



— BUREAU OF — RECLAMATION

Determination and Decision

Designation of a Special Use Area on Bureau of Reclamation Land
Pumping Plant Parcel East of Silt, CO
Silt Project, Colorado
Bureau of Reclamation, Western Colorado Area Office
Grand Junction, Colorado

The Western Colorado Area Office (WCAO), Bureau of Reclamation (Reclamation), has determined that designation of a Special Use Area (SUA) is appropriate on the approximately 41-acre parcel of land between Interstate-70 (I-70) and the Colorado River on which the Silt Pump Canal Pumping Plant is located. The parcel is located about 1.3 miles east of the I-70 Silt interchange. This determination was made pursuant to 43 CFR Part 423, Subpart E, § 423.60(b).

Initial Complaint

In late January 2017, the WCAO received a complaint from an adjacent landowner about waterfowl hunting on the above parcel. Several issues were identified, including:

- Inability to enjoy their property during waterfowl season because of the noise and safety concerns; near daily shot showers.
- Said hunting use had increased ten-fold over the previous year. They had not had these issues in the 17 years they had occupied their residence.
- Concern about the effects of waterfowl hunting on herons, eagles, etc. on adjacent land.
- Felt that unregulated waterfowl hunting on Reclamation's parcel was inappropriate and that some development, appropriate management, use limits and enforcement were in order.
- Felt that waterfowl hunting on Reclamation's parcel should be banned.

This complaint was the first that Reclamation had received regarding this issue. Reclamation issued an emergency order closing the parcel to hunting, pending a decision on what public use would be allowed, as well as any restrictions on allowed uses.

Review of Issue and Consultation with Colorado Parks and Wildlife

Reclamation and Colorado Parks and Wildlife (CPW) reviewed the complaint and spoke with the complainant. Colorado's waterfowl hunting season for the area occurs over a total of approximately 114 days during three separate periods between September 1 and January 31. The waterfowl hunting on the parcel was within CPW regulations and CPW wanted to retain waterfowl hunting on this parcel. Hunting on Reclamation land is allowed pursuant to 43 CFR part 423, subpart C, § 423.32, unless the area is closed to public use (43 CFR part 423, subpart B, § 423.11) or hunting is prohibited as part of a designated SUA (43 CFR part 423, subpart E, § 423.32). Neither of these conditions existed at the time of the complaint. Also, hunting, fishing, and trapping must be compatible with Reclamation project purposes and be conducted in a manner that protects the health and safety of the public and a managing entity's infrastructure and personnel.

Reclamