



# Rocky Mountain Resource Advisory Council Meeting Minutes

9 a.m., April 25, 2024

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## Members Present

### Category 1

In-Person	Virtual
	Preston Larimer
	Chris Cooper
	Pete Stagner
	Josh Gillespie

### Category 2

In-Person	Virtual
	John Sztukowski
	Irene Shonle
	Loretta Mitson
	Mick Daniel
	Kelly Collins

### Category 3

In-Person	Virtual
	Kent Wood
	Lawrence Pacheco
	Arthur Koepsell
	April Estep

## BLM Employees Present

In-Person	Virtual
	Chris Ziegler
	Levi Spellman
	Keith Berger
	Dale Culver

## Public Present

<b>In-Person</b>	<b>Virtual</b>
	Harrison Hallmark
	Azarel Madrigal
	Ben Katz
	Mara Coe

## Welcome, Introductions, and Housekeeping

Levi Spellman, RAC Coordinator, introduced himself and called roll. He then provided a brief review on virtual meeting procedure and the day's agenda.

Chris Ziegler, the acting Designated Federal Officer, went over introductions and gave brief opening remarks.

## Agenda Item 1: RGFO Updates

### Recreation

Keith Berger briefed the RAC on Penrose Commons, its public uses, and the challenges the area faces. These include proximity to the front range and the favorable weather Penrose has – especially in the shoulder seasons. A recreation plan is in the works for the area. One main challenge is dirt bike proliferation in the area, the tendency to ride off-trail, a culture of promoting and encouraging off-trail use, and the resource damage it is causing. An intent to cause willful damage has been overtly expressed across social media and other use groups as a way to force the BLM to designate those trails for OHV use.

Meetings with OHV partner groups have shown an opportunity for those groups to advocate on the BLM's behalf on social media and other avenues of peer-based conversation. It has resulted in recommendations to add some single-track trails to help minimize resource damage. Stakeholders, including grazing permittees in the area, have formed a working group to help develop a workable approach to management of the area. Still, it is a challenge to manage. RGFO recently signed a decision to build some of those recommended trails to help manage capacity to accommodate the demand.

Daniel: How many miles of single-track are out there?

Berger: None. We were asking them to use other trails and that's something that came to our attention. We are looking to add seven miles of single track out there. But, if

adding those trails don't result in a decrease of off-trail activity, we may be forced to close down some other trails.

Shonle: Have you looked into trail ambassadors from these various groups?

Berger: That was the intent with partnering with these various groups and having them work as ambassadors. Some of them have even adopted the maintenance responsibility for some of those trails.

Shonle: Having someone physically there on the weekends would go a long way.

Berger: We are working on that, as well as working with our law enforcement, to ensure we have someone there to work on the public contact angle. We'd love to have someone out there as a host. We're not there yet. But we are looking into it.

### **Travel Management**

Berger: We just finished the Three Peaks Travel Management Plan. We completed a route inventory, which was the first part of our assessment. We got some good feedback on it, which puts us in a better position as we approach a final decision. We may have to designate some areas as administrative use, rather than open use. One of the unique situations we've run into in that area is that some private landowners have access to parts of BLM land that don't have trails, and they are taking their private vehicles into those areas where trails are not meant to be. We are looking at restricting those to administrative use only to help prevent private access to those areas where the public doesn't have access. It's been a big effort and has gone well. We're working to ensure we're recognizing some of the diverse interests out there.

We'll be at a big meeting next month with Colorado Parks and Wildlife and the U.S. Forest Service to discuss some of the issues affecting all of our agencies. Their input will help us determine our areas that stand to benefit most from travel management. As we get the scoping done on those, and the route inventories, we'll loop the RAC back in. We're open to ideas on where we might prioritize for travel management.

Collins: Where are those notices for public input published?

Berger: We typically use E-Planning for that. We are looking at other ways to engage the public.

Gillespie: Are you going to notify the landowners on decisions before they come out?

Berger: We have a mailing list of those who have shown interest or submitted comments early on. We've been asked why we don't reach out to individual landowners. It was problematic because it was just impractical to do so. Thousands of landowners have property butting up to BLM land.

Sztukowski: I want to applaud you and the BLM for doing these TMPs as we see increasing use and conflict in all these areas.

Berger: Thanks. We'll continue to update the RAC as we do these. The big areas in our field office have been covered over the last 10-15 years. We are now focusing on some smaller areas and the individual issues.

Berger: I want to let everyone know this will be my last RAC meeting. I'm retiring May 31. I was a range management specialist when RACs were first formed. One of the most significant steps I've seen the BLM take over time was that we needed to come up with standards that public lands needed to meet, regardless of how it was used. The land health. We all take it for granted now, since it's how we think about public lands now. But I think that was really important to set up and measure against, and that was put squarely on the shoulders of the RACS to develop those. I got to see that happen and, from the very beginning, it was good to see how the RAC worked through that. We've had great RACs here that have provided some great input on how to move forward. One of the highlights of my career. Hats off to you. Thank you.

