Morgan, Laria Lovec, Bill Mills, Zack Kelley, Dan Ben-Horin, Julie Potts, David Gauthier, Erin Jones, Jim Michels, Tatyana Sukharnikova, Edd Franz, Andrew Laca, Kirby Shedlowski, Valerie Baxter, Kymm Gresset, Amy Carmichael, Jana Moe, JD Emerson, and Doug Vilsack

Remotely: Jon Kaminsky and Doug Vilsack (for afternoon breakout session)

Public in attendance:

In person: Chris Herrman, Colorado Canyons Association; Delaney Ruby, Western Watersheds Project; Robbie LaValley, Delta County Administrator; Micael Graves, COTAH Rally Adventures; and Stuart Sinclair, Colorado Parks and Wildlife

Remotely: Harrison Hallmark, Federal Lands; Amber Swasey, Mesa County; Wendall Koontz, Delta County Commissioner; Lacy Gentry, CO Department of Natural Resources; Lisa Pool, Senator Bennet's Office; and Julie Sutor, Rep. Neguse's Office (breakout session only)

WELCOME AND INTRODUCTIONS

BLM Colorado State Director Doug Vilsack greeted the group and listed some of the BLM's ongoing projects and priorities. He thanked the group for taking time to give feedback on the potential land acquisition within the Dominguez-Escalante NCA and stated there are a lot of opportunities for the area and he's looking forward to the conversation about how the area would be managed, if acquired.

Stephanie McCormick expressed appreciation for everyone's participation on the field trip and at the meeting. She set the meeting ground rules, noting that the public

comment period would be at 2:30pm. She then opened the meeting to remarks about the previous day's field trip to learn about the proposed Dominguez-Escalante ranch acquisition.

REMARKS ON THE PREVIOUS DAY'S FIELD TRIP

Northwest RAC Chair Scott Braden reminded everyone that as they interact to come together and do the work as a joint RAC and asked that as the group focuses on the Dominguez-Escalante NCA—which he described as the crown jewel of Colorado—to be thinking about the overarching purposes of the designation of the NCA in the context of the acquisition and legacy of the area.

Southwest RAC Vice Chair Steve Garchar expressed gratitude for the BLM team and was impressed with the logistics of the field trip. He thanked the BLM for doing the hard work.

Northwest RAC Vice Chair Katie Steele noted the immense opportunity and the importance of respecting the historical value of the Escalante Ranch property and was glad to see the RAC getting in front of it.

Victoria Atkins, Southwest RAC, stated that it was impressive to think of the 140-year (Anglo) history of 14 families and that, while it would be easy to think negatively about the acquisition, there is precedent for such acquisitions within the BLM. She suggested referring to other NCAs with working ranches and noted that the people, history, and economics of the land are complex and deserve to be explored more.

Jeff Comstock, Northwest RAC, stated that the BLM did a great job with the field trip and that he does not believe the BLM has the resources or money to take on the Escalante Ranch. He suggested forming a foundation to purchase the Ranch and indicated that the BLM should preserve the agriculture operations. He questioned what justified the need for the BLM to take on the acquisition.

Steve indicated that the BLM needs to get finances in order. He mentioned the huge social and economic hit to the county from 600 cattle being sent to market. He believes the Ranch should be preserved and agricultural operations should.

Beatriz Soto, Northwest RAC, expressed appreciation for the BLM bringing in the tribes and is curious to hear what the tribes want to see happen with the land. She noted that the land historically belonged to the tribes and they have a culture created around that land.

Callie Scritchfield, Northwest RAC, noted that she grew up on the ranch on top of Uncompahgre and was disappointed to have missed the field trip. She believes it is critical to preserve the agriculture culture there and not in BLM hands to manage.

Scott noted that BLM should study and plan the implementation of allowing public access to the improved or agricultural acquired lands, not just open them on day one of acquisition and he encourages the BLM to begin analysis of public access costs and continued management of the improved grounds as agricultural for now until implementation planning is complete. Stephanie McCormick asked Jana Moe whether

the BLM would have access to the Ranch's books.

Jana Moe stated that the BLM would not have access until the acquisition is completed and that historical records are limited, including number of cows bought and sold, measures of water usage, and what is produced.

Southwest RAC Chair Lynn Padgett indicated that it was apparent that, if the BLM does not acquire the land, changes would likely be made, and wondered what might be a good way to capture feedback.

