

## **PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT AND FOREST SERVICE RESPONSE TO COMMENTS**

### **INTRODUCTION**

The Notice of Availability for the Draft Environmental Assessment was printed in the Valley Courier (Alamosa) on May 9, 2003, Daily Sentinel (Grand Junction) on May 13, Monte Vista Journal on May 14, and the Mineral County Miner, Gunnison Times and Silver World (Lake City) on May 15. Copies and summaries of the document were distributed by mail to parties that had previously expressed interest in the proposed action. Additionally, the entire document was made available for public review on the Rio Grande National Forest web site. During the 30-day comment period the Forest Service received 23 comments from public agencies and private individuals and organizations. Two comments were received after the 30-day comment period. These comments were reviewed but were not made part of the official record.

All comments were reviewed by the Forest Service. If they were determined to be relevant to the analysis or, in some cases, if a response would clarify concerns expressed, they were categorized in preparation for the development of responses. When more than one respondent made the same or similar comment, a summarized comment was developed and a response was prepared in answer to the summarized comment. Eighteen comments, with responses, are presented below. Any changes to the Environmental Assessment resulting from or pertaining to these comments have been also been noted below in the response, as well as in Chapter 1.5 of the Assessment.

- **Comment: Public hunting opportunities that currently exist on the Federal lands would be lost as a result of the proposed exchange.** (Note: Most of the comments relating to this issue were directed toward Parcel N2, but also included L5 and N4.)

**Response:** Public lands currently open for hunting would move into private ownership through the proposed exchange and, therefore, would no longer be available to the general public for that use. However, the proposed action would result in a substantial net gain in lands suitable for hunting by the public. Through the proposed exchange the Forest Service would acquire a substantially larger area of land that is, at least of equal quality for hunting. The public would gain legal road and overland access to large areas public hunting lands that currently have no legally assured access (i.e., Parcels B1, B2, B3, B4, Hays Placer and the Long Ridge Properties).

Hunting opportunities on Federal Parcels N4, N5 and L5 are substantially limited by access. The closest public access to these areas lies over ½-mile from Forest Service roads that lie above these parcels and requires foot travel over relatively rough terrain. Private lands block access from below. Parcel N2 offers approximately 70-75 acres

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of terrain suitable for hunting, which would no longer be available for public hunting through the proposed action. However, exchange of this parcel would not affect the access to hunting in an expanse of adjacent National Forest system lands north and west of this parcel.

- **Comment:** The proposed exchange would result in the loss of public fishing opportunities, as well as the loss of public river access and stopover opportunities on the Rio Grande. Loss of public land along the Rio Grande is unacceptable. These comments refer to the proposed exchange of Federal parcels N2 and L3.

**Response:** Through the exchange of Parcels N2 and L3 opportunities for public river bank fishing and stopover areas for boaters would decrease on the Rio Grande. Access to Parcel N2 is limited by private land and is available only to boaters or to individuals that have permission to cross the adjacent private lands.

Public use of Parcel L3 is limited by its small size (1.1 acres), a substantial portion of which lies within the active river channel. Additionally, the northeast bank of the river adjacent to the highway has been lined with coarse rip-rap, making movement along the shore difficult, and perhaps dangerous. The only portion of the riverside along the highway not buried in rip-rap is occupied by a dense stand of willow, which also hinders movement for anglers or rafters that might chose to stop here. As discussed in Chapter 3.2.3, Parcel L3 is considered inappropriate for development of improved public river access at this site for safety reasons relating to the highway. Due to the limited sight distance created by relatively tight curves in the road, the area presents a potential traffic hazard for motorist entering the highway from the roadside turn-out located in Parcel L3. Colorado Department of Transportation (CDOT) has not supported the creation of a developed recreational site in this area for this reason.

Although some limited river access and stopover opportunities may be lost there are other opportunities on this general stretch of the river. These include:

Location	Ownership	River Section	Type of access
Rio Grande SHG Area-Bridge	Forest Service	Upper River	Put In
Fern Creek- Bridge	Private	Upper River	Put In (Limited)
Hogback Mtn Area	Private/Forest Service	Upper River	Put In-Take Out
Rio Grande Fisherman Area	Forest Service	Mid-River	Put In-Take Out
Marshall Park Area	Forest Service	Mid-River	Put In- Take Out
Airport Road- Bridge	Private	Lower River	Put In-Take Out
CDOW Fish Hatchery Area	State	Lower River	Put In-Take Out

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- **Comment: The Rio Grande Fisherman Area already provides access to the river. How would the mitigation pertaining to improving this area improve river access on the Rio Oxbow section of the river?**

**Response:** The parking area and ramp area would be improved to facilitate the use of this area for river users. The cost of these improvements would be borne by the Non-Federal parties involved in the proposed exchange. These improvements would make it easier for users to enter or exit the river with their river craft at this point.

