



Colorado Wild Public Lands

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Kremmling Field Office,
Bureau of Land Management,
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Via e-mail: kfo_webmail@blm.gov and <https://eplanning.blm.gov/eplanning-ui/project/81162/595/8002361/comment>

Dear BLM Kremmling Field Office,

RE: Proposed Blue Valley Land Exchange FEIS Comments

The following are the comments of Colorado Wild Public Lands on the Final Environmental Impact Statement (FEIS) for the Proposed Blue Valley Land Exchange, Grand and Summit Counties, Colorado.

We appreciate the BLM's responses to the public's comments and the additional information in the FEIS. After reviewing the FEIS and supporting information, we are providing our comments below. In this letter we have focused on new information and refer the reader to COWPL's comments on the Draft EIS, dated June 2018, as well. These comments are based also on our conversations with involved groups, users of the area, and members of the public.

I. THE PUBLIC INTEREST IS QUESTIONABLE AND THERE IS NO GOOD REASON FOR THIS LAND EXCHANGE.

See COWPL's comments on the Draft EIS, dated June 2018, for the preamble to this section.

We suggest that as the three alternatives exist currently, Alternative 1–No Action, is the alternative that would best serve the public interest. BLM Parcels G, H and I have high natural values and critical locations in maintaining public access to and use of the Blue River. We recognize that the proponent has done additional work and included further mitigation measures in this FEIS proposal. In particular, we commend placing a permanent

easement for the Spring Creek bridge take-out, and the proposed recreation improvements at the confluence area. Should the work on the proposed exchange move forward, we have included recommendations regarding further study of resources, and obtaining permanent assurances and funding for proposed resource protection, public access, use, recreation facilities and management.

The reason for the exchange appears to be that the non-federal party, Blue Valley Ranch (BVR) would like to obtain additional property along the Blue River for purposes of controlling the river, doing instream improvements, creating private fishing opportunities, limiting public access and generally obtaining greater privacy. The contents of the FEIS illustrate that the land exchange as proposed (Other than Alternative 1–No Action) does not meet the stated objectives for the exchange.

The BLM has proposed additional mitigation (increased recreational facilities and different public access options) as mitigation for loss of public access to high quality public lands that have valuable natural resources and recreational values, especially river access and recreation. The amount of mitigation proposed by the BLM (including access easements, recreational facilities, and an attempt to keep part of Parcel 1) indicates that the BLM recognizes the severity of the impacts to the public of losing the riverside Federal lands. COWPL is concerned about the following issues in relation to the proposed mitigation:

- The BLM cites a major reason for the exchange to be to resolve public-private use conflicts. (FEIS ES-1) Yet in attempting to mitigate for the loss to the public, the BLM is creating new opportunities for public-private use conflicts. See, for example, a proposed new access easement on land to be transferred to BVR and the proposal to split Parcel I.
- *The BLM does not provide sufficient guarantee, through presentation of written easements and assurances, or accurate mapping, design and planning documents, that these promises for new recreational opportunities will be realized.
- There is little information presented that illustrates that the public is benefitting from the parcels that are proposed to be transferred from BVR to the BLM.
- Instead, the BLM proposes that the way to mitigate for the loss of the proposed BLM exchange parcels, is to provide easements through BVR land and to develop recreation facilities that will need to be managed. Another goal for the exchange was to reduce BLM management requirements. This approach will increase management requirements.

Given the amount of use the area is currently experiencing (COWPL site visit July 26, 2021 and anecdotal evidence) it makes sense to improve put-ins/take-outs, to provide parking and possibly toilets. COWPL suggests that these improvements should be considered and funded separately from the land exchange as they do not compensate for the types of experiences and natural resources that will be lost to the public in the exchange.

II. THE PROPOSED ALTERNATIVE 3 DOES NOT WORK.

The BLM has proposed retaining a portion of Parcel I for continued public access and use (FEIS-20). The proposed configuration does not adequately meet the public need, and in fact appears to propose a corner-to-corner land adjacency which is not considered to legally provide access in Colorado. The BLM recognizes the value of Parcel I to the public, but the proposed split further fragments public and private land holdings and does not work to provide access.

The FEIS does not explain why retaining 76 acres of Parcel I in public ownership, requires the removal of all the following: BVR parcels 3 and 4, access at the pump house and all the recreation improvements. (FEIS-21)

III. INFORMATION IMPORTANT TO A DETERMINATION OF THE PUBLIC INTEREST IS UNAVAILABLE AND/OR OUTDATED.

Though the FEIS provides much valuable information on the parcels proposed for exchange, and additions have been made since the DEIS was published, important information still does not appear in this document, making a full evaluation of the possible public interest of the proposed land exchange impossible. We describe the missing elements below.

- The maps and graphics provided are hard to read. For the overall parcel maps, the scale is too small to see sufficient detail. Larger scale maps of each of the exchange parcels would be beneficial. The design drawings are not adequately detailed or large enough to see if the proposals really work, for example, trail gradients.
- Public comments, appraisals and other previous material e.g., scoping documents, are not on the project website at <https://eplanning.blm.gov/eplanning-ui/project/81162/570>
- Supporting materials for the FEIS are outdated. Understandably, the Environmental Impact Study process, is a long one. However, especially in these rapidly changing times, it is imperative that supporting information is current. There has been significant population growth and recreation user growth in the last five years, and

even greater influx of residents and recreationists initiated by the Covid-19 pandemic in 2020. For example, <https://www.summitdaily.com/news/mountain-migration-report-shows-disparities-between-newcomers-and-residents-of-mountain-towns/>

<https://coskitowns.com/wp>

[content/uploads/2021/06/Mtn Migration Report v2FINAL.pdf](https://coskitowns.com/wp-content/uploads/2021/06/Mtn_Migration_Report_v2FINAL.pdf)

Examples of some of the outdated material cited in the EIS include: Recreation Demand Analysis dated November 2013, and Appraisal Reports dated June, 2017.

- COWPL notes that new wildlife information has been included in the FEIS.
- In Appendix L: Response to Comments, the agency states “To ensure that the Recreation Design Features would be implemented, the closing of the land exchange would be conditioned on certain measures specific to each ... feature being in place” [FEIS L-6]. The text then includes reference to BVR providing a bond to ensure this, but provides no further details.
- “The fishing easement and the pedestrian-only access easement may be subject to the occasional temporary interruption of use for public safety, natural resource protection and ranch management activities – such as river improvements, irrigation structure repair, and road maintenance.” [FEIS at L-28] For any closures, specified activities and times of the year are required in the easement so as to prevent the proponent from using them as a means to further restrict public access.
- Easements for the put in and rest stop should be co-held by both a government entity and a not for profit, and should be managed by the government entity to ensure continuity of the easement.
- Descriptions of the proposed recreation improvements and the related future ownership, easements, funding and management have been further described in the FEIS. However, additional information such as draft easements, more detailed designs and estimated design, construction and management costs, are needed to provide the public assurance of the commitments.
- Valuable natural resources have been identified on BLM parcels that are proposed for exchange, including previously identified “retention” parcels, see following Section II. No information is provided on how protection of those resources will be assured once the land is in private ownership.
- The FEIS cover page lists a cost of \$757,000. It is not clear if this is the cost to the BLM or to the non-Federal proponent. Presumably it is a cost to date, and further costs will be incurred. A more detailed cost breakdown is needed, e.g., include the costs to the BLM and the costs to the proponent of all work related to this land exchange to this point including scoping, meetings, coordination and preparation of reports, DEIS and EIS. Include projected future costs.