Stephanie stated that the BLM would continue talking with the RAC to address how best to capture input regarding important aspects of the property and avoid changes prior to identification of those aspects; she asked whether some areas could be opened up more rapidly, with other areas held back until it was determined how to open them.

Tiff Rodriguez, Southwest RAC, asked what the alternatives were to the BLM acquiring the property. She noted that if privately bought, the land could be sectioned off, and that BLM purchase would help ensure the land remains intact.

Doug Vilsack noted that this is a fundamental issue within the BLM statewide and beyond: "How do we appropriately manage the NCA with the staff we need, and changes to the environment from people using the land, and how do we deal with other landscapes?" He stated that this type of conversation was needed throughout Colorado for other landscapes as well.

SESSION 1 DISCUSSION

Dominguez-Escalante NCA Business Plan and Fee Schedule for the Gunnison River

Greg Larson stated that he took the proposal to the Northwest RAC and that the RAC indicated support for higher fees and penalizing those who do not show up for their permits and wants to have a joint RAC vote today to get the Business Plan implemented.

Dan Ben-Horin noted that the Business Plan is a wholly distinct project from the acquisition. He mentioned that COVID had impacted recreation numbers like never seen before, especially in Rabbit Valley, and a business plan was implemented there. He saw impacts there similar to those in Dominguez-Escalante.

Zach Kelley referenced the Gunnison River field trip stop on the map and stated that while there are parallel efforts with regard to fees, the Gunnison River portion requires its own planning. The online reservation system is currently being abused (i.e. booking for longer periods than actual use). There are 14 campsites along the Gunnison River, averaging 40% usage, with room for expansion.

Hattie Johnson, Northwest RAC, stated that the BLM reached out to her organization American Whitewater and provided the survey to the membership. She wonders how tiered fees would be used to help (i.e. rangers, campsite, etc.)

Dan said to look to Ruby Horsethief where fees are wholly retained in the field office and

go straight back to facilities maintenance. Stated that currently no river rangers are designated for the NCA, relying on GGNCA to provide coverage.

Hattie recommended that the BLM share with the public and get word out on where the fees would be used.

Dan stated that Dominguez-Escalante fees must stay within the unit and cannot be used in other parts of the state.

Greg Larson stated that the fees would address abuse of the reservation system and increase people's comfort level by ensuring they have a campsite.

Doug Vilsack referenced his experience with Ruby Horsethief and to be able to have certainty of having a site relieves the stress of not knowing if you have a place to stay.

Lynn Padgett expressed appreciation for providing the certainty of sites and, noting she had read that 60% of visitors are within 60 miles, wondered whether a certain percentage of permits should be made obtainable offline.

Tatyana Sukharnikova mentioned that some sites could be First Come, First Serve (FCFS) to provide a balance between reservations and FCFS.

Greg Larson stated that some of these ideas would be adaptive management and the fee is the decision and to demand pricing, did not build it in.

Jeff Comstock expressed concern with the durability of fees and suggested that the BLM has leeway.

Zach stated that the fees are tied to the Consumer Price Index and when the index increases by 20%, then the fees increase as well.

Tatyana noted that a Federal Register notice is required to increase fees.

Jeff asked whether there would be a cap on the fee amount.

Dan responded that it was not currently in the plan.

Jeff stated that the fees should be capped when it comes back to the RAC for approval.

Lynn asked whether, during periods of increased inflation, the BLM reassesses fee amounts after a certain time.

Dan is hoping to create a business plan that lasts so there is no need to return to the RAC for approval.

Greg Larson noted that it was a worthwhile discussion and asked the group whether or not they thought the fee structure was reasonable.

Stephanie McCormick wondered whether the business plan for Canyon of Ancients might have addressed a ceiling and will look into it for reference.

Victoria Atkins asked Jeff Comstock to elaborate on his concerns related to a cap.

Jeff responded that there is a point where the BLM needs to be accountable to the RAC, but at the same time, doesn't want to get in the way of the BLM.

Tatyana proposed assessing camping fees only, with no fee for day use. Existing issues: Potholes and expanded amenities justify fees of \$20/two cars, with additional cars \$10 (potentially).

Scott Braden asked for clarification on whether service fees are in addition to the camping/standard amenity fees and Tatyana affirmed that they are.