- **Comments: The proposed exchange would result in the loss of elk winter range in Mineral County through the exchange of Parcels N1 and N2.**

**Response:** Up to 112 acres of elk winter range would be conveyed to private ownership with the exchange of Parcels N1 and N2. Since the Forest Service would lose jurisdictional control of these lands, activities could occur on these parcels that may degrade the overall quality of these areas as effective winter range. However, based on the past land management direction on the Broadacres Ranch and the owner's stated intention, a change in the current land use is not anticipated in the foreseeable future.

Approximately 770.15 acres of Non-Federal mid-elevational grassland/shrubland found on the Bonafacio and Long Ridge properties would become part of the National Forest System lands system through this exchange. All of this area has been identified as big-game winter range and would gain long-term protection under Forest Service guidelines for management of big-game species. In terms of the total elk population on the Rio Grande National Forest, the acquisition of these properties would increase the net big-game winter range under Forest Service jurisdictional control by 658 acres under Alternatives 1 and 3, and by 732 acres under Alternative 4.

- **Comment: A public easement should be reserved in the southeast corner of Parcel N2.**

**Response:** It is presumed that this comment pertains to the south side of the river since the north side of the river is comprised of cliffs extending into water. That portion of Parcel N2 lying on the south side of the river currently has no direct public access except by boat, since it is surrounded by private lands. The owners of these lands have not indicated a willingness to provide unrestricted public access across their lands. Thus, a public easement in the southeast corner of Parcel N2 would be of limited utility.

- **Comment: The proposed exchange would generally have an adverse impact on the local economy of Mineral County through its affect on river rafting and**

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**would have a specific adverse economic impact on the Antlers Resort, which lies immediately adjacent to Federal Parcel N2.**

**Response:** Due to the current landownership patterns, recreational opportunities on much of the Federal lands involved in this exchange are limited because of access and are accessible only by foot travel and, in many cases, only over relatively rough terrain. Therefore, the current overall economic value to the county, from a recreational standpoint, would probably be limited. Those Federal lands that currently provide a timber resource are generally too steep to log, have a relatively low value timber component, or are not available for logging due to reasonable access limitations. Therefore, the county is unlikely to be impacted from losses related to timber harvesting. Those lands that are currently under grazing permits to county ranchers would continue to be used for grazing into the foreseeable future after moving to private ownership. Therefore, there is unlikely to be any significant economic loss to the county relating to livestock grazing.

There may be some effects to the Antlers Resort through the exchange of Parcel N2. The patrons of the resort would still be able to access public lands on the north side of the river. Trails crossing Parcel N2 that currently provide access to other Forest Service lands would be re-routed to maintain access to those areas. There may be a decrease in the amount of fishable waters accessible to patrons of the resort, as well as approximately 4.5 acres of accessible land along the river. However, the Antlers Resort currently owns a substantial length of river immediately upstream, as well as associated riverside lands that are available to their clients for recreational and other purposes. It is, therefore, unclear that the resort would experience adverse economic impacts resulting from the proposed exchange. The Antlers Resort currently holds no commercial permits with the Forest Service for the use of any of the lands involved in the proposed exchange and would, therefore, lose no rights to use specified under any permit as a result of the proposed action.

- **Comment: Mitigation that allows access to the unique geologic feature in Parcel N2 is vague and would result in the exclusion of persons with casual geologic interest and students on informal field trips. It is unclear who is “qualified” to access the area. The Forest Service is losing a tremendous educational opportunity**

**Response:** Mitigation, offered under Alternatives 1 and 3 would allow for continued access to this area for scientific and educational purposes. However, no provision has been made to allow access to the general public for recreational activities associated with this feature. Through the proposed exchange the land on which this feature lies would move to private ownership. The new landowner would bear the responsibility and liability for those individuals visiting this site. It would, therefore, be prudent for the landowner to exercise some judgment in whom, and under what circumstances, those persons or groups would be allowed access to these geologic features. It is the

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intent of the landowner to allow continued visitation to the site for legitimate scientific and educational purposes.

- **Comment: The slopes and cliffs above the Rio Grande at Parcel N2 may be unstable. Any development in this area may present a risk to properties both upstream and downstream of this area should a landslide occur.**

**Response:** Any development that might occur in this area would have to be approved by Mineral County. Before a permit is issued by the county to the landowner, he would be required to have an engineer assess any stability concerns. These concerns would then have to be addressed by the landowner in his design prior to initiating any development activity.

- **Comment: The exchange under Alternative 1 is supported because it secures legal access for the Colorado Trail and Continental Divide National Scenic Trail. It also provides options for relocating sections of the current trail system to more suitable areas.**

**Response:** This comment is noted for the record.

- **Comment: The monetary values of the Federal and Non-Federal lands are grossly out of balance in favor of the Non-Federal Parties.**

**Response:** A qualified independent appraisal firm has appraised the value of all of the properties involved in this exchange under Alternative 1. This appraisal has been reviewed by the Forest Service through its Regional real estate staff. Through this appraisal process, it was determined that the values of the lands as configured under Alternative 1 were actually higher for the Non-Federal lands when compared with the Federal lands.

