



## Colorado Wild Public Lands

PO Box 1772, Basalt, CO 81621

[coloradowildpubliclands@gmail.com](mailto:coloradowildpubliclands@gmail.com)

[coloradowildpubliclands.org](http://coloradowildpubliclands.org)

July 21, 2023

San Carlos Ranger District  
Pike-San Isabel National Forests & Cimarron and Comanche National Grasslands  
Attn: Destiny Chapman  
3028 East Main Street,  
Canon City, CO 81212

Submitted electronically at:  
<https://cara.fs2c.usda.gov/Public//CommentInput?Project=63709>

Dear Destiny,

### Re: Scoping Comments on the Proposed Locke Park Land Exchange

Colorado Wild Public Lands Inc. (“CWPL”) is 501(c)3 organization, based in Basalt, Colorado, that advocates for public lands. Our mission is to protect the quality, size and integrity of Colorado’s public lands; we work to keep public lands open and accessible and to maintain the ecological integrity of our public lands. The main focus of our work is advocating for the public in proposed land exchanges in our state.

We appreciate the opportunity for the public to comment on the proposed Locke Park Land Exchange in Fremont and Custer Counties. The limited information released with the invitation for public comment describes a conceptually good proposal. However, the devil is in the details, and we encourage the Agency to engage in thorough inclusion of the details in a draft Environmental Analysis.

The June 9, 2023 Scoping Letter inviting public comment on the proposed Exchange indicates that the Agency will undertake an Environmental Analysis (EA) to evaluate whether the exchange is in the public interest:

“At this time, an environmental assessment is being considered to authorize the exchange.” [Scoping Letter at 1].

CWPL strongly supports this undertaking and offers the following comments on what this organization hopes to see moving forward, and in that NEPA document.

## I. PROCEDURE

CWPL always advocates for robust public engagement and full transparency in local land management decisions. We support and encourage the Agency's preparation of a thorough NEPA analysis. We also expect the Agency to extensively and earnestly invite public comment from citizens of affected communities, as well as other recreational users. For example, notice of proposed land exchanges should be widely publicized via all local news media.

We insist that the NEPA documents and comment periods, provide public disclosure of, and easy access to, all supporting documentation. Subsequent NEPA process must include identifying all documents that are cited or referenced in the NEPA documents. These documents should be posted to the Agency's project website. They include, but are not limited to:

- High quality GIS maps that clearly depict property boundaries and the parcels' topography and natural features such as streams. The current maps do not clearly show whether Newlin or Lake Creek runs across the Federal Parcel or south of its boundary.
- Detailed information on the public campground, Lake Creek Campground, and whether it is proposed to be included or excluded from the exchange.
- Environmental analyses such as biological, mineral and water/wetland evaluations.
- Documents describing the valuation process that underscores the Agency decision to undertake the NEPA process.
- Disclosure of any third-party agreement(s) affecting the future disposition and management of now public assets and amenities such as Conservation Easements, Memorandums of Understanding with non-Agency parties.

We are concerned that the Agency has not earnestly invited public engagement and comment in this Scoping process. While they did publish an NOEP in the Pueblo Chieftain, they did not publish it in the Papers of Record for the exchange parcels' home counties. Inquiries to both the Canon City Daily Record and Shopper (Fremont) and the Wet Mountain Tribune (Custer) indicated that the local papers had not even received a press release; CWPL's inquiry was the first time either paper had heard of the proposal. This lack of public notice does not promote the necessary public discussion and comment which is the very heart of NEPA.

## II. PUBLIC ACCESS, RECREATION AND VALUES

The EA should describe the environmental and other public values of the exchange parcels in both qualitative and quantitative detail, demonstrating how disposition and acquisition serve the public interest.

### *The Federal Parcel*

CWPL supports the Conservation Easement and Access Easement over the Federal Parcel described in the current iteration of the proposal.

“...the Non-Federal party will voluntarily, and concurrently grant a perpetual conservation easement to Colorado Open Lands for the Federal parcel ...” [June 9, 2023 Scoping at 1]

“The PSICC will reserve a Right-of-Way along NFSR 198 across the Federal parcel to ensure public access to the remaining NFS lands to the west of the Federal parcel.” [June 9, 2023 Scoping at 2]

Protecting federal lands from future development and public retention of appropriate property rights is both consistent with FLPMA guidance and makes it easier for us to support land exchange proposals.

We suggest the Agency consider first, excluding any creeks from the exchange from public to private land. If that is not possible, the Agency should retain public access to any stretch of creek included in the exchange to private land. This should be in the form of a public access easement that is accessible in all seasons, along the full length of the creek. Additionally, all subsequent NEPA documents should include drafts of these and any future easements and/or management agreements as appendices.

The included maps indicate the Forest Service Lake Creek Campground is on the Federal Parcel; the limited public noticing accompanying the opening of the comment period does not invite public comment and the discussion that the future disposition of this public amenity merits. (See “PROCEDURE” above). Additionally, CWPL hopes that the next iteration of this proposal demonstrates that the Agency has secured arrangements to continue public enjoyment of this amenity. The ideal arrangement would be to eliminate this acreage from the proposal.

