



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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Blue Valley Land Exchange Public Scoping Comments Summary

The Kremmling Field Office (KFO) held a 45-day public scoping period upon issuing a Notice of Exchange Proposal (NOEP) for the Blue Valley Land Exchange on June 24, 2005. The comment period ended on August 18, 2005. As part of this scoping process, the KFO held an open house on August 4, 2005 to explain the exchange, and a field trip on August 5, 2005 to allow the public to visit several of the parcels and help facilitate additional comments.

The KFO received a number of public comments throughout the scoping period. Specifically, the KFO was seeking public comments on issues that should be addressed in the land exchange. Issues are defined as “subjects of interest upon which actions can be taken.”

Included below is a preliminary review and summary of public scoping comments. Each issue raised was placed into one of the following categories:

- I). Issues to be addressed in the land exchange Environmental Assessment (EA)
- II). Issues beyond the scope of the EA

The issues are further broken down into general issues and parcel specific issues. This is a preliminary summary of issues and comments raised by the public during the formal scoping period. For those issues and comments outside the scope of the land exchange EA, a brief response is given explaining the rationale for not including them in the analysis. There are other issues that were raised internally that will be addressed as the BLM begins preparation of the land exchange EA. In addition, new issues could emerge during the National Environmental Policy Act (NEPA) process.

I. ISSUES TO BE ADDRESSED IN THE LAND EXCHANGE EA

GENERAL ISSUES:

Issue #1 – Impacts to public access to the river

Some members of the public believe the BLM is giving up easier access (Parcel I) and gaining more difficult access (Parcel 10). Others believe the public would be gaining easier access at Parcel 8. Some believe there should be foot for foot equal public river access to quality river front in exchange for total river access lost at G, H & I. How much public fishing access acres are available versus hunting acres in the general project area?

Issue #2 - Impacts to the Spring Creek Road take-out

The general river sporting community believes this is one of the quintessential intermediate rafting stretches (Canyon Run) in this section of the state. How would the exchange affect this take-out?

Issue #3 – Impacts from the continued loss of public river-front property

Several comments mentioned that public river-front property continues to be sold and is never replaced throughout the State. Others were concerned with the cumulative effects of the previous exchange along the Blue River which gave up river-front property. Exactly how many feet of river-front would be gained versus lost as currently proposed in the exchange? How much river frontage has the public lost in land trades in Colorado?

Issue #4 - Cumulative impacts from all the exchanges along the Blue River corridor?

Several members of the public believe there would be major cumulative impacts from the proposed exchange when considered with past exchanges and associated activities along the Blue River corridor. How much public land was exchanged in the Dice Hill area as part of the previous exchange? How much Gold Medal fishing habitat has been exchanged in the past in Colorado? Does the loss of Gold Medal fishing habitat constitute a significant impact? How many acres of Gold Medal fishing habitat are currently accessible to the public? (on the Blue River, Colorado River and throughout the State)

Issue #5 – Impacts to floating opportunities on the lower Blue River from Green Mountain Reservoir to the confluence with the Colorado River

Several members of the public asked how the proposed exchange would benefit the boating and fishing community? Others felt the exchange would not change any of the existing boating opportunities along the river. On average, how many days a year is the lower Blue River high enough to float? On average, how long does it take to float the Blue River from below the dam to the confluence?

Issue #6 – Impacts to fishing and boating recreation opportunities

Several members of the public believe the proposed exchange would adversely impact fishing and boating opportunities on the lower Blue River. Others felt river users would be unaffected by the proposed exchange. Some kayakers felt they would specifically be losing opportunities to float the lower Blue River because of the loss of rest areas at G, H, and I. Without these rest areas, they felt this opportunity to float would be diminished because they would not be able to get out and stretch for a greater period of time. Several members felt that the fishing opportunities and experiences at Parcel I would not be replaced by obtaining Parcel 8 and Parcel 10. Others felt there would be no impacts to fishing opportunities and experiences. Others felt the lower Green Mountain Canyon is one of the best wild trout fisheries in Colorado available to angler on foot, and that the exchange would open up this access from Parcel 10.

