

NON-KEY ISSUES IDENTIFIED DURING SCOPING AND COMMENTS

This section presents the non-key issues and comments that were identified during the scoping process. Where appropriate, an explanation is provided of why the item was not considered a key issue in the decision making process. Many of these issues were addressed in the Environmental Assessment and the location of that discussion in the document is indicated below.

Non-key Issues and Comments Pertaining to the Federal Lands

- By exchanging the N6 parcel the public would lose access to Trout Creek and adjacent public lands.

(Comment) There is currently no perfected public access to this portion of Trout Creek or to the road that passes through this parcel.

- The proposed exchange would result in a net loss of public lands in Mineral County and would set a precedent for future exchanges of public land in the county.

(Comment) The Forest Plan (Section 6, III-31) presents guidelines describing conditions under which the Forest Service would consider land adjustments to meet the plan's stated goals and objectives. Land exchanges are well-established as a means of achieving these goals and objectives. This action is proposed under the authority of the General Exchange Act of March 20, 1922, as amended, the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, and the Federal Land Exchange Facilitation Act of August 20, 1988.

- The proposed exchange would result in a potential reduction in the timber base on National Forest System lands.

(Comment) The Federal lands involved in this exchange contain approximately 230 acres of forested lands. Much of this area lies on steep and inaccessible slopes generally unsuited or unavailable for harvesting activities. Only a small portion of these forest are managed under a timber emphasis prescription in the Forest Plan (N6). The remainder of these lands are managed for backcountry experience and wildlife habitat (N4, N5 and L5). Although approximately 230 acres of forest cover in the National Forest system would be conveyed private ownership through the proposed exchange, approximately 150 acres of forest habitat, currently in private ownership would become a part of the National Forest system. Considering these factors, the potential reduction in the timber base on Forest Service lands through implementation of this proposal would not represent a substantial change in the current situation.

- The increased grazing that could occur as a result of this exchange may result in increased fecal matter in the adjacent streams.

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(Comment) Most of the foragable lands involved in this exchange are within grazing allotments and are currently being used for livestock production. Therefore, it is unlikely that the proposed land exchange would result in substantial increases in the number of animals in proximity to streams within the analysis area.

- The exchange could result in a potential loss to local economic interest and the local tourist economy.

(Comment) Most of the Federal lands involved in this exchange proposal are not readily accessible to the general public due to land ownership patterns and are, therefore, not likely to have an impact on the local economy as a result of the proposed action. (See 4.2.1, pg. 43)

- The federal lands will become subject to development once they are conveyed into private ownership.

(Comment) The non-federal entities in this proposal have agreed to certain restrictions and reservations that would limit development in some of the key areas of resource concern. (See Proposed Mitigation Measures To Address Key and Non-Key Issues, Chapter 2.4, pg. 15.) The effects of potential development to the various resources associated with the Federal lands are discussed throughout Chapter 4.

- The exchange would not result in significant loss of public access since most of the federal parcels have historically been blocked to public access by adjacent private landowners.

- Conservation easements and deed restrictions should be placed on the federal tracts to protect wildlife habitat, wetlands and floodplains.

(Comment) Covenants, which would go into effect at the time of conveyance of the Federal lands to private ownership, have been offered as mitigation for some potential resource impacts that might occur as a result of this proposal. Conservation easements are agreements developed between a landowner and an appropriate qualified entity such as a non-profit land conservancy organization. The Forest Service would probably be supportive of conservation easements on existing private lands that limited future development in the area, should the proponents choose to follow that course. However, the agency would typically not initiate or be a direct party to those negotiations.

- Although most of the parcels involved in this exchange appear to reasonably straighten the public land boundaries, Parcels N3 and N6 appear to have the opposite effect.

(Comment) The Federal lands, involved in the proposed exchange, were presented, in aggregate, to the Forest Service by the Non-Federal parties. Although land boundary simplification is a primary focus of the Forest Service's objectives other administrative issues may be resolved through the exchange of

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these parcels. It should be noted that although the alternatives analyzed in the Environmental Assessment describe varying configurations of these parcels the responsible official may exclude any or all of the parcels included in this proposal, based on their individual or collective merit in meeting the agencies overall goals and objectives. Due to the reasons give above and other considerations, it was decided to remove Parcel N3 from the exchange proposal.

Non-key Issues and Comments Pertaining to Non-Federal lands

- Acquisition of the Carson claims could require costly reclamation to avoid hazardous conditions

(Comment) The Forest Service carefully examined these proposed non-federal properties for potential problems related to hazardous materials. Those land units that indicated a significant problem related to hazardous materials were eliminated from the “package” of Non-Federal lands offered in the exchange proposal.