- In early July 2021, Colorado Wild Public Lands submitted FOIA requests for further information (some of which is listed herein) that have not yet been received at this time. Not having the detailed qualitative information from the requested documents has hampered our ability to thoroughly analyze the impacts of the proposed exchange.
- There are no details regarding the arrangements between the proponent and the three third-party beneficiaries of the land exchange. The public has a right to know whether or not there is any profit associated with these outside transactions on public lands. The proposed transactions are as follows: Parcel K to Blue Valley Acres HOA, part of Parcel C to Sheephorn Ranch, and Parcel J to Skylark Ranch. BVR 2 is owned now by Summit County with an option for BVR to purchase and convey to USFS via BLM. There should be multiple agreements for these conveyances, and drafts should be in an FEIS appendix. (FEIS-15)
- “Additionally, there would be a period following the close of the proposed land exchange where the proposed Recreation Design Features would not be constructed yet. During this window of time, certain users may perceive a greater loss in recreation opportunities; however, it is important to note that following completion of the exchange, public access for casual use on parcels with proposed Recreation Design Features is allowed.” [FEIS at 46] There should be a provision in the instruments of assurances (easements, bonds, etc.) that includes a time certain for construction of the RDFs so that the public knows how long the limbo will last and when they can expect to start using the amenities being offered as mitigation for the loss of their current recreation opportunities.

IV. CONSERVATION EASEMENTS ARE NECESSARY TO PROTECT IMPORTANT RESOURCES.

Per the Blue Valley Ranch website as viewed on July 30, 2021:

Q. The ranch may be committed to conservation now, but what happens to this land if the ranch is sold? How do we know the land won't be developed then? How about putting a conservation easement on the ranch?

A. A conservation easement is far beyond the scope of this land exchange. It is not what is being considered here. The only issue being considered is the exchange of land between a private ranch and the public. (<https://bluevalleyranch.com/land-exchange/overview/>)

The above comment on the Blue Valley Ranch website concerns COWPL. To ensure protection of resources, COWPL recommends placing conservation easements prior to

finalizing the exchange and to use the post conservation easement land values for the exchange appraisals.

We commented extensively in June 2018 that important resources will be conveyed into private ownership without any permanent resource protections and may be damaged or lost. The following is an enumeration of those resources and why the BLM response to our comments does not afford the necessary protections.

A. VEGETATION

The exchange would result in a net loss of 7 acres of *Penstemon Harringtonii* habitat for lands managed by the BLM.” [FEIS AT A-22]; this plant has special classification from both the BLM and the Forest Service as a sensitive species. While the agency’s assertion that the uses that occur on the lands in the exchange will likely not change very much, there are fewer requirements for protections of natural resources on private property compared to BLM lands. While these 7 acres of sensitive plant habitat are under federal jurisdiction, the BLM has the authority to manage them and the surrounding lands in a manner that protects the plants; the land exchange would leave this to the discretion of the landowners. BLM G, H, I and K should only be conveyed with a requirement for protective conservation easements.¹ Additionally, the FEIS does not include discussion of the cumulative loss of *Penstemon* habitat over multiple agency actions.

B. CRITICAL ELK HABITAT

Under the proposed exchange, there would be a considerable (408 acres) loss of winter concentration area, and smaller losses of severe winter range and production (calving) area. Ibid. For mule deer, there would be sizable gains of winter range, winter concentration area, and critical winter range, and a loss of severe winter range. [DEIS at 3-86]. The imposition of conservation easements would prohibit future development in this habitat.

C. WETLANDS, AQUATIC AND RIPARIAN RESOURCES

¹ The BLM clearly has the authority to restrict use of land exchanged to private interests:

Reservations or restrictions in the public interest. In any exchange, the authorized officer shall reserve such rights or retain such interests as are needed to protect the public interest or shall otherwise restrict the use of Federal lands to be exchanged, as appropriate.

43 CFR 2200.0-6(i).

RIPARIAN AREAS AND WETLANDS ARE THE MOST PRODUCTIVE ACRES IN ANY WESTERN LANDSCAPE.

They often produce several times the amount of forage of surrounding uplands, and include most of the plant species diversity on the landscape, despite occupying only 1-4% of the total land area. This is due, of course, to the presence of water, the most limiting resource in most Western landscapes.

Wetlands and riparian areas also provide important ecosystem services to local communities by slowing water runoff and reducing erosion, filtering and cleaning water runoff before it enters streams, lakes or ponds, and providing habitat and important corridors for wildlife and fish.

(<https://bluevalleyranch.com/explore/riparian-wetlands>)

As Blue Valley Ranch states above, riparian areas and wetlands are critical ecosystems. In DEIS comments COWPL noted the net loss of these resources resulting from the proposed exchange:

The land exchange would result in a net loss of:

- 6006 linear feet (>1 mile) of stream frontage (DEIS 3-147, 151)
- 61.8 acres of wetlands (DEIS 3-167)
- 4.6 acres of riparian habitat (DEIS 3- 171)
- 0.03 acres of fen habitat (DEIS 3-170)
- 3.2 acres of aquatic habitat (DEIS 3-171)

none of which would continue to benefit from federal oversight that currently protects them and maintains important habitat, water quality and public land health standards.

The introduction to FEIS, Section 3. K WETLANDS AND RIPARIAN HABITATS describes the federal mandate through Executive Order 11990 and the Clean Water Act to retain wetlands and riparian habitats in federal ownership. [FEIS 110-111] It pays particular attention to Executive Order 11990:

When federally owned wetlands or portions of wetlands are proposed for disposal to non-federal public or private parties, Executive Order 11990 directs federal agencies to (a) reference in the conveyance those uses that are restricted under identified federal, state or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal. [FEIS at 110]

and to direction from the 2015 KFO RMP:

“The RMP acknowledges the importance of wetlands and riparian habitats ... In terms of fisheries, perennial water sources (streams, rivers, lakes, ponds, springs, seeps, wetlands, wet meadows, bogs, and fens) and riparian areas are identified as priority habitats that should be protected.” [FEIS at 111]

“As specified in the 2015 RMP, livestock grazing management would be focused on protecting wetlands and riparian values with the objective of achieving Proper Functioning Condition and attainment of Public Land Health Standard 2. Specific management actions are identified in the 2015 RMP to reduce or limit grazing impacts.” [FEIS at 129]

Under the proposed action, 78 acres of wetlands would no longer be subject to these controls.