## Agenda Item 2: Guest Speaker

**Ben Doon, Chief Administrative Officer of Costilla County.**

Doon: The feral horse population has exploded and there are some bad actors who have been, for decades, dumping hundreds of heads of cattle into a residential

subdivision. Those animals then wander, causing problems, and presents a real grazing trespass issue for anyone managing those lands, including the BLM.

We've recently made some progress with a new county attorney and the county commissioners. You can't have livestock in a residential subdivision. The problem with the land use code and enforcement is that you can only issue violations to individuals when you can prove it is their property. We would have to identify the owner of the property, document it, and then prove trespass. It can be tricky.

Last summer, the commissioners looked at a county illegal grazing ordinance that can be enforced through the sheriff's office. We found an example of one in Park County. We had a number of public hearings. People were both for and against. It was approved in September of last year and became another tool to use against these problem ranchers. We were finally able to take one of the grazers to court and got a settlement agreement prior to trial. It effectively got them to remove about 400 head of cattle because, if they didn't, it would result in a \$40k fine. We're still facing some problems with other offenders. But we've been able to hire another land use attorney to help with a wide variety of cases.

Daniel: Some of the RAC had visited the south Valley last year and saw some of the problems. I heard you were having some success.

Mitson: What is the fine and is it per head?

Doon: It was a flat fine that was determined in the settlement agreement. Enforcement has been tricky because the sheriff's office is so understaffed. The sheriff wasn't thrilled about the extra work. But he has been cooperative because he knows this is a real problem. They depend on information from the public and on tips. It's one tool we have that we can use.

Wood: I was at the meeting last summer and came away with what seemed like a total consensus that the BLM needed more staff and specialists down there. There seemed

to be a general willingness from the RAC to write a letter of recommendation on additional staffing. Some difficulties in how that might have played out regarding legalities of contact, etc. Is that still a possibility in the Valley and can we still advocate for that?

Berger: I'm not aware of anything that would prevent the RAC from sending a recommendation for staffing, funding, etc. for a specific reason.

Spellman: We didn't have a quorum at that time and all official RAC business needs to be done in the official forum – here, at these meetings.

Wood: We didn't have a template for drafting that letter. The issue wasn't just additional staffing, but a specific category of specialist.

Spellman: There is no prohibition on drafting a letter. But I want to advocate for using the RAC as the forum for making recommendations. That's where the RAC derives all of its power – through a quorum vote. However, a letter in support of that decision outlining the reasoning couldn't hurt, either. There is no specific format for something like that.

Mitson: I know the perpetrators. I live out that way. Those animals are still out there. I've seen them around.

Doon: We rely on information from the public. If he moved those animals somewhere else, that's problematic. It's been going on for decades. Could be a whack-a-mole situation.

Berger: As you touched on, he has more animals than his land can support. Have you had to make that determination when dealing with an individual? Did you get involved in that?

Doon: We did. My understanding, not as a legal expert or land use expert, is there is some kind of carrying capacity for irrigated and non-irrigated land, and we used that number on the number of acres he owns. When it comes to fencing and fence-out ordinances, that carrying capacity becomes crucial for determining what's legitimate.

Berger: The ordinance states these infractions are civil infractions. How did you look at that?

Doon: I would have to refer that to the county attorney. We got it to court and in front of a judge. I'm just not sure of the venue.

Berger: I think that's great. It seems like a problem a lot of counties are starting to face. Kudos to all of you for getting this done.

Mitson: Have you prosecuted more than one violator so far?

Doon: I'm not aware of any court dates. But I don't know there is someone else that we're looking at, someone on the southern end of the county.

### Agenda Item 3: SLVFO Updates

Dale Culver introduced himself as a new field manager coming to the BLM from the Great Sand Dunes National Park. He has been in the valley for quite a while and is originally from Colorado.

#### **Unlawful Grazing**

Culver: The cattle and stray horses have been the most visible grazing problems. The BLM is now pursuing civil prosecution rather than criminal. As of last fall, we had a couple outstanding trespasses working through civil courts. They are non-permittees. We have seen some successes. No trespass cattle over the winter. Our staff is monitoring weekly. More if there are reports or tips. The thing that people are mostly focused on are the stray horses. These are not BLM horses. None of these are wild. They're all strays. Several years ago, a fence was built along the Rio Grande's west side. There is a section that is incomplete. We are working with the state of Colorado on ways to manage the issue. An impoundment is being discussed.