Issue #7 – Lack of user data on the Blue River

Several members of the public questioned why the BLM has obtained very little user data on the Blue River. How can the BLM effectively justify exchanging or quantifying the impacts associated with losing these parcels when they have very little information on the value of these parcels to the public and user groups?

Issue #8 – NEPA process concerns

Some members of the public believe the BLM must consider reasonable alternatives including purchasing non federal parcels and placing deed restrictions on federal parcels prior to exchange. Others believe the BLM must describe the existing conditions clearly, and must provide evidence the exchange would result in improved land management in both offered and selected parcels and a net increase in quality land and stream access.

Issue #10 – Private/public boundary conflicts

How would the exchange reduce or add to private/public boundary conflicts?

PARCEL SPECIFIC ISSUES:

PARCEL 1

- Trespass issues need to be addressed and need a way to notify public where private is.
- Weed control is needed.
- Parcel 1 would unlock access to 600 acres of previously inaccessible BLM land for a net gain of 1257 acres of excellent hunting habitat.
- Thompson ROW – very fragile road.
- Gaining 1278 acres of private lands in 1 & 2, fantastic hunting areas.

PARCEL 2 - None

PARCEL 3

- Exchange provides sage grouse habitat and preserves open space which is visible from Hwy. 9

PARCEL 4 - None

PARCEL 5

- BLM needs to further expand its justification for continuing to include this parcel in the process.

PARCEL 6

- Upon visual inspection of this parcel, it does not compare to Dice Hill parcels.
- Hazmat issues
- Environmental issues and concerns, PJ not advantageous for hunting, lower altitude with seasonal use for big game, huge expense for potential cleanup, steep and unsafe.

PARCEL 7

- Big game advertised in exchange summary is non-existent.
- BLM needs to expand their justification for this proposal.

PARCEL 8

- An area that would focus on access for everyone especially because it is close to Kremmling.
- Gain more fishing access on Parcel 8.
- Foot anglers would gain 1.3 miles in canyon and 1.7 on parcel 8.
- BLM needs to know which water rights they gain from Loback ditch.
- Poor fishing and freezes. Limited fishing opportunities because of lack of structure, in summer rises to over 70 degrees. Good fishing in fall because of brown trout spawning.

- Fishing for spawning fish adversely affects the reproduction of wild fish and should not be encouraged.
- Provides public with continuous access to 1.7 miles of river. Potential access that can be developed is more conducive to a broader ability range of anglers, including less agile members of the public
- Similar condition, possessing similar fishery potential as the river upstream. Looks similar in condition to the river on I prior to improvements made by BVR.
- Associated water rights might serve to improve riparian habitat.
- River is silted and very shallow in low flows.

PARCEL 9

- Difficult access to parcel 9.

PARCEL 10

- BLM property north of Parcel 10 would prevent road access to the river because of steep slopes and rocks. Access after the exchange would be only for extremists that could handle staying in boat for 8-10 hours.
- Critical wildlife habitat would be forever protected. In concert with open space with Summit County, all of Green Mountain would be open to public. Green Mountain is critical big game habitat and scenic.
- Lack of good physical access to Parcel 10.
- Encouraging trespass on private land in the canyon.
- Concern about emergency access to Parcel 10.
- Won't a trespass issue be created by leaving small parcel next to parcel 10.
- Concern of increase pressure and ultimately decreasing the quality of fishing in the canyon.
- Access from dam doesn't mean too much to anglers.
- Easy River access is critical to elderly. Possible places would be the parcel 10 sliver, near Spring Creek Bridge or where river is close to Hwy. 9.
- Establish boating and fishing access in parcel 10.
- Would open up miles of presently land locked river for walk and wade fishing.
- Water in canyon receives little or no direct sunlight during winter.
- Merely an access easement to existing public lands and should be valued as such.
- River above Shadow Creek Ranch is more easily reached by working down from the dam.