While describing the agency’s legal and regulatory obligation to protect these critical natural resources, the FEIS includes no details or guarantees as to how such protection will occur post land exchange.² BLM continues to rely on the continuation of the proponent’s existing uses, the proponent’s current land stewardship and federal and local land use regulations [FEIS at l-15] to mitigate for the public loss of these protected resources, leaving 78 acres of wetlands no longer subject to federal tools for protection.

Reliance on the continuation of existing uses and an individual landowner’s stewardship practices is no substitute for federal oversight and land management. Development of private property is not an “unforeseen use”; it is an eventual one, even if it is many years in the future. Private stewardship is undertaken at will, subject to an individual's vision at a point in time; that vision may change and subsequent owners may not share it. Conservation Easements are essential to ensure management practices that prioritize and protect natural resources into the future.

The FEIS relies on Section 404 permits and local land use regulations instead of Conservation Easements for post-exchange wetlands protections. These regulations are triggered only through a permit application process. Federal and local wetland regulations do not apply if a landowner is not seeking a permit. Given the large acreage of many properties in Colorado, it is easy and common to start up the backhoe and start digging. Even if current and future landowners do seek permits, Section 404 “nationwide” permits are not difficult to get for small projects, and they are not subject to any NEPA review or public comment. It is reasonable to assume at least incremental reductions in wetlands on private property over time.

² The FEIS does reference a deed restriction prohibiting residential development that would be imposed on BLM-C if and when BVR conveys it to Sheephorn ranch; but there is no other detail about this, not even regarding its purpose. The deed restriction will not apply to the BLM’s conveyance of parcel C to BVR.

The federal government can levy charges and fines against violators, but they are unlikely to do so for any but the most egregious violations; and BVR's man-made wetlands [FEIS at 118] are subject to lesser standards and regulation, making them unsuitable mitigation for the loss of wetlands resulting from the proposed action. Federal and some, but not all local land use codes require mitigation for wetland destruction; but once the natural state has been altered, it takes time for it to return to its former glory, assuming the conditions that favored it to begin with remain unaltered.

D. FENS

Under the Proposed Action, the land exchange would result in a net loss of fens under BLM management; the number varies from .03 acres under Alternative 2 to .08 acres under Alternative 3. Fens are unique and unusual resources that take up to 10,000 years to form [FEIS at L-15]. The FEIS offers no protections for the loss of fens the land exchange would convey into private ownership.

The Agency has allowed the fens to become degraded through the leasee's (possibly the Proponent's) grazing practices. The BLM has a responsibility to require improvement of the fens rather than ceding degraded fen resources into private hands thereby removing future federal oversight that would require improvement of those resources. In discussion regarding the fens on BLM C, BLM notes:

“Grazing impacts are evident” [FEIS at 113]; and
“USACE classifies fens as “Resource Category 1” and that destruction and mitigation of fens is not allowed.” [FEIS at 121]

The FEIS refers to a future deed restriction on BLM-C [FEIS at 15] which, might be to protect the fens; the deed restriction would apply to BVR's conveyance of a portion of BLM C to the Sheephorn Ranch, but not to the conveyance of Parcel C to BVR in the land exchange. If the agency is relying on this as future protection for the fens, then the deed restriction should apply to any private ownership and from the outset of conveyance into private hands; there is no guarantee that the transaction between BVR and the third party will occur. Moreover, despite COWPL requests to review the agreements between BVR and third-party beneficiaries, BLM has not yet released them. Presumably, the agreement between BVR and Sheephorn would contain details of this deed restriction. The FEIS does not describe any mechanism to ensure the placement and enforcement of a deed

restriction³. Without being able to review the deed restriction, the public cannot evaluate whether the absolute protection afforded to the fens by the USACE classification will occur.

There may be no immediate threat of loss of, or damage to, fens and other wetland types through the proposed land exchange, but adverse impacts to wetlands are much more likely to occur on private lands in the long term, for the reasons above. The BLM should either not incur a net loss of wetlands, especially fens, in the land exchange, or they should place protective restrictions on the use of those wetlands exchanged to private ownership. See previous footnote 1.

E. PALEONTOLOGICAL AND CULTURAL RESOURCES

The FEIS analyses paleontological resources in Chapter 3 (FEIS at 61). Portions of BLM parcels G, H, K, and I are in Potential Fossil Yield Classification (PFYC) 5 (DEIS at 3-67), under which

The probability for impacting significant paleontological resources is high. The area should be assessed prior to land tenure adjustments. Pre-work surveys are usually needed and on-site monitoring may be necessary during land use activities. Avoidance or resource preservation through controlled access, designation of areas of avoidance, or special management designations should be considered. (Id. at 3-65).

Portions of BLM-G, BLM-H, BLM-K and BLM-I, overlap the Niobrara Formation and are Class 5 areas. PFYC guidance recommends that Class 5 areas be assessed prior to land tenure adjustments. The FEIS states that BLM knowledge of the area and museum record searches do not support the likelihood of subsurface paleontological resources being present. (FEIS-65). However, no field studies were conducted for the land exchange.

Parcel K would be conveyed to Blue Valley Acres subdivision #2, where ground disturbance could occur for a “community purpose” such as a meeting hall or ball fields. DEIS at 3-68. This could expose and damage fossils.

The FEIS locates the section on cultural resources in Appendix G as a result of “no or negligible impacts” (FEIS-11). Yet, in the DEIS, cultural resources were identified as being of importance on Parcels G, H, I and K. Also, COWPL has been informed that there is a

³ COWPL has submitted FOIA requests twice for the agreements between the proponent and the 3rd party beneficiaries of BLM-A, B, C and J and the Agency has not released them to us.

marker on Parcel H for archaeological resources. Lithic scatter can be seen on several of the parcels.

There have been many studies of the archaeological value of the public (BLM) lands included in this proposed exchange, see partial list below. At least four different reports (from 2004 onwards) were included in the FOIA information that COWPL received in 2019.

- Metcalf, (Slaughter, Staff Archaeologist) 2004, Blue Valley Ranch LEX, Class III Inventory for 9 sites,
- Metcalf, 2004, Plan for Further Study of sites at I
- Metcalf, 2007, Archaeological Testing Report, sites 5GA9, 5GA2286, 5GA3027
- Metcalf Consultants Inc, 2017, Cultural resource inventory and Class I files search for 2017 Blue Valley LEX
- Reply SHPO-BLM, June 12017 - Letter re phone conversation confirming ineligibility of sites for State Historic Register, June 2017

In general, it appears that the Blue River Valley and its terraces still hold evidence of historic occupation including artifacts, tools and remnants of ditches used for agriculture. Per the documented communication with Tribal Groups, the Blue River Valley area should be considered as a whole (not piecemeal) and as such is an important cultural resource.