To address Kent's question, we have someone who is retiring. Because of funding deficiencies, we are having trouble hiring for this position.

Mitson: I see a lot of trespass animals along the Rio Grande. I've been frustrated calling the BLM office and being told there isn't staff to deal with it. I would like to see a recommendation to the Secretary of the Interior to put some teeth into the law. I've seen



the violators loading and unloading their trailers. They use dirt roads to avoid inspectors. They know what they're doing. It's intentional. I think it's time to get serious about this.

Culver: I know it sounds like an excuse and a broken record. But we're a limited staff and a big valley. The courts in Durango are doing better, but we're getting better results through civil action and the fines are higher.

Wood: It seems like we're back to where we were last summer. What are the procedures for making a recommendation. But is it just a staffing issue? Is there technology that can help cover the gap?

Culver: We can't use drones. We do use the Survey123 system. Unfortunately, there's still the component of having a user to collect the data.

Wood: So, we need to get you more staffing.

Stagner: I think we need to support the BLM and organize a gather.

Larimer: Isn't the Colorado Department of Agriculture working on this problem?

Culver: A state bill was recently passed regarding stray and feral horses. We've been working with CPW on this issue. Part of that is to get funding for impoundments, fencing, or supplementing staffing with monitoring.

Mitson: Last summer, and for several summers in the past, Yale has had grad students working out of the Valley doing multi-year research projects. They're all looking for work. Is it possible to work with them to get some employees?

Culver: We're looking to bolster our internship program with Adams State. If we can reach out to other schools, that would help.

## **NCA**

Culver: There have been several community meetings led by other agencies. The BLM isn't really involved in those. It's a community led initiative. We don't support or not support it. We're available for questions, but that's about it.

A big concern about an NCA is water. I think there's another meeting in August. Some groups are for. Some are against.

Daniel: How would this play into the grazing situation? It's the same area.

Culver: It's going to depend on how it's written. Would grazing still be allowed? A monument manager from New Mexico came up and said it didn't change anything. I don't know if it would change the fine structure. I'm not sure they even can do that.

Wood: Is it inappropriate for BLM officials to say they would welcome a letter from the RAC?

Spellman: A letter should originate with the RAC. I'll look into the legalities. But the power of the RAC is in its vote.

Mitson: There was some extreme pushback from the grazing industry regarding the Rio Grande corridor. I would be surprised if the NCA doesn't get that kind of pushback.

Daniel: The BLM's budget situation could be worth looking into if we want to make a recommendation on a particular action. If we want to go that route, we should get some information from Dale.

## **RMP**

Culver: Small update. We are looking to start an RMP revision. The last one was in 1991. But it was put on hold recently because of a few other big projects in the state. Big game corridor, sage grouse. Now we're free to get that done.

## **Public Participation and Public Comment Period**

Collins: Is there anything the BLM wants our feedback on?

Ziegler: We are here to answer your questions and take your advice on topics.

Berger: Maybe we can put together a list of overall topics the RAC can weigh in on and we can send that out. Spur some thought.

Daniel: I did send everyone a link for potential agenda items. Looking at June 20-21 in the valley for the next meeting. We could bring in the ecosystems council to speak.

They've been leading some meetings on the NCA. Glad to visit the grazing letter of recommendation. I'm aware the fencing project to block off the corridor is delayed. I'm just worried if we recommend the staffing and the RMD doesn't have the funding for it, what would it do to the current jobs in place? When there's limited budget, you understand putting money one place often means taking it from somewhere else. Last

time we looked at grazing and the Lobatos bridge in the valley. This time, it might be good to look at recreation for a site visit.

Culver: We worked with the Rocky Mountain Elk Foundation to pick up a cabin at Middle Creek during an acquisition. Could be worth some discussion.

Ziegler: I appreciate your acumen in the business of what we do. I'm sure you're all aware of the federal budget and funding cycle, and the understanding that any recommendation will result in sacrifices. We're facing a significant budget decrease.

Daniel: We can also look at outside help getting funding and volunteers and other resources. The law enforcement part seems to be the difficult part. We can see what can be done outside of that to help.

Mitson: What's the status of the King Mine and the BLM?

Culver: Right now we're looking at a competitive sale at fair market value.

## Closing Remarks

Levi Spellman thanked the RAC members and members of the public for their attendance and participation.

Future meeting dates were settled upon and are as follows:

June 20 – in person at the San Luis Valley field office, 10 a.m. to 4 p.m., with field tour

June 21 starting at 9 a.m.

Sept. 19 – in person at the Royal Gorge field office, 10 a.m. to 4 p.m., with field tour

Sept. 20 starting at 9 a.m.

Nov. 7 – virtual, 9 a.m. to noon

## Presentation Materials

- Costilla County grazing ordinance PDF

## RAC Recommendations

- None.