Jeff asked whether fees could ever go down.

Tatyana noted that they would check the CPI annually and if the 20% threshold hit, then an increase would take place.

Doug noted that he would not want to see fees go down or backwards.

Dan speculated that the 20% threshold would be reached about 10 years out.

Jeff stated that perhaps the fee increases should be capped at 20% before going back to the RAC for approval.

Amy Carmichel mentioned that the clock starts when the Business Plan is implemented. Once 20% CPI is reached, the fee changes and the clock starts over; CPI would need to reach another 20% before the fee is raised again. The BLM would brief the RAC on fee changes.

Greg estimated four to five years before another fee change would be proposed.

Shawn Brennan asked whether the Ruby-Horsethief fees support maintaining the sites.

Dan responded that the fees adequately fund the ranger that patrols the area.

Shawn mentioned that another piece is ensuring that the fees are sufficient and proposed possibly writing in the ability to do adaptive management to increase the fees if the CPI increase is not sufficient.

Lynn expressed support for the BLM returning to the RAC for proposed fee increases.

Tif Rodriguez thinks that having the BLM return to the RAC with fee increases would provide an opportunity to discuss any rejections.

Kirk Daehling stated that if the BLM needs to make an adjustment outside of CPI then they should come back to the RAC for discussion.

Greg stated that the BLM plans to do adaptive management; fees provide the public with needed amenities (i.e. facilities, campsites, rangers, etc.).

Scott stated fees cover expenses and needs and language in Business Plan feels adequate and thinks BLM is striking the right balance.

Hattie noted the language in the Business Plan states that the BLM will return to the RAC after a rate increase and wants to clarify whether that should be changed.

Tif stated that even though the RAC notification is after fee increase, she believes it is adequate due to the BLM justification.

Dan stated there will be justification before fees are changed.

Katie Steele mentioned that 20% over five years would only be \$5.

Lynn recommended reading the fee increase specifics in the Business Plan.

Justin Musser noted to exercise caution if the BLM is creating a structure unique to Dominguez-Escalante.

Tatyana stated that the proposed fees are in line with other similar areas.

Greg compared other fee areas and said if radical changes are seen in usage, there would be a need to go back to the RAC for additional fee changes.

Michael Camblin referenced the two fee calculation methods (cost recovery and fair market value) in the Business Plan and asked which method was being used.

Tatyana stated that two methods referenced were combined and helped establish where to start. The draft proposal will go out for public comment and gauge what people are willing to pay.

Zach said that with Gunnison River, 40% of comments expressed support for paying a fee for campsite security and increases in patrol.

Stephanie stated that whatever the RAC ends up advising, there is a quorum present to move forward.

Jeff Comstock stated that he had a problem beyond 10 years; feels that it is too long and proposes a cap to require a full RAC review after the second CPI increase.

Katie mentioned that fees are one part and compliance is another part; the BLM needs to ensure compliance.

Hattie stated that she is onboard with Jeff's stipulation and pointed out that getting compliance is an increased cost as well.

Doug stated that a decent comparison is Ruby-Horsethief, where they have overall compliance, and asked whether R-HT uses the same fee structure.

Dan affirmed that it is the same structure.

Scott asked the RAC members to offer a motion.

Jeff offered a motion to accept the proposed fees and to increase fees when the CPI hits 20%; upon a second potential fee increase based on CPI, the BLM would approach the RAC for approval.

Justin Musser seconded the motion.

Scott Braden asked for a vote by show of hands. The RAC unanimously approved the motion.

11:40 a.m. - Meeting broke for lunch and reconvened at 1:00 p.m.

SESSION 2 DISCUSSION

Land Tenure, Escalante Ranch Acquisition

Stephanie McCormick identified the authorities enabling the BLM to purchase the Escalante Ranch. She showed slides, including a map showing the field trip route and pointed out areas of the Ranch not seen on the tour. She stated that The Conservation Fund would purchase the property in 2024 and the BLM would seek funds from the Land and Water Conservation Fund to purchase it from TCF in 2025.

Katie Steele asked when TCF would purchase the property.

Jana Moe estimated that it would take six months or so as water rights were still being sorted out.

Katie asked whether TCF would be making any improvements during the interim period.

Jana responded that TCF would not make any significant improvements.