In particular, Parcel I has been identified to have high cultural value with the potential to be included in the National Register of Historic Places. Several further studies were conducted and eventually made a finding of non-eligibility. The State Historic Preservation officer is documented as having signed off on allowing Parcel I to be included in the exchange via a telephone call (June 2017). COWPL is still concerned that if the LEX occurs, the loss of public lands bearing the important cultural resources documented in the reports, will not be in the public interest.

V. THE CONVEYANCE OF BLM J IS NOT IN ACCORDANCE WITH FLPMA AND THE LAND EXCHANGE IS SETTING THE STAGE FOR SIMILAR VIOLATIONS IN THE FUTURE.

Because BLM acquired Parcel J through a land exchange, the parcel cannot be conveyed out of public ownership. According to Section 205 of FLPMA:

- (c) Except as provided in subsection (e) of this section [P.L. 99-632,1986], lands and interests in lands acquired by the Secretary pursuant to this section or section 206 shall, upon acceptance of title, become public lands, and, for the administration of public land laws not repealed by this Act, shall remain public lands. 43 USC 1715(c)

Not only is BLM J's conveyance contrary to this section of FLPMA, the FEIS has not demonstrated that its disposition is allowed through exception, or, if it were, why such disposition is in the public interest.

Parcel J has qualities that are of public value, including:

- Sage Grouse PHMA with "documented occupancy" [FEIS at 82],
- almost 60 acres of wetlands [FEIS at 115],
- 5.375 cfs of water rights, [FEIS at 102] and
- 1383 feet of Colorado River Front at the confluence of Reeder Creek [DEIS at 3-89], that is a well-used fishing spot.
- The sage grouse habitat, wetlands, river frontage and location within the Colorado River SRMA are also identified in the 2015 RMP as reasons for retention.

Additionally, the public is losing water rights that the FEIS says the BLM does not have the resources to manage;

"Since the parcel was acquired, the lack of BLM resources to manage the irrigated section of the parcel ... make it a costly parcel to manage." [FEIS at 4]

However, in discussion of the water rights on the BVR parcels the BLM will receive, the FEIS describes multiple ways the BLM plans to put them to good use:

"BLM would continue to use ... water rights to irrigated native vegetation ... Instead of using irrigation to exclusively support livestock grazing, the BLM would implement irrigation to support livestock grazing and broader objectives, including improving big game habitat and riparian habitat. BLM may also work cooperatively with grazing permittees and other water right owners ...to maximize wildlife and riparian benefits by closely coordinating the timing and location of irrigation practices." [FEIS at 104]

The FEIS does not explain why the water rights on Parcel J could not be put to the same uses. Even if BLM does not want to manage the water rights on the Parcel, it could work with the Colorado Water Trust to use the water rights on now public parcel J for in-stream flow.

The conveyance of J underscores the BLM's haphazard approach to what the public receives in land exchanges. According to the FEIS:

"BVR has no interest in obtaining these parcels, but in the interest of agreeing on an exchange that best met the Purpose and Need of both parties, BVR agreed to include them in the exchange. Both BLM-J and BLM-K are difficult to manage as they are

surrounded by non-federal lands owned by Skylark Ranch and Blue Valley Acres #2 subdivision, respectively. Upon successful completion of the exchange, BLM-J and BLM-K would be conveyed by BVR to their adjacent landowners (Skylark Ranch and Blue Valley Metropolitan District).” [FEIS at F-3]

BLM J was acquired through a previous land exchange with the proponent of this one! In 1999 the BLM acquired J from Galloway, Inc., who, according to this FEIS, did not want it, and in 2021, the agency is going to give it back to Galloway, Inc, who still does not want it.

The agency should be more intentional about what it receives in these land exchanges. If the Parcel is of little importance to the agency, if it is difficult to manage and surrounded by private land, they should not have accepted it in the first place. But they did, and FLPMA says that now that J is public land “it shall remain public lands”.

A. OTHER PARCELS THAT ARE OF LITTLE VALUE.

At least Parcel J has public values on it. There are other parcels in this exchange that appear to have no public or private values, and the FEIS has not addressed why the agency is willing to take them. The BVR 7 easement from Trough Road to public lands near inspiration point provides access to nowhere; according to maps, the tracks accessed via this easement dead end and access steep topography that limits “off piste” exploration. It is unlikely that people will use this “amenity”, unless the agency has plans they have not discussed with the public to develop new trails in the area. The appraisal assigned a value of “Zero” to this interest. [non-fed appraisal at 3]

BVR 5 is a two-acre parcel that does not even merit a dot on the vicinity map; the appraisal assigned a value of \$10,000 [non-federal appraisal at 3] to this land with no development right, no water, no grazing potential and an old gravel pit [FEIS at 92]. There is no public value to this land, as there is already good vehicular access to adjacent BLM lands; perhaps the only private value might be the remnants of an already worked gravel deposit. Acquisition of these parcels in conjunction with the trading of BLM J leave the public wondering whether the agency is really advocating for public interest or just losing at a Monopoly game.

VI. RECREATION AND THE BLUE RIVER.

A. OVERVIEW

COWPL agrees with the quote from Blue Valley Ranch’s website that:

RIVERS AND STREAMS ARE OFTEN CHARACTERIZED AS THE LIFEBLOOD OF THE SURROUNDING LANDSCAPE.

The power of flowing water shapes the landscape and creates the watersheds that define community and regional identities. Water quality and quantity in western rivers supports fish and wildlife, agriculture and industry, recreation and sport. (<https://bluevalleyranch.com/explore/the-river/>)

This land exchange is clearly about Blue Valley Ranch obtaining further control over the Blue River. Per the post exchange overview map (extract below to right), the extent of blue shaded area for Blue Valley Ranch, begins at the south end of BVR-10 (river frontage still owned by BVR post exchange) and continues to just before the confluence take-out. There are a few other privately owned properties along the way, but no public lands.



Pre Exchange Land Ownership



Post Exchange Land Ownership

LEGEND: Blue-Blue Valley Ranch, White-Other Private, Yellow - BLM

Source: <https://bluevalleyranch.com/land-exchange/overview>

In comparison, the pre-exchange map (extract above to left) shows BLM parcels G, H and I creating public use areas interspersed among the privately owned lands along and on the

river. As described in the FEIS, these parcels provide take-out opportunities, fishing access and great fishing holes, camping and wildlife viewing. A fisherman from Denver, who COWPL met on July 26 at the river on Parcel I, described a best-ever morning of landing a 24-inch trout, seeing a bear, bald eagles and other wildlife. In addition, the parcels have cultural resources including lithic scatter and a historic marker on H (anecdotal) that provide further recreation for people who enjoy discovering evidence of cultural history.

The FEIS Alternative 2 proposes a new stop at the Pump Station Rest Stop and improvements at the Spring Creek Take-Out. Both these proposed pull outs would be on private land, and therefore would not stop BVR from obtaining and controlling a significantly longer stretch of uninterrupted river than they currently hold. BVR has already constructed instream improvements for fish that limit water depth for rafting. It is possible that such instream construction could occur on the newly acquired parcels, further limiting the public's opportunity to float the river.

The FEIS states that there would be easements on these locations and camping would not be allowed. Since the easements are not included in the FEIS documents, it is unknown what further restrictions to the public might occur.

The new FEIS Alternative 3 proposes keeping 76 acres of Parcel I in public ownership, yet the FEIS map, Figure 2, Alternative 3, fails to show that public access through I is viable. It appears there is a corner-to-corner connection. Corner crossing is not allowed in Colorado. Strangely, Alternative 3 is proposed with the loss of all recreation improvements and easements that are proposed in Alternative 2.

B. PARCELS I HAS IRREPLACEABLE QUALITIES.

Parcel I is a an easily accessible public parcel. It is accessed directly off Trough Road, has a parking area, trailhead sign, easy trail to the river and excellent river frontage (see also discussion in previous section). The proposed exchange parcels near Green Mountain do not offer the same level of accessibility and quality of river frontage as does Parcel I.



Parcel I aerial shows partial boundaries, road access. from Trough Road and river



Sign and trail to river from parking area on Parcel I.



View from Parcel I over the cliffs to the river.



A fisherman using the public area. COWPL saw fishermen downstream on the river as well.

This stretch of the Blue River on BLM-I is designated as “Gold Medal” trout fishing and is overlapped by the Upper Colorado SRMA. (DEIS at 3-21).

...virtually all current users of BLM I are anglers. (FEIS at 41)

Per the above, Parcel I provides outstanding fishing opportunities that cannot be replicated.

C. THE PROPOSED MITIGATION IS INADEQUATE.

Almost all the comments against the exchange focused on the issue of loss of public lands on the river that are currently used by floaters and fishermen. A main point was that by

removing these lands from public ownership, the experience of the float along the river would be significantly changed. As mitigation, the FEIS has proposed the pumphouse stop that would provide an intermediate pull-off, and a take-out at the Spring Creek bridge. Neither of these provides the range of exploring opportunities or the extended land connections provided by Parcels G, H and I.

Importantly, the FEIS does not provide sufficient assurance that these stops that are on BVR owned land, will provide year-round unencumbered public access. The FEIS should include draft easement documents for the public to review.

D. 2015 RESOURCE MANAGEMENT PLAN

There are significant natural values associated with the BLM parcels located close to the river. The 2015 RMP, (pages 53 and 54) identifies BLM lands with important values as being retention areas. This means that such lands would NOT be available for exchange. One of the criteria for identifying retention areas is “all lands within 0.5 mile of the Blue and Colorado Rivers”. Parcels G, H and I are within this zone, being located on the Blue River. Parcels J also meets this criteria, being next to the Colorado River. However, per the 2015 RMP, exceptions may include:

...lands on the list of Retention Areas included in a proposed land exchange for which an agreement to initiate an exchange was approved before the date of the Notice of Intent to prepare the DRMP/DEIS.

Per the DEIS, the Blue Valley Land Exchange was originally initiated in 2005. The Notice of Intent to prepare the [Kremmling] DRMP/DEIS was published in the Federal Register in 2006. **Thus, despite recognition of the values that would make Parcels G, H, I, and J retention areas, they were removed from that status due to a dating rule.**

E. THE TERRAIN NEAR GREEN MOUNTAIN IS DIFFICULT AND THE ACCESS PROPOSALS SEEM UNREALISTIC.

The FEIS proposes a new access for fishing west of BVR 10. Per the maps provided, it appears that BVR will convey Parcel 10 to the BLM with the exception of river frontage, thereby making it necessary to grant a fishing access easement to the public. A more suitable exchange would simply include conveying all of BVR parcel 10 to the public.

... additional public access for fishing in the lower Green Mountain Canyon west of BVR-10 would be granted. BVR would grant a fishing easement in perpetuity for public use of the 0.18-mile segment of river on BVR property that lies between NFS

lands to the south and BLM lands to the north. This fishing easement would result in a total of 1.65 miles of contiguous bank and wade fishing access on the Blue River. Secondly, to allow anglers to more easily reach the fishing easement, BVR would also grant a perpetual pedestrian-only access easement following the route of the existing BVR ranch road. (FEIS at 16)

The FEIS describes access to an additional 1.65 miles of bank and wade fishing. However, the character of that stretch of river is steep, rocky and often extremely difficult to access due to the topography. There are multiple anecdotes of how difficult access into the canyon is and how difficult and dangerous the fishing can be with descriptors such as “adult” and “extreme” from people who fish it.

BVR proposes granting easements to the public to access the river, yet has already disclosed a number of restrictions and potential periods of unavailability. This makes access uncertain at best.

The fishing easement and the pedestrian-only access easement may be subject to the occasional temporary interruption of use for public safety, natural resource protection, and ranch management activities—such as river improvements, irrigation structure repair, and road maintenance. Because the easements would run through active ranch land, cattle grazing and irrigation activities would be proximate; therefore, the easements would not allow camping, fires, firearms or animals, and would only be used for pedestrian access... (FEIS at 16,17)

This proposal relies on initially driving a road on BLM property, labelled “existing access road” on FEIS Figure 5. When COWPL was on site, it appeared that the road was gated and therefore the road was not accessible. COWPL requests clarification on public access on that road. If the road is available and a parking lot is constructed on BLM land, the public would still need to walk about ¼ mile on the newly acquired BLM land before reaching Forest Service land for another possible trail connection, described below.

Finally, this proposed river access relies on the Forest Service to build a trail on their property to access the river. The Forest Service manages their land near Green Mountain for deer and elk winter range. Opening the land to increased public use would create additional impacts to natural resources. Discussion of potential impacts to, and management of, the national forest land is not included in the FEIS. That is proposed to be addressed only in a future NEPA document to analyze the trail feasibility. The additional work will need funding and it is unknown at this time whether the outcome will allow for a trail in that location.