PARCEL A

- Giving up 696 acres of land in A, C, D & E. Small, narrow and trespass problems.
- Block up and gain access to additional 1200 acres.

PARCELS B, C, G & H

-Improved signage and BLM maps are a much more plausible solution without disposing of current public rights. More trespass problems are the likely result of disposing of property that has been used by hunters for more than a century.

PARCELS D & E

- Trespass issues.
- Easy road access.
- Good high altitude environment for wildlife. Hold deer and elk year around. Higher elevation has better vegetation, aspen for hunting, good calving grounds.
- Clean up property lines.
- What are the documented trespass issues on D & E and what has been done to mitigate them?
- Disposal would certainly exacerbate trespass problems.
- Loss of wildlife habitat (protected from development) and the loss of historical recreational hunting lands is substantial.

PARCEL F - None

PARCELS G & H

- River frontage should be valued properly.
- Development value based on the value of private lands.
- The riparian habitat provides much more species diversity than any of the dry land parcels, including both big game animals and protected species.

PARCELS G, H & I

- Exchange would make it an especially long float for kayakers. Difficult to stay in kayaks for extended time, rafting is different.
- The exchange would also adversely affect rafting by taking away needed resting points.
- Does not meet recreation objectives of Kremmling RMP.

PARCEL I

- Should be removed from exchange due to importance to citizens of Grand County.
- Replacement parcels don't equal disposal of parcel I.
- Safety issue with public because they have interfered with the diversion and head gate.
- Good waterfowl hunting, excellent spot for cast and blast.
- Extremely valuable and highly utilized for the walk-in fishermen.
- No other quality like it on Blue. Parcel I can be fished year round.
- Outstanding winter and early spring fishing because of moving water and sunshine.
- Easy drive-in access. Public has both sides of river.
- There is a portage around diversion and dam.

- Receives more than a thousand public user days of fishing per year.
- Trophy size trout.
- Future recreational and economic importance is undeniable.
- Public fishing is worth a considerable amount of money to the local economy.
- Some believe this parcel is large enough to accommodate only two anglers, while others believe the number is much higher.

II. ISSUES BEYOND THE SCOPE OF THE EA

GENERAL ISSUES:

Issue #1 – Impacts to public access to the river

Is the BLM considering additional public access points below Spring Creek Road or at the Summit-Grand county line? Is the BLM considering improved boater take out below Trough Road? Is the BLM considering improved boater put-in and trail below Green Mountain Dam?

BLM Response: These issues would be considered in the future as part of separate NEPA processes (i.e. An EA looking at alternatives to improve boater take out below Trough Road). The land below Green Mountain Dam is Forest Service-administered public lands and Bureau of Reclamation lands. Thus, in order for the BLM to consider improvements below the Green Mountain Dam, it would have to be through a joint-project with the Forest Service and Bureau of Reclamation. These agencies have begun preliminary discussions on this subject. The public would be included and solicited for input on any future improvement projects on the Blue or Colorado Rivers.

Issue #2 - Impacts to the Spring Creek Road take-out

Some members of the public questioned what the BLM is doing to ensure this take-out would remain? Why is this only a take-out and not a put-in? Is there a difference structurally? Could a permanent ingress and egress at Spring Creek Bridge be negotiated as part of the exchange?

BLM Response: The Spring Creek Road take-out is located on Blue Valley Ranch private land. The BLM has no control over whether the take-out remains or not. Blue Valley Ranch has said they intend to keep the take-out in place for public use. Thus, any discussions on the future of the take-out would have to be discussed outside of the Blue Valley Land Exchange NEPA process.

Issue #3 – Impacts from the continued loss of public river-front property

If the exchange occurs, could this stretch of the Blue be designated non-navigable? Did this happen during the last Blue Valley Ranch exchange on the Colorado River? How would this affect recreation use on the Blue River?

BLM Response: Most of the rivers in Colorado that are of recreational interest are navigable for title purposes, so they are public land up to the ordinary high water line anyway, under federal law. Additional streams that are physically navigable in canoes and similar small craft (but perhaps not navigable for title purposes,) are still open to canoeing and fishing, under federal law.

Issue #5 – Impacts to floating opportunities on the lower Blue River from Green Mountain Reservoir to the confluence with the Colorado River

Several members of public asked what the BLM is doing to guarantee that floating opportunities would continue to be available.

BLM Response: The BLM manages only a small percentage of the total land along the lower Blue River. Thus, the BLM has little control over guaranteeing floating opportunities.

Issue #6 – Impacts to fishing and boating recreation opportunities

How would the BLM address Foot-Angler and Rafter-Angler commercialization?

BLM Response: The BLM will not address commercialization activities on the Blue River during this exchange. The KFO is beginning their Resource Management Plan (RMP) Revision in 2007 and will likely address this issue at this time. Currently, the BLM is not issuing commercial permits on the lower Blue River.

Issue #9 – Relationship between Blue Valley Ranch and the recreation users

Several members of the public believe there is not a good relationship with Blue Valley Ranch and the rafting and fishing community. Others said they were routinely harassed by Blue Valley Ranch employees. Others questioned why they should trust Blue Valley Ranch to continue its current management practices. What are the current resource management practices of the Blue Valley Ranch? What can be done to improve this relationship as part of this exchange?

BLM Response: The BLM has no control over the relationship between Blue Valley Ranch and recreation users. There is no guarantee that Blue Valley Ranch will continue its management practices in the future, other than they've said they would continue with their current practices in the future. Blue Valley Ranch has indicated a strong desire to be a part of the development of a management plan for the lower Blue River.

Issue #11 – Management of the fishery

Can private landowners feed fish? How would the exchange address current fishing rules (i.e. catch and release)?

BLM Response: The Colorado Division of Wildlife (DOW) is responsible for management of the fisheries and should be referred to for questions regarding private landowners feeding fish. The exchange would not address the current fishing rules regarding catch and release.

Issue #12 – Monetary Impacts of the exchange

Is the BLM confident with the seller and buyers holding up their ends of the deal? What is adequate monetary compensation when we are discussing the total and permanent removal of existing public rights?

BLM Response: The BLM would not relinquish any title to public lands until the proposed exchange is completed. The BLM entered into an agreement to initiate an exchange with Blue Valley Ranch on June 23, 2005. If the exchange is approved, the BLM would have no control over what happens to those federal parcels that would become private.

The appropriate monetary compensation for the removal of existing public rights is very subjective and difficult to quantify. Through the land exchange NEPA process, the BLM will look at the potential impacts of the exchange, and consider the different values that would be gained and lost. Through this process, the BLM would determine whether the exchange would benefit the public.

The appraisal of the Federal and non-Federal lands are subject to the Uniform Appraisal Standards for Federal Land Acquisitions. Cash equalization can occur by either party if the values of Federal and non-Federal lands are within 25%. The parties may agree to waive a cash equalization payment if the amount to be waived does not exceed 3% of the value of the lands being exchanged out of Federal ownership or \$15,000, whichever is less and if the public interest is best served by the waiver.

PARCEL SPECIFIC ISSUES:

PARCEL 1

- Hunting access should be limited to foot access only for erosion control.
- Access to radio towers should not be thru Parcel 1.
- Keep amenities out of sight (i.e. porta potties).
- Dry Creek #1 ditch for maintenance and control needs to be provided to Thompson's.
- 80 acre of BLM N of Sec. 26 and 35 – Thompson's would like the grazing permit.
- Snowmobiling should be curtailed to keep elk from private lands.
- Lay down fencing should be considered for elk
- If the road deteriorated, BLM needs to help maintain the access to Thompson property for horse trailers.
- What's the benefit when hunters would chase game to private?
- Annual revenue losses of \$10,000 will occur due to less game on parcel 1 due to hunter pressure.
- Exchange confusing because Parcel 1 is not titled in Blue Valley's name. How can we know there is clear title?