- **Comment: The exchange under Alternative 1 is supported because it provides more benefits for more people.**

**Response:** This comment is noted for the record.

- **Comment: The rationale or justification for resolving potential boundary conflicts by simplifying boundaries through land exchanges is fundamentally flawed and there are currently no administrative conflicts.**

**Response:** As stated in Chapter 2.3 of the Final Environmental Assessment, the Forest Plan (Section 6, page III-31 and Appendix E) presents guidelines describing

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conditions under which the Forest Service would consider land adjustments to meet the plan's stated goals and objectives. Under these guidelines conveyance or acquisition should be considered when: 1) the conveyance or acquisition would reduce Forest Service administrative costs and improve management efficiency and 2) the conveyance would reduce conflicts between the Forest Service and private landowner objectives.

As described in Chapter 1.3 of the Final Environmental Assessment, the Rio Grande National Forest examined the current situation and found that it met the criteria described in the Forest Plan. Although there are currently no major administrative conflicts occurring with landowners adjacent to the Federal lands, the potential for future conflicts was considered substantial enough to pursue the proposed action as directed by the Forest Plan. These types of conflicts are often complicated and resolution of these conflicts is often very expensive and time consuming for both the Forest Service and the landowner.

- **Comment: The exchange of N2 and L3 do not preserve riparian habitat on public lands.**

**Response:** The Non-Federal Parties to this exchange have offered mitigation through covenants that would prohibit any development within any floodplains occurring on the Federal parcels once they move to private ownership. These covenants would serve to protect the riparian habitat found on these lands. In addition, the Forest Service would acquire administrative control over a substantial amount of riparian habitat currently located on the Non-Federal parcels (Parcels B1, B2, B3 and the Hays Placer). Therefore, with the covenants to be applied to the Federal parcel and the protection of Forest Service guidelines in riparian management on the currently Non-Federal parcels, the exchange would actually result in an increased level of protection for riparian habitats. (See Table 4, Chapter 2

- **Comment: The exchange would result in a loss of scenic values along the Silver Thread corridor. The impacts to potential effects to visual quality have been inadequately addressed.**

**Response:** The potential effects of Scenic Resources were adequately addressed in section 4.2.7. The analysis showed that the Scenic Resources would have the potential to change. The Federal parcels in the proposed exchange lie along the Silver Thread corridor, a scenic byway, and currently has a scenic integrity objective of "high" under our forest plan. The Scenic Integrity Objective (referred to here as 'visual quality') has been determined to go from 'High' to 'none', as stated in the EA page 53, if these parcels are developed. Through the proposed exchange, the Scenic Integrity of these parcels would no longer be under the Forest Service's jurisdictional control.

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The covenants listed in Table 4, page 20, will reduce but not eliminate effects to the Scenic Resources. Covenants do not contain stipulations for the retaining the current status of the viewshed.

- **Comment: Maps 2 and 3 are not clear in describing the current land ownerships in this these areas.**

**Response:** This comment was noted but it was uncertain from the comment received what details of these maps were unclear. The maps were re-examined and it was determined that they did accurately depict the current ownership status within the areas covered on these maps.

- **Comment: Since not all of the Carson Mining Claims are to be acquired through the land exchange, public access would not be protected.**

**Response:** Acquisition of road easements over multiple individual tracts is typically an incremental process. Although all segments of FDR 568 crossing private lands would not be acquired through the proposed exchange, this action would substantially increase the length of road to which the public has legal access. As mentioned in a previous comment, the proposed exchange would secure legal access for the Colorado Trail and Continental Divide National Scenic Trail and would allow relocation of some segments of the trail to more appropriate locations.

- **Comment: Water saturated land is immeasurably more valuable than high-country land and should not be exchanged.**

**Response:** As discussed in Chapter 4.2.5 and in Appendix 1, the Federal lands contain approximately 14.61 acres of water-saturated lands (wetlands). Through this exchange the Forest Service would acquire approximately 43.80 acres of wetlands on the Non-Federal lands, or a net gain of 29.19 acres of wetland through the exchange. Since most of the wetlands on the Federal parcels lie within the floodplain they would be protected from potential degradation through covenants that restrict development within the floodplain. The Clean Water Act, as it pertains to wetlands, would provide further protection to these areas.

- **Comment: Exchange of Parcel N2 does not achieve any of the objectives of the Forest Service as described in any of the categories provided in the analysis.**

**Response:** As discussed in Chapter 1.3, parcels with irregular boundaries and poor access are difficult to manage and present a high potential for administrative conflict with the adjacent private landowners. Parcel N2 is surrounded by private lands on three sides and is connected to other National Forest system lands only on its western edge. Forest Service and general public access to this parcel is available only from

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the west and is limited to low standard roads and trails. For these reasons the Forest Service has determined that this parcel does meet the criteria used in determining the suitability of lands for exchange. In a larger context, although some values would be lost through the exchange of Parcel N2, the Forest Service has determined that lands to be acquired through the proposed exchange offer values and amenities to the public that exceed those on the Federal lands involved in the proposed action, including Parcel N2.