Kymm Gresset asked what funds would be used to make the purchase.

Jana stated that the BLM expects to obtain the funding in 2024.

Callie Scritchfield asked whether the price would remain the same from the TCF purchase to the BLM purchase.

Dan Ben-Horin explained that there are 6 miles along Escalante Creek and 13 miles along the Gunnison River.

Jana stated that the parcels are squares, which has led to a strange pattern of boundaries. The BLM would acquire about 4,000 acres in roughly 20 separate parcels.

Stephanie noted that the purchase offers opportunities: Would allow for wilderness access points; recreation opportunities, including rock climbing; historic values; miles of river access; and potential access to higher elevation public lands not accessible now.

Jana added that there is limited knowledge about quality of water at this point.

Stephanie mentioned that in regard to water rights, the BLM is seeking the best remedy in coordination with partners and counties and the best solution to manage those water rights; there is a varying degree of field production. Approximately 46 acres of the Ranch are not part of the acquisition, including a number of structures.

Kris Middendorf asked whether there was a way for BLM engineers to make the structures habitable.

Stephanie responded that it was yet to be seen; the structure team would include HAZMAT, cultural, engineering, safety, and other members to analyze the condition of structures and determine acceptable use and value (i.e. housing, historical, etc).

Jana stated that most equipment would be removed; the BLM is not purchasing the equipment.

Micheal Camblin stated that there is a potential to buy and dry. Some fields are getting four cuttings a year and would need staff to maintain.

Stephanie stated that there are logistics to work through.

CPW asked whether there is an obligation to maintain the property as it is.

Stephanie responded that it comes down to what is in the public's interest. She thinks there are legal considerations, such as water rights, and the BLM must avoid managing in such a way that no one supports.

CPW asked whether the BLM would solve the issues through environmental analysis.

Stephanie answered BLM is working through partners to determine what the proposed management should be and there will be public meetings.

Jeff Comstock noted that it is evident that there are many unknowns and expressed concern that TCF would be flipping the property to the BLM too quickly; suggests instead having TCF delay turning it over to the BLM until these questions are answered. He asked about the possibility of transferring to a third party initially.

Stephanie responded that said she does not think that would be desirable for our partners; and reiterated that there will be interim management and long-term management and the property would remain closed until the BLM has a thoughtful plan on how to manage it to buy time until long-term strategy. Or, what areas could be opened, while others remain closed?

Greg Larson noted that some of the things the BLM is pursuing requires a willing partner to help make it happen.

Callie requested that the BLM clarify whether or not they are open to a third party stretching out the interim period between purchases.

Doug Vilsack stated that the idea of bouncing a 4,000-acre property and the amount of due diligence it would take does not make a lot of sense for those parties that would even have the capacity.

Kymm asked whether the BLM has a friends group such as CCA to help generate the necessary funds.

Katie wondered whether, in regard to the equipment, it might be possible for the BLM to form a partnership with someone to come in and maintain the agricultural lands and equipment.

Jana noted that the BLM is attempting to negotiate a lease-back agreement with the current owners for the next few years, preferably during the purchase process.

Stephanie reviewed the Opportunities & Challenges and Land Tenure slides and mentioned the possibility of forming a sub-RAC which, although time consuming, could be beneficial.

Greg described what a sub-committee is, noting that a sub-committee requires at least one federally appointed member and can involve a combination of all types of folks.

Stephanie noted the previous sub-RACs for bighorn sheep and the Dominguez-Escalante RMP.

Katie described her prior sub-RAC committee's organization and strategy to handle the increased workload.

Greg mentioned the need to have a Federal Register notice for the meetings and added structure compared to how sub-committees were managed in the past.

Beatrice Soto asked whether there is a tribal representative point person.

Stephanie stated that the BLM meets with the tribes through Government to Government consultation and that the three Ute tribes had been out to the Dominguez-Escalante area and expressed support for the acquisition, and would like to be one of the first groups to tour areas.

Lynn asked whether it would be beneficial to have an interdisciplinary team with experts in certain fields.

Katie stated that it would be important to engage the prior owners as they have knowledge about the property.

Jana stated that expertise would be needed to help formulate management related to access, weeds, biology, surveys, GIS, cultural, and historic.

Stephanie asked the RAC whether they would be interested in forming a sub-committee.