BLM Response: These issues deal with future management of the parcel should the BLM obtain it through the exchange. Thus, it is premature to address these issues as part of the land exchange NEPA process. If the BLM obtains the parcel, it would need to look at the specific management prescriptions through a separate process.

There would need to be clear title before the exchange would be approved.

PARCEL 2 - None

PARCEL 3

- Adverse possession is being claimed by Doug Moses on west property line.
- Qwest Cable and Fiber lines on Hwy 9 abuts Parcel 3.
- Does not lessen the damage to existing public rights in Grand County.

BLM Response: Adverse possession is a legal question and would have to be settled between Doug Moses and Blue Valley Ranch before the exchange is completed. The patents would be issued subject to the rights-of-way to Qwest. The issue of public rights will not be addressed in the land exchange EA.

PARCEL 4 - None

PARCEL 5 – None

PARCEL 6

- Who is responsible for paying for clean up?

- What would happen to mineral rights when BLM acquires Parcel 6? Can a person get a mining claim?
- How would BLM deal with management issues in Parcel 6?
- Why is the BLM providing a bailout for failed mining operations on patented inaccessible lands?
- Why should these lands be taken off the local tax roles?

BLM Response: If the BLM acquires the parcel, it would be responsible for the clean up. BLM Instruction Memorandum No. 2005-018 contains guidance on Hazards Management and Resource Restoration, Lands and Realty. Specifically it states, “...it is still the policy of the Department of Interior (DOI) to minimize the potential liability by acquiring real property that is not contaminated unless directed by the Congress, court mandate, or as determined by the Secretary.” The BLM has completed a Phase 1 Environmental Site Assessment (ESA) for this parcel. This information will be used during the land exchange NEPA process to determine whether the acquisition of the parcel would be a benefit to the public.

PARCEL 7 – None

PARCEL 8

- Parcel 8 should be developed for waterfowl habitat.
- Yust needs to continue grazing permit on Parcel 8 (both sides).
- DOW would monitor section to give additional protection to spawning brown trout.
- Some land improvements should occur, such as a take out for the lower Blue to stop the congestion for confluence users. Need real take outs and fishing parking. BLM should pursue stream and wetland improvements for fisheries and bird hunting.
- How would BLM pay for improvements on Parcel 8 for waterfowl habitat?
- Some equalization may occur if fisheries habitat is improved and required as part of the exchange.

BLM Response: These issues deal with future management of the parcel should the BLM obtain it through the exchange. Thus, it is premature to address these issues as part of the land exchange NEPA process. If the BLM obtains the parcel, it would need to look at the specific management prescriptions through a separate process.

PARCEL 9 - -Parcel 2 and 9 are worth more than \$600,000.

BLM Response: This is outside the scope of the land exchange EA, because it is between Blue Valley Ranch and Summit County.

PARCEL 10

- BLM should try to get all of 10 along the river. This would provide easy access for handicap & elderly and provide permanent take out on Blue River.
- How would Parcel 10 improvements be funded and maintained?

- Need good trail and boat slide below reservoir.
- Introduce fishing access to the high water mark in the canyon as part of the deal.
- Why small private piece not included. Of all the pieces coming to Federal lands, this one piece is the only piece that would be good public access. Summit County will receive a check for their land, should be used for the Green Mountain Camp Park. Summit County has a lease for this land and should develop better access to the river.
- BLM should insist keeping road access to 10, could build a fence around the ditch.
- Taking fishing away from Shadow Creek Ranch.

BLM Response: These issues deal with future management of the parcel should the BLM obtain it through the exchange. Thus, it is premature to address these issues as part of the land exchange NEPA process. If the BLM obtains the parcel, it would need to look at the specific management prescriptions through a separate process.