The FEIS identifies limits to people using a proposed trail on Forest Service land:

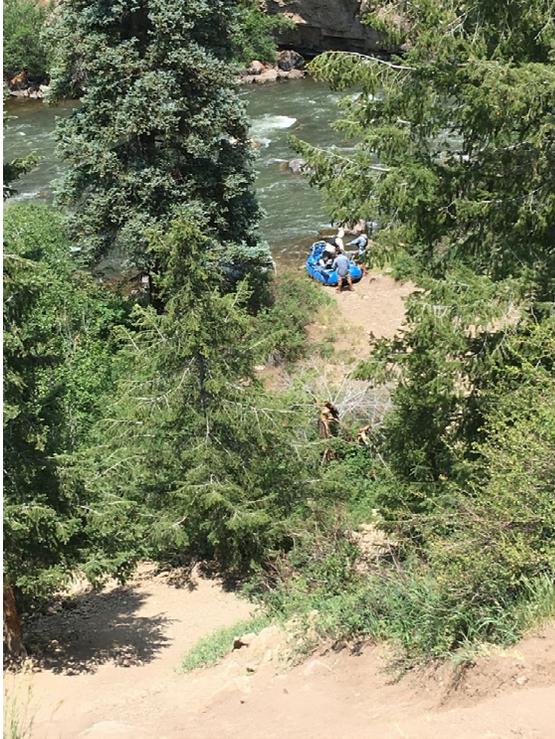
“Therefore, CPW is requesting that bighorn sheep use and angler pressure along the trail be monitored. If recreational pressure from anglers (accounting for the incidence of accompanying dogs) rises to a level that begins to have measurable or meaningful impacts on ewes and lambs on Green Mountain, then CPW may request from the BLM and Forest Service a seasonal closure to minimize impacts to bighorn sheep during the sensitive lambing season. While lambing generally occurs from June 1 through June 30, CPW may request longer closure periods if warranted.”
[FEIS at 84]

Canada Lynx is a threatened and endangered species in that area too.

The private parcels near Green Mountain (BVR-2, BVR-9 and BVR-10) are within the Mahan Lynx Analysis Unit (LAU). LAU’s have habitat characteristics that could potentially support Canada lynx. [FEIS at 79]

While a new trail to be constructed on NFS lands in the Mahan Lynx Analysis Unit is proposed, the land exchange proposal does not authorize the actual construction of the trail at this time. However, this assessment does consider potential construction of this trail as a potential interrelated and interdependent action. The potential use of this trail for angler access to the Blue River is likely to be in the summer, as the access road to the trailhead would not be plowed or open in the winter months. Therefore, the proposed trail would not meet the definition of a new Snow Compacted Route. Hence, there would be slight to discountable impacts to suitable lynx habitats within the Mahan LAU. [FEIS at 80]

Per the above, it is stated that the proposed river access would only be in the summer months and not year-round. Thus, it is clear that creation and use of the trail will be limited by the LAU, and it’s possible that future NEPA studies could determine the trail infeasible.



Views of the Blue River from the public parking and access area downstream of Green Mountain Reservoir.

The 1.65 miles of river shoreline that is proposed to be accessed through the new easement and BLM road has always been in public ownership. It is accessible by raft from below the Green Reservoir where there is a parking area and a steep put-in. It is also accessible by foot similar to the proposed new access, via a steeply sloped river bank with a minimal and rocky shoreline, where accessibility is also dependent on water depth and flow.

F. FUNDING OF RECREATION FEATURE DESIGN, CONSTRUCTION AND MANAGEMENT.

To ensure that the Recreation Design Features would be implemented, the construction of the Recreation Design Features would be part of a binding Exchange Agreement, with funding for the construction of the proposed improvements provided by BVR and addressed in a bond. It is estimated that approximately \$1.2 to \$1.9 million would be necessary to fund construction and future management of these features. (FEIS at 21)

COWPL supports the direction the BLM is suggesting in “Management of Design Features” (FEIS at 21), should the exchange proceed. Given ongoing rising costs of construction and management, we recommend that a detailed cost estimate is done for the years of design, construction and future years of management; used for the bond, and provided to the public for review.

VII. THE FEIS OBSCURES THE EQUAL VALUE ASSESSMENT.

A. NEW APPRAISALS ARE NEEDED.

The appraisals are dated November 2017, almost 4 years old. No open market real estate transaction would rely on appraisals this old. These would be dated in any real estate market, but the last 18 months has been a particularly robust market in resort communities around the west. People are flocking to these smaller communities to escape the cities and have greater access to outdoor recreation. This dynamic is making desirable properties, such as BLM parcels G, H and I with riverfront access more expensive due to a limited supply of access to such recreational amenities. New appraisals should be done that reflect these dynamics.

B. IN THE FEIS, THE CONFIGURATION OF THE PROPOSED ALTERNATIVE NEEDS TO BE CONSISTENT WITH THE APPRAISAL VALUES AND SHOULD NOT BE MODIFIED IN THE FINAL DECISION.

The FEIS has offered a third alternative, which was not available for consideration in the 2018 DEIS. This alternative would change the parcel configuration of the exchange and new appraisals should support the valuation of the elements presented in this new alternative.

Under FEIS Alternative 3, a part of BLM I would remain in public ownership and the proponent would withdraw some of the BVR Parcels and the RDFs proposed in the Action Alternative (Alt 2) presented in the Draft EIS.

“Alternative 3 includes a reconfigured boundary for BLM-I that would retain public access to the riverfront and associated walk-in fishing opportunities on this parcel. To equalize the land exchange without this portion of BLM-I, BVR-3 and BVR-4 are not included in Alternative 3. Additionally, Alternative 3 does not include donations from BVR of land or Recreation Design Features included in the Proposed Action.”
[FEIS at ES-2]

The inclusion of this alternative at this late stage in the NEPA process presents two issues; it makes public determination of equal value difficult to assess because it becomes necessary to consider two entirely different parcel configurations and packages of recreational amenities, and Alternative 3 emphasizes the significant value of BLM-I which

COWPL asserted in supplemental comments was undervalued in the appraisals released to us in 2019.⁴

The public commented on a configuration of 9 BLM parcels, 9 private parcels, and an assortment of proposed (but not vetted or budgeted) easements and amenities to facilitate recreational opportunities. Because the appraisals were completed prior to the release of the DEIS, we must assume the Proposed Action was based on the equal value supported by those documents.

Adding a third alternative at this stage renders the NEPA process inaccessible to the public. It makes it extremely difficult for the public to understand what they are evaluating, by making it unclear what the agency proposes to do in the future. It also makes it difficult to determine whether the various alternatives are of equal value, especially with only one set of appraisals. If the agency wants the alternatives to evolve, the appraisals, which drive the land exchange configuration and the public interest determination, should evolve with them.

Another aspect of the new Alternative 3 is that it seems to validate the concern that COWPL raised in supplemental comments that BLM-I was undervalued in the appraisals. [COWPL Oct '19 at 4-5] The alternative evaluated in that set of comments was FEIS Alternative 2. Under the new Alternative 3, the value of including part of BLM-I is substantial enough to warrant the removal of 3 BVR parcels (3,4 and the “chevron donation”)⁵ and all of the proposed RDF’s and accompanying easements, which are worth up to \$1.9 million [FEIS at 21].⁶ Perhaps withdrawal of a significant portion of the public benefits would be necessary to meet the equal value of this new alternative, but the lack of new appraisals makes assessment difficult.

