TITLE: BLM Transfer of Federal Surface/Federal Mineral Estate

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: US Department of Interior letter dated 11-26-2019
BLM Press Release dated 12-3-2019
BLM Map
Colorado Sun article dated 12-5-2019
Area Context Map
Area Map

BACKGROUND

The BLM is proposing to transfer approximately 17,700 acres of federal surface and minerals and an additional 6,000 acres of federal mineral estate to the State of Colorado (Colorado State Board of Land Commissioners).

The lands identified for potential transfer are located in sixteen counties scattered throughout Colorado. There is a map in the Colorado Sun article which shows the various parcels. The BLM is doing an Environment Assessment on the transfer. As part of that, there is a 21-day scoping period which started on December 2nd and closes December 23rd.

Because this came along so quickly and with such a tight timeframe for comment, Staff decided to go ahead and place it on the Planning Commission agenda.

One of parcels is a 267 acre property located west of Hardwick Road (the back road between Aspen Glen and Iron Bridge). It includes the ridgeline paralleling Highway 82 as well as lands west of that ridge. Attached are several maps which identify the parcel.

DISCUSSION

According to the United States Department of Interior letter dated November 26, 2019, the BLM identified nine issues to be considered. Some of the issues include impacts on rights-of-way, livestock grazing, impacts to cultural and historic properties, wildlife
habitat, public access, hunting and recreation activities, and socioeconomics of the area.

It is difficult to determine impacts of the transfer on the Town because it is unknown how the land will be utilized in the future. Staff’s initial concern was the potential for development on the ridgeline if the State of Colorado sells the property to a private entity in the future.

Staff has contacted Garfield County to see if they have any issues or comments regarding the transfer. If additional information is provided, Staff will present it at the meeting.

FISCAL IMPACTS

Staff is unaware of any fiscal impacts to the Town at this point in time.

RECOMMENDATION

Staff would recommend that the Planning Commission discuss the item and determine where there are any comments which should be forwarded to the US Department of Interior.

Prepared By: Janet Buck, Planning Director
In Reply Refer To:
2620 (CO-923)

Dear Interested Parties:

In accordance with the National Environmental Policy Act, the Bureau of Land Management (BLM) is preparing an Environmental Assessment (EA) to evaluate a proposed transfer of approximately 17,700 acres of federal surface/federal mineral estate, and an additional 6,000 acres of federal mineral estate only, to the State of Colorado. The BLM is opening a 21-day public scoping period, beginning December 2, 2019.

You can view maps of the parcels and legal descriptions on the project website at https://go.usa.gov/xp8yU.

The Colorado State Board of Land Commissioners has filed a petition for classification and application to obtain public lands and mineral estate in lieu of lands to which the State was entitled but did not receive under its Statehood Act of 1875. The State did not receive title because the lands had previously been included in an Indian Reservation, Forest Reserve, National Forest, or other encumbrance. The BLM and the State Board of Land Commissioners would like to satisfy the land debt owed to the state of Colorado.

The BLM will conduct the analysis to determine whether to approve or deny transfer of land, and if approved, which parcels to transfer. The EA will address the purpose and need for the proposed action, issues relating to the transfer of public lands and mineral estate, and potential impacts resulting from the alternatives considered, including the no action alternative.

The BLM identified the following preliminary issues through internal scoping. Identified issues may change as a result of public scoping.

1. Will rights-of-way and County roads continue to be recognized if land is transferred to the State, and what would the impacts be to rights-of-way, including those that are converted, and not converted, to a perpetual right-of-way?
2. What would the effect be on current authorized uses if the selected lands were conveyed?
3. What would the effect on livestock grazing operations and existing grazing permits be if the selected lands were conveyed?
4. What would the impacts be to cultural and historic properties by removing federal protections if the selected lands were conveyed?
5. What would the impacts be to special status species populations and habitats, including BLM sensitive species and Federal threatened or endangered species, if the selected lands were conveyed?

6. Considering future uses of the land, what would the impacts be to wildlife populations and habitats if the selected lands were conveyed?

7. What impact would there be to public access, hunting, and recreational traditions and benefits if the selected lands were conveyed?

8. What would the effect on Counties be as a result of a potential reduction in Payment in Lieu of Taxes (PILT) if the selected lands were conveyed?

9. What would the effect be on the socioeconomics of the area if the selected lands were conveyed?

**Public involvement** - Let BLM know if you have concerns or questions about the proposed action. The BLM will consider information received to help develop the EA. The BLM will accept comments on the proposal from December 2, 2019 through **December 23, 2019**. The BLM will only accept comments through U.S. mail or online through the project website.