The BLM cannot renegotiate as part of this exchange. If it was determined through the Blue Valley Land Exchange NEPA process that the BLM should reconsider additional parcels, the exchange process would have to start over and BLM would have to re-submit a new feasibility report to the Washington Office.

Through the land exchange NEPA process, the BLM will analyze the impacts that would occur to the human environment (physical, biological, social and economic) through exchanging and acquiring the proposed parcels. The BLM will then make a decision, based upon whether the exchange would benefit the public, to approve the exchange or re-negotiate.

PARCEL A – None

PARCEL C

- If access is not currently public, BLM should work with the State to provide it.
- BLM acknowledges public access to Parcel A, but not to Parcel C.

BLM Response: The State land boundary only constitutes a corner with BLM-administered public lands. Corner to corner does not constitute legal access. The remaining boundaries of parcel C are private.

PARCELS D & E - None

PARCEL F

- Maps and text do not show if this parcel is adjacent to other public lands.
- Given that this property is located within an area of accelerating residential development, the value should be identified and factored into any exchange value determination.

BLM Response: The maps and text do show that this parcel is adjacent to public lands on one side. However, this property is not located within an area of accelerating residential development.

PARCELS G & H

- Try to obtain access on H and then public would have 3700 more feet of river.
- If this were a fee area it could be maintained easily.
- Has BLM asked for an easement to Parcel G and a foot bridge to Parcel H?
- Are the fences on Parcel G legally approved by BLM?
- Pedestrian easements of at least 30 feet above the high water line.
- Picnic area and park could be created on Parcel G

BLM Response: The fee area and picnic area issues deal with future management of the parcel should the BLM retain it through the exchange process. Thus, it is premature to address these issues as part of the land exchange NEPA process. If the BLM obtains the parcel, it would need to look at the specific management prescriptions through a separate process.

The BLM can not renegotiate as part of this exchange. If it was determined through the Blue Valley Land Exchange NEPA process that the BLM should reconsider parcels or access, the exchange process would have to start over and BLM would have to re-submit a new feasibility report to the Washington Office.

Through the land exchange NEPA process, the BLM will analyze the impacts that would occur to the human environment (physical, biological, social and economic) through exchanging and acquiring the proposed parcels. The BLM will then make a decision, based upon whether the exchange would benefit the public, to approve the exchange or re-negotiate.

The fences on Parcel G are legally approved. These are allotment boundary fences that have been developed through the range management process. Allotment boundary fences do not necessarily have to follow property lines.

PARCEL I

- Why not split the grazing parcel off and retain river access and river front.
- Consider hanging onto the fishing access of parcel I – don't give it all up.
- Qwest Cable in County Rd. 1 that abuts Parcel I

BLM Response: The BLM can not renegotiate as part of this exchange. If it was determined through the Blue Valley Land Exchange NEPA process that the BLM should reconsider parcels or access, the exchange process would have to start over and BLM would have to re-submit a new feasibility report to the Washington Office.

Through the land exchange NEPA process, the BLM will analyze the impacts that would occur to the human environment (physical, biological, social and economic) through exchanging and acquiring the proposed parcels. The BLM will then make a decision, based upon whether the exchange would benefit the public, to approve the exchange or re-negotiate.

PARCEL J

-If BLM can have a 100 foot access on this parcel, why can't BLM get 100 foot access on I, G & H.

BLM Response: See above response.

PARCEL K

-Proof that it would go to Subdivision after trade.

-Why is BLM getting rid of piece of land the ranch does not want?

BLM Response: In a letter dated October 15, 2004 to Blue Valley Acres Homeowners Association, Perry Handyside addressed Parcel G and Parcel K. He said about Parcel K, "Upon conveyance of Parcel K from the United States to BVR, BVR will donate the parcel to BVAHOA subject to a deed restriction limiting future use of the parcel to a fire station or another similar community facility necessary for the health and welfare of Blue Valley Acres". BLM is proposing to dispose of this piece of land because it is surrounded by private land with no access.