C. NEGATIVE IMPACTS ON ADJACENT PROPERTY OWNERS.

The agency has responded to concerns regarding the exchange’s negative impact on private properties adjacent to BLM lands in the exchange with “Buyer beware”

“BLM acknowledges that access to this parcel and the Blue River via this parcel may be the reason that individuals purchased property in Blue Valley Metropolitan

⁴ The BLM has insisted in this FEIS that the appraisals have not been released to the public and that it will do so with its Record of Decision [FEIS at L-18]; but COWPL has requested that the appraisals, already released to this organization in 2019 should be available to the public through the e-planning portal containing the FEIS and supporting documentation. The appraisals are dated November, 2017, prior to the release of the DEIS.

⁵ The 2017 appraisal did not assign a value to the “chevron parcel”. [Non-federal appraisal at 3].

⁶ The 2017 appraisal valued BLM-I in its 397-acre entirety at \$1.49 million [Federal Appraisal at 3].

District. While there may have been a perception that this land would exist in BLM ownership in perpetuity, this parcel is described as being appropriate for disposal in the 2015 RMP.” [FEIS at 56]

Precisely because of this perception of public lands as being public, this is an unreasonable burden. BLM decision-making does not come with the same noticing requirements as local land use decision making; the agency is not required to notify adjacent property owners that it is considering decisions which could have impact on their lands. While the agency is required to notice the public of exercises such as Resource Management Planning, the requirement is much more general and overarching, not to adjacent landowners directly. In addition, if a homeowner bought their property prior to 2015, the public parcel (G) adjacent to it most likely was not identified for disposal in a resource management plan.

To expect an individual landowner to understand that in order to protect the value of their property they have to engage in the very time and effort intensive process of resource management planning is not reasonable. It would be one thing for BLM to say that they had noticed these affected landowners, that adjacent BLM lands were being considered for disposal under that 2015 process; but this reliance on the Buyer beware argument for something so complex and inaccessible is unrealistic and unfair.

The FEIS “Response to Comments” in Appendix L included numerous comments from neighbors saying they bought their property because of the river access from Parcel G. One of the Blue Valley Acres people we spoke to said he would have bid on Parcel G if he had known it was for sale; but a land exchange is not a sale and it is not an opportunity extended to any interested party; it by-passes a competitive market to the exclusive benefit of one individual.

COWPL reiterates that conveying BLM-G out of public ownership adversely impacts adjacent property owners and a BLM decision to undertake the land exchange would be a government “taking”. The land exchange would not only take the current enjoyment of access to the river through Parcel G from these adjacent landowners, it could have a negative impact on their future property values, as one of the appeals of the subdivision is access to the Blue River on BLM-G. Moreover, this land exchange is not a regulatory action, it is a discretionary one, and these owners had no role in deciding whether the agency should exercise this discretion.

D. BVR 9

In supplemental comments submitted to BLM in October 2019, COWPL noted that the land exchange appraisals have undervalued BVR 9⁷. That parcel is actually owned by Summit County and the proponent owns an option to purchase the property, for an amount dependent upon appraised value. COWPL's supplemental comments questioned the choice of comparable properties used to determine this value as they ignored both the option price and the price that Summit County paid for the property in 2002. And, as mentioned above, the land exchange appraisals are now four years old and do not include recent sales data which would likely support substantially higher values. This issue with BVR 9 alone supports an argument for new appraisals.

E. MINERALS

As COWPL noted in its June 2018 comments on the DEIS, the Blue Valley Land Exchange Feasibility analysis noted reserved mineral rights to 3rd parties on BVR-1 and BVR-3, but there was no discussion of these rights in the DEIS; the FEIS has not resolved this concern. At a minimum, both drafts of the EIS should note that the public would receive a split mineral estate on some of the parcels received in the exchange and the split estate does allow for the possibility of future disruption on those parcels.

The FEIS notes that a 2003 report recommended retaining the mineral rights on BLM-K "until the potential resource can be tested". [FEIS at 16] The document does not discuss whether this issue has been addressed, nor does it indicate that the mineral rights on BLM-K will be retained per that report's recommendation. The FEIS does refer to a 2017 AVSO valuation report, but does not say whether it assessed the mineral potential on K.⁸ BLM G, H, I and J have significant "Saleable Minerals" on them – several million cubic yards of gravel deposits due to their locations in the river bottoms. [FEIS G-23,24] The 2017 AVSO report dismissed these resources saying it "unlikely that these tracts would be developed under current market conditions." [FEIS at G-26] However, the supporting documentation for the FEIS which discusses things affecting these market conditions such as traffic and socio-economic data, both indicators of current and future construction needs, is dated; it is likely not relevant to the current market. Future market conditions might encourage the development of these resources.

⁷ CWPL submitted these supplemental comments after receipt of information requested in a June 1, 2018 FOIA request for supporting documentation to the DEIS in conjunction with that comment period.

⁸ The AVSO report has not been made available to the public; CWPL has submitted a FOIA request for it, but that request has not yet been honored.

F. NEPA VIOLATION – NO APPRAISALS ON THIS WEBSITE.

The BLM did not release the appraisals in time for COWPL and the public at large to include comments on them during the DEIS comment period in 2018; but they did release the documents to us in 2020. Despite this, BLM has not made the appraisals available to the public for comment during this FEIS comment period; the appraisals have been released, and should be available to anyone. COWPL posted these documents on our website on July 6, 2021 - 4 days after the opening of this comment period.

COWPL asserts that the appraisals are a critical piece of information for an informed NEPA evaluation of any land exchange proposal. The agency maintains that:

“The valuation process is a separate administrative process that is conducted concurrently with the NEPA process.” [FEIS at C-1]

However, because the valuation is not only conducted concurrently with (or, in this case, prior to) the NEPA process, but also determines the proposal to be evaluated under the NEPA process, appraisals should be available to the public to document that they support NEPA’s public interest requirement. It makes no sense to apply this late release standard if the appraisals are completed prior to release of the NEPA documents.

G. ADDITIONAL PARCELS ACQUIRED THEN TRANSFERRED TO OTHER OWNERSHIP.

The FEIS does not disclose agreements relating to ensuing private to private land transfers between BVR and Sheephorn Ranch, Skylark Ranch and Blue Valley Acres. Currently, this information is either missing or unclear in the DEIS. Because BVR is presented as the beneficiary of the land exchange and the other parties appear to contribute nothing to the public side, the public has a right to know the nature of these agreements and whether there is any private financial gain from the conveyance of public assets.

VIII. THE FEIS DOES NOT ADDRESS CUMULATIVE EFFECTS FULLY.

The CEQ says:

“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” [40 CFR ~ 1508.7].