### *The Non-Federal Parcel*

CWPL always supports public ownership and protection of riverfront, wetlands and floodplains; the EA should detail the characteristics of the Locke Park wetlands.

“Locke Park has wetland and floodplain lands associated with Newland Creek” [NOEP at 1]

It should compare these resources with any similar riparian areas, wetlands or creeks, on the Federal Parcel. The EA should also detail the future disposition of the current improvements on Locke Park and how that disposition is in the public interest. If the Agency concludes retention of the improvements is not in the public interest, removal should be undertaken at the proponent’s expense. The EA should discuss either the future

decommissioning of the road into the parcel or describe how the public benefits from keeping it.

### III. ALTERNATIVES

The EA should include detailed analysis of any alternatives to the Proposed Action, including the No Action Alternative and alternatives with smaller public acreage proposed as private. The analysis should describe existing conditions accurately and provide detailed quantitative and qualitative evidence that the exchange enhances the public interest and is not being considered due to expedient agency management such as difficulty in accessing or managing the Federal Parcel. If the Agency considers Locke Park a high priority acquisition, the draft EA should demonstrate efforts to acquire it through means other than a land exchange, demonstrating that the Agency has previously identified the Locke Park acquisition as enhancing the public interest.

Locke Park Land Exchange Map #4 indicates that the Agency is already contemplating a reduction in the acreage of the Federal Parcel. Conveyance of a smaller Federal Parcel that does not include the Lake Creek Campground would eliminate one reason for opposition to the proposal. Also, the proposed Conservation Easement and Forest Service access easement discussed above should be included in the EA as they are elements of the conceptual proposal for consideration in this comment period; many people will form an opinion about the exchange based on their inclusion here.

### IV. APPRAISALS AND VALUATION

CWPL's work emphasizes the importance of public review of appraisals and land value assessment documents related to public land exchanges during comment periods and prior to decision periods. These documents are the tools to evaluate FLPMA's Equal Value requirement for land exchanges and are a necessary component of the public interest determination. Because the parcel configuration presented to the public in an EA or EIS for comment is determined by the appraisals, these documents drive the entire NEPA documentation process. We know that the Agency frequently has the appraisals in hand when they release draft NEPA documents for public comment; the public should have an opportunity, as part of that process, to assess whether the lands in question constitute an equal exchange. Absent access to appraisals, the public is denied the opportunity for fully informed review and substantive comment.

The draft EA should include an appendix of all current (as of the time of the draft's release) documentation supporting valuation allowing public scrutiny and comment, including the Feasibility Analysis, the Preliminary Valuation, and the Statement of Work for the Appraisals. It should also state whether the Federal Parcel was/will be appraised subject to the proposed Conservation Easement.

As soon as the agency has completed the Technical Appraisal Review Reports (TARPs), the reports and the Appraisals should be available for public inspection. If there are updated appraisals at the time of the released of the final EA/draft Record of Decision, the new documents should be included as appendices as well.

In conducting the Appraisals, the Agency should ensure they utilize multiple techniques to fully consider the value of the land in the Exchange, including the assemblage value of the land *to the Exchange proponent*, as assemblage of public lands with private ones greatly enhances the private property values. Appraisals should also reflect the full range of *public property rights* the Exchange conveys to the Proponent; the valuations should also include an analysis of other public values associated with the Federal Parcel, including recreational contributions to the local economy from the Lake Creek Campground and other amenities on or affected by proximity to the Federal Parcel.

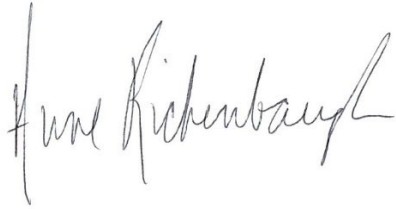
## V. CUMULATIVE IMPACTS

CWPL encourages the Agency to conduct a thorough and expansive Cumulative Impacts analysis in the EA. Such analysis would combine this action with other past and current actions on lands throughout the PSICC. The purpose of Cumulative Impacts analysis is to assess the affects of many small actions taken together on the natural and human environments over time. Thus, the actions considered in this analysis should not be limited to this singular land exchange but should be evaluated in connection with other actions throughout the Field offices, watershed or whatever geographic unit is appropriate for the resource being evaluated. For example, if there is habitat for a sensitive species that post exchange management could impact, the analysis should consider the exchange in conjunction with other actions throughout the Forest that could have similar effects on that species. The analysis should answer the question, “What is the *cumulative impact of all these actions taken together* on that habitat and species?”

VI. CONCLUSION

Thank you for your consideration of our comments. CWPL looks forward to learning more about the Locke Park proposal and encourages the Agency to make subsequent process accessible and engaging to the general public.

Yours sincerely,

A handwritten signature in cursive script that reads "Anne Rickenbaugh". The signature is written in black ink and is positioned below the "Yours sincerely," text.

Anne Rickenbaugh, Board Member, and the Board of Directors, Colorado Wild Public Lands