- The need/benefits of acquiring lands with Continental Divide Trail and the Colorado Trail are questionable.

(Comment) The Carson properties lie on a highly used and designated 4-wheel drive road between Lake City and the Rio Grande drainage over the Continental Divide. Acquisition of these properties would secure legal right of access through these properties for the Colorado Trail and the National Continental Divide Scenic Trail. It would also place in Federal ownership, the top of the pass at the Divide, which is a popular stopover point for road users. Other than sightseeing the Continental Divide Claims and the Hays Placer also offer other dispersed recreation opportunities, such as hiking and hunting.

- Recreational opportunities or values will be gained or protected through public acquisition of the Non-Federal tracts.

(See 4.2.2, pg. 44)

- Acquisition of Bonafacio Properties will protect the historic Spanish Trail.

(Comment) The actual location of this trail, in relation to the proposed non-federal tracts, is not actually known. It is known that the trail did pass through this general area.

- Few benefits of access are offered to the public by acquisition of the Carson and Bonafacio properties since private owners have historically not restricted this access.

(Comment) Although private owners have historically not restricted this access, there is currently no legally substantiated public access through the road systems passing through the privately owned Carson or Bonafacio properties. Additionally, the Non-Federal lands, all of which are partially or completely surrounded by public lands, are at risk of becoming future administrative

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problems due to differing land management goals and objectives of the Forest Service and the private landowners. The development potential on many of the Non-Federal tracts represents risks to resource values (i.e. wildlife, visual, recreation) present on the adjacent public lands. The right of access to private inholdings through Federal lands also creates a potential resource risk to Federal lands through the potential construction or reconstruction of access road systems.

- The Carson properties are highly vulnerable to development and the exchange proposal would avoid impacts associated with potential developments.

(See above)

- The Bonafacio properties are important for acquisition because of the high use of the area by hunters, hikers and mountain bikers.

(See above)

- Acquisition of the Long Ridge properties on the north side of the highway will simplify boundaries and eliminate uncertainty about public access in this area.

(See 1.3, pg. 1 and 4.2.2, pg. 44)

- Acquisition of the Bonafacio and Carson properties will result in protection of both summer and winter wildlife habitats.

(See 4.2.6, pg. 49)

Non-key Issues and Comments Pertaining to Both Federal and Non-federal Lands

- The Forest Service should eliminate private inholdings within the National Forest boundary.

(See 1.3, pg. 1)

- The boundary lines that would result through this proposal would create much more logical and manageable boundaries for the Forest Service and public land users.

(See 1.3, pg. 1)

- The market value of the federal parcels appears to be much greater than that of the private parcels offered for exchange.

(Comment) A Federal requirement of viable land exchange proposals is that the lands to be exchange by the federal and private parties be of approximate equal value (36 CFR Part 254). In cases where the values of the exchange parcels are not equal, value equalization may be achieved through modifying the exchange to

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include or exclude lands or through cash equalization, not to exceed 25%. A qualified independent appraiser will appraise the parcels involved in this exchange and the appropriate Forest Service officials will review that appraisal to determine that all federal requirements regarding values are met.

- The scoping period for this proposal should be extended.
(Comment) The initial deadline for scoping comments for this proposal was set following normal procedures for NEPA . An additional scoping was offered when the Long Ridge properties were added to the proposal.

- An Environmental Impact Statement (rather than an Environmental Assessment) should be prepared for this analysis.
(Comment) Environmental Assessments (EA's) are used to satisfy NEPA requirements when project impacts, or project impacts combined with appropriate mitigation measures can be used as a basis for reaching a Finding of No Significant Impact (FONSI). If the criteria for reaching the FONSI conclusion cannot be met, an Environmental Impact Statement (EIS) is required. Thus, the EA is a necessary tool to be used in making that determination. Typically, EA's have been sufficient for meeting the NEPA requirements associated with land exchanges.

- The Forest Service should pursue other mechanisms to acquire the non-federal lands involved in this exchange.
(Comment) Other mechanisms for acquisition of these lands were considered but were determined to be non-viable options for obtaining the non-federal parcels. (See Chapter 2.4, Alternative 5, pg. 15)

- The Forest Service should not be exchanging low altitude properties for high altitude properties.
(Comments) With the addition of the Long Ridge and Bonafacio properties the Forest Service will realize a net gain in lower elevational properties through this proposal.