Mail: BLM Colorado State Office
Attn: Bruce Krickbaum
2850 Youngfield Street
Lakewood, CO 80215

Online: https://go.usa.gov/xp8yU

**Schedule** - The proposed schedule for the project is:

- **EA available for public comment**: Spring 2020
- **Final EA**: Late Spring/Early Summer 2020

**For more information** - Please visit the project website to learn more about the project. If you have questions about the proposed transfer of land to the State or the environmental review, please contact Jennifer Whyte, Branch of Lands and Realty, at 303-239-3708, or jwhyte@blm.gov.

Sincerely,

John D. Beck
Chief, Branch of Lands and Realty
BLM EVALUATING STATE INDEMNITY TRANSFER OF LANDS AND MINERAL RIGHTS

Proposal involves parcels intermingled with state-owned lands; would satisfy claim dating from 1876 statehood

DENVER, Colo. – The Bureau of Land Management is seeking public scoping comments on a proposed action to transfer approximately 17,700 acres of federal surface and minerals and an additional 6,000 acres of federal mineral estate to the state of Colorado.

The BLM and the Colorado State Board of Land Commissioners are seeking to satisfy the debt owed to the state for lands it did not receive under its Statehood Act of 1876, due to other rights or reservations encumbered the lands. The federal government owes the state approximately 9,000 acres or its equivalent value.

“The BLM worked closely with the state of Colorado to identify the acreage proposed for transfer to match the estimated value of what the owed 9,000 acres are currently worth,” said BLM Colorado State Director Jamie Connell. “We are looking forward to hearing from the public to help inform our decision.”

The acres identified for potential transfer are near or intermingled with state-owned lands in Bent, Chaffee, Custer, Dolores, Eagle, El Paso, Garfield, Grand, Huerfano, Jackson, Kiowa, Ouray, Park, Pueblo, Routt and Weld counties.

Secretary's Order 3373, Evaluating Public Access in BLM Land Disposals and Exchanges (https://www.do.gov/pressreleases/acting-secretary-bernhardt-signs-order-ensure-public-access-considered-land), was one of the first orders Secretary of the Interior David Bernhardt signed. This proposed transfer
follows the guidelines of the order, which directs BLM to adequately weigh public access for outdoor recreation – including hunting and fishing – when determining the appropriateness of the disposal or exchange of public lands. The BLM has identified the smallest practical parcel of occupied public land for the transfer, and determined that it will not impact access to public lands used for recreation purposes, consistent with SO 3373.

The final acreage conveyed will be determined after an environmental analysis is completed and may be less than the total acreage currently identified for transfer. If the transfer is approved, grazing lessees and permittees may continue grazing under a state authorization and any conveyance to the state will be subject to rights-of-way granted by BLM. Oil and gas leases issued will remain in effect under the terms and conditions of the leases.

Comments are most helpful if received by Dec. 23. Additional information is available on the ePlanning project website at: https://go.usa.gov/xp8yU (https://go.usa.gov/xp8yU).

Please send written comments to the Bureau of Land Management Colorado State Office, Attn: Bruce Krickbaum, 2850 Youngfield St., Lakewood, CO 80215, or submit electronically via the ePlanning site. Before including your address, phone number, email address or other personal identifying information in your comment, be aware that your entire comment – including your personal identifying information – may be made publicly available at any time.

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The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. In fiscal year 2018, the diverse activities authorized on BLM-managed lands generated $105 billion in economic output across the country. This economic activity supported 471,000 jobs and contributed substantial revenue to the U.S. Treasury and state governments, mostly through royalties on minerals.

MORE PRESS RELEASES
RELEASE DATE

Tuesday, December 3, 2019

ORGANIZATION

Bureau of Land Management

CONTACTS

Name: Kate Miyamoto
Email: kmiyamoto@blm.gov (mailto:kmiyamoto@blm.gov)
Phone: 303-239-3668
A few acres of BLM land popular with anglers on the Eagle River, near the confluence with Travis Creek, is one of two parcels in Eagle County that the federal government has proposed to transfer to the Colorado State Land Board to settle a 143-year-old debt. Colorado is owned 9,900 acres promised by the Statehood Act. (Jason Blevins, The Colorado Sun)

OUTDOORS

Colorado is owed 9,900 acres by the federal government. But getting that land could mean no more recreating on it.

The federal government wants to settle a 143-year-old debt to Colorado with a grant of 9,900 acres across 16 counties. Some of those grants would block access to hunting, fishing on adjacent BLM land.