The FEIS states:

“To be a cumulative effect, the impacts from an action must overlap in space and time with the direct and indirect effects of the action.” [FEIS at 131]

but does not cite the guidance for this assertion. Regardless, the FEIS standard is at odds with the CEQ guidance, allowing the agency to limit their temporal and jurisdictional scope to this land exchange at this agency and this field office. Other CEQ guidance tells the agencies to avoid this practice:

“Without a definitive threshold, the NEPA practitioner should compare the cumulative effects of multiple actions with appropriate national, regional, state, or community goals to determine whether the total effect is significant. These thresholds and desired conditions can best be defined by the cooperative efforts of agency officials, project proponents, environmental analysts, nongovernmental organizations, and the public through the NEPA process. Ultimately, cumulative effects analysis under NEPA should be incorporated into the agency’s overall environmental planning and the regional planning”.⁹

Environmental effects from this and past actions should document a net gain or loss of environmental resources such as wetland and riparian areas, public river frontage and aquatic acreage, sensitive species habitat, and, because it affects the human environment, a characterization of the types of public access and recreational assets in connection with “this and other reasonably foreseeable actions regardless of what other agency or person undertakes such action”.

The Final EIS limited the scope of the Cumulative Effects analysis to a list of other land exchanges undertaken by the KFO. It did not analyze or even mention the environmental effects of those exchanges in the Cumulative Effects section¹⁰; nor did it consider the environmental effects of this action in concert with other recent actions undertaken outside of the field office. Because:

“Repeated actions may cause effects to build up through simple addition ... The most effective cumulative effects analysis focus[es] on what is needed to ensure long-term productivity or sustainability of the resource”¹¹; and

⁹ CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act*. p.7

¹⁰ The DEIS did broadly discuss potential environmental impacts from the land exchange, but limited the scope of some of that discussion to impacts associated solely with the proposed project.

¹¹ CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act*. p.8

“... each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural ecosystems must use natural ecological boundaries ... to ensure ... all effects¹²”,

a meaningful cumulative effects analysis requires that the agency look beyond this action and this field office. A case in point is the Harrington Penstemon, a BLM Sensitive and a Forest Service Species of Viability Concern. The proposed action would result in a net loss of habitat for this species, but seemingly not very much. However, the Forest Service SVC classification and the fact that this flower is endemic to the State of Colorado require a wider scope of analysis than this action and this field office area; for the Harrington Penstemon, the “natural political boundary” is the State of Colorado. And our organization is aware of at least three other on-going federal actions in the State that would adversely impact this plant’s habitat.

We use the Harrington Penstemon as an example because it is easy to quantify, but the Cumulative Effects analyses in this EIS and others we have analyzed document a net-loss of other resources as well, including wetland, riparian, aquatic, cultural and paleontological resources. CWPL is so concerned about these on-going and overlooked trends, and we are preparing to undertake our data analysis of the resources being traded in current and past land exchanges throughout the state. We have included an embryonic version, see Attachment A – Cumulative Impacts Chart.

CONCLUSION

The FEIS has not demonstrated that this proposed land exchange is in the public interest. As the three alternatives exist in the FEIS; Alternative 1–No Action would best serve the public interest, as it would retain BLM Parcels G, H and I, that have high natural values and critical locations in maintaining public use of the Blue River.

¹² *Ibid.*

This land exchange has been under development for some time and the proponent has included additional recreational features at each step. The FEIS does not provide sufficient assurance that the proposed recreation improvements, trails and access easements will be implemented. And, there is simply no comparable experience to that provided through public ownership of G, H and I. This is a legendary stretch of trout stream in the State of Colorado, and we do not think the loss of these three parcels, even with the proposed exchange parcels, serves the public interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Franz Froelicher".

Franz Froelicher

On behalf of The Colorado Wild Public Lands Board of Directors

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**ATTACHMENT A
RECENT AND ONGOING BLM LAND EXCHANGES IN COLORADO
AND FEDERAL ACTIONS RELATED TO BLUE VALLEY RANCH LAND EXCHANGE
CUMULATIVE IMPACTS CHART**

NAME OF EXCHANGE	BUFFALO HORN		SUTEY RANCH		BLUE VALLEY RANCH		NEW TRAIL BELOW GREEN MT ON FOREST SERVICE LAND	
OVERVIEW								
Field Office	White River/Little Snake River		Colorado River Valley		Kremmling		WRNF	
Number of Proponents (Includes Beneficiary Proponents that are receiving land and not known to be exchanging land)	1		2		4		Connected Action with Blue Valley Ranch Land Exchange	
Facilitator/Lead Consultant			Western Lands Group		Western Lands Group			
Acres								
Federal to be exchanged	2,652		2,200		1,489			
Non-Federal to be exchanged	1,327		670		1,830			
Other privately owned land adjacent to Federal Land (that is to be exchanged)	yes							
LAND CHARACTERISTICS								
<i>Land Ownership (to be exchanged)</i>								
Number of Parcels	Federal	Non-Federal	Federal	Non-Federal	Federal	Non-Federal	Federal	Non-Federal
	14	1+portions donated	6	2 + \$ donations	9	9		
Habitat Types								
Special Status Species								
Sage Grouse PHMA (acres)	14				762		1135	
Harrington Penstemon (acres)			yes		6.3		0.3	
Migratory Birds	yes				yes		yes	
Other Birds			raptor, bat, Brewer's sparrow					
Critical Game								
Deer severe/critical winter			yes		225		110	
Elk severe/critical winter			yes		80		54	
Elk production	1208		some***		253		246	
Pronghorn winter					188		261	
Bighorn Sheep			yes				yes	
Lynx Habitat							yes	
Riparian (acres)	yes							
Wetland (acres)					77.7			
Stream/river frontage (linear feet)	6,000 (1.1 miles)				22,509		1.65 miles	
Water Rights (cfs)					5.377		3	
Significant cultural/paleontological/historical resources	3				3			
Unique Features *			wild turkey habitat		fen			
Special Designations	LWC-Wilderness Characteristics							
Developed recreation proposed to replace wild natural areas that have other opportunities (e.g. hunting)			yes		yes		new trail to river proposed	
Adjacency to other private lands (besides proponent)	yes				yes		yes	
Adjacency to other public lands	yes		yes		no		yes	
Public access								
Motorized	some				some		yes	
Year-round	no				some		some	
Non-motorized	yes		yes		yes		yes	
Boat/Float Access					yes****		yes****	
Special Use Permits to entities other than proponent								
Grazing	9							
Outfitting (Hunting)	5							
River Use and Fishing								
Other								

NOTES

* Old growth, fens, etc.

** This land exchange is identified in the land tenure section of the Buffalo Horn EA, not the cumulative impacts section. There are several other land tenure adjustments identified here, but the descriptive data is spotty.

*** The final EA does not specify for parcel B (FEA at 29).

**** The type of access differs in that the existing federal access provides a remote float and the exchange would provide direct access from a parking area.