Tif Rodriguez noted that the recent (Southwest RAC) sub-committee was composed of members from each category, but that the BLM also brought in experts.

Scott Braden stated that it would make a lot of sense to form a sub-committee and he would want to ensure that there would be a wide range of expertise in different categories, while not duplicating what in-house expertise the BLM already has.

Victoria Atkins wondered what the timeframe was for forming a sub-committee.

Jana said the projected closing date is July 15.

Greg stated that Ag and Rec are the questions.

Scott asked how it is determined whether there will be a sub-RAC.

Kirby Shedlowski, BLM Colorado State RAC Coordinator, stated that it would need to come from a motion by the RAC.

Victoria clarified from Kirby what the motion is for.

Tif made a motion to form a sub-RAC.

Katie seconded the motion and recommended that the RAC chairs send out materials for direction and topics to address.

Jeff Comstock wondered whether forming a sub-committee at this point would be premature and might be more appropriate when there is more specific direction.

Scott expressed concern that if the RAC did not move forward with the motion to form a

Sub-RAC now, the time needed on the front end to set in motion the conversation to form a RAC.

Lynn asked Jeff whether it would be a fatal flaw or a decision he could live with if the motion to form a sub-RAC carried.

Jeff responded that it would not be a fatal flaw, but rather his preference.

Lynn stated that making a motion gives each RAC individually an opportunity to start moving forward.

Mark Roeber asked whether the Southwest and Northwest RACs would combine for the sub-RAC.

Lynn affirmed that the RACs would work together along with additional people outside of the RAC.

Stephanie stated that members from both RACs are welcome to participate in the sub-RAC.

Greg stated that they may have to rely on one specific RAC for direction/advice in certain cases.

Callie noted her confusion regarding the role of the RAC at this point and believes the RACs should have been involved from the beginning in deciding whether or not to purchase the property.

Lynn reminded the group that public input was sought in February.

Callie indicated that the RAC should have more input than the general public.

Stephanie clarified that the BLM is asking whether the RACs would like to create a sub-RAC to help formulate the management plan.

Lynn stated that the opportunity should be taken to form a sub-RAC to be part of the process of the vision moving forward.

Justin Musser believes there is an opportunity to either move forward or step back.

Kirby Shedlowski confirmed that if a motion is made to move forward, there is no official commitment to move forward.

Tif again made a motion to create a sub-committee to help with visioning and management for the Escalante Ranch property.

Katie Steele seconded the motion.

Lynn asked for a vote. With Callie abstaining, the vote was otherwise unanimous.

SESSION 3 PUBLIC COMMENTS

Chris Herman, Colorado Canyons Association Executive Director reiterated concerns he expressed in Grand Junction in December regarding the need for additional BLM enforcement personnel and the negative impacts to the resource resulting from insufficient enforcement capacity.

Robbie LaValley, Delta County Commissioners expressed concern that the Escalante Ranch process was being rushed and indicated she would appreciate an interim management period that provided more time, a pause, and allow opportunities for other parties to help with interim.

Delaney Ruby, Director with Western Watersheds indicated that she was heartened by the acquisition and excited by the possibility of having the area open and accessible. She also noted the value of the ecosystem and that every person downstream experiences the results of that ecosystem. She expressed concern with the impact on bighorn sheep and whether the ag operation is viable, and if not, what the BLM would do to change that and what the effects on riparian and river life might be.

Michael Graves with COTAH expressed concern that the Western Slope will become overcrowded with visitors and campgrounds. He would prefer it to be a cow/calf operation and bring in tribal members. He expressed concerned with water rights being turned over to the Front Range for development, as well as with solar development.

JD Emerson read a public comment out loud and offered members of the public in the room to an opportunity to comment.

SESSION 4 BREAKOUT SESSIONS

Southwest District Field Manager Updates

See the Field Manager Reports posted to the Southwest RAC website.

Steve Garchar made a motion to accept the minutes from the February Southwest RAC meeting.

Tif Rodriguez seconded the motion.

Southwest RAC members approved the minutes.

Victoria Atkins made a motion to adjourn the Southwest RAC portion of the meeting.

Lynn Padgett seconded the motion.

The meeting was adjourned.

Northwest and Upper Colorado River District Field Manager Updates

See the Field Manager Reports posted to the Northwest RAC website.