DEC 5, 2019 1:28PM MST

Jason Blevins

https://coloradosun.com/2019/12/05/blm-owes-colorado-9900-acres-no-more-recreation/
The whisper of transferring federal lands to states typically ignites firestorms, with conservationists, sportsmen and mountain communities fearing a shift of ownership could lead to unfettered development, lost access, habitat degradation and injury to recreation-based economies.

But this week’s proposal by the Bureau of Land Management to transfer 17,700 acres of federal land and 6,000 acres of mineral estate to the Colorado State Land Board hasn’t raised a hackle. Yet.

The BLM wants to pay a 143-year-old debt it owes the state. Under the Statehood Act, the federal government doled out land — a pair of 1-mile sections for every 36 square-mile township — to state land trusts to generate revenue for public schools.

When Colorado became a state in 1876, it got about 4 million acres. The State Land Board has about 2.8 million acres left that the board has leased to generate more than $1.7 billion for public education in the last decade.

The feds still owe the state about 9,900 acres that could not be delivered in 1876 because much of Colorado’s land on the Western Slope belonged to the Utes. Now the BLM wants to pay back that acreage, or the equivalent value, spread across 16 counties.

The BLM and the State Land Board have spent eight years working to identify transferable lands. Eliminating the debt has been on the land board’s to-do list “literally for 143 years,” board spokeswoman Kristin Kemp said.
“This land has been owed to Colorado’s schoolkids in the form of a trust since statehood,” she said.

Department of the Interior Secretary David Bernhardt signed an order in March directing the BLM to safeguard public access for recreation when identifying lands for potential disposal or exchange. So the acres identified in this proposal largely includes smaller parcels near or intermingled with State Land Board land and will not change existing leases for oil and gas or grazing and will not impact access for recreation.

The identified acres are in Bent, Chaffee, Custer, Dolores, Eagle, El Paso, Garfield, Grand, Huerfano, Jackson, Kiowa, Ouray, Park, Pueblo, Routt and Weld counties.
“At first blush, I don’t see any particular issues with what is being proposed. In fact, at least in some of the proposed parcels, it’ll likely lead to better management,” said Luke Schafer, the Western Slope director for Conservation Colorado. “Obviously, the devil will be in the details, but I’m not alarmed by anything that is being proposed.”

Aaron Weiss, the deputy director of the Center for Western Priorities, has some questions about a few of the proposed transfers along rivers and close to highways in Eagle, Garfield and Routt counties, but the overall plan did not raise any immediate issues.

“In general, this appears to be on the up-and-up, especially the parcels that complete, or are adjacent to, existing state land,” Weiss said.

Kemp said if the lands are transferred, the use of those parcels will not change “in the short-term.”

“But over time, those lands will be integrated into existing state trust land uses,” she said, noting that the land board leases 98% of its lands for agricultural uses, while also providing leases for oil and gas development, renewable energy development and recreational uses like hunting and fishing.

MORE: Trump’s “energy dominance” push changing plans for 3 million acres of Colorado land, local stewards say

This summer the Theodore Roosevelt Conservation Partnership and Montana digital mapping company OnX issued a report showing 1.78 million acres of the land trust’s 2.8 million acres are closed to recreation in any form. The prohibition of access to those lands isolates 18,000 acres of federal land from public access, according to the report, which also identified 435,000 acre
state land board property that is inaccessible to the public because they are surrounded by private land.

In July the Colorado Parks and Wildlife Commission expanded its Public Access Program, adding leases for an additional 100,000 acres of State Trust Land for hunting and fishing. The state land board now allows hunting and fishing on 585,000 acres of its lands and hunters and anglers have joined CPW with a goal to lease another 400,000 acres of trust land in the next two years.

“State trust lands are managed in a very different way than BLM lands,” said Tim Brass, the state policy director for Backcountry Hunters and Anglers, noting that hunting access on state trust lands costs much more than hunting access to BLM land. “As we’ve seen with Colorado trust lands, recreational access for hunting and fishing is definitely not guaranteed and while we have made great progress thanks to a supportive governor and the folks at CPW who helped broker this new agreement, there is a lot of work to be done to get even close to the hunting and fishing opportunities that are available on BLM land.”

Brass said BHA would be taking a closer look at the proposed exchange and will be engaging the State Land Board to protect recreational access.

While the Bernhardt order requires the BLM to consider recreation when transferring public lands, it does not control what happens to those lands after the lands are transferred to a state and agency’s existing leases expire.

“They will be state trust lands and over time they will be released and managed like all other Colorado state trust land to fund Colorado public schools,” Kemp said.

The BLM is seeking public comment on the proposed transfer. The proposed transfer will get a second public scoping in March and the state land board...
hopes to hold a public meeting next spring to review the transfer, Kemp said, with hopes that a deal can be finalized in the summer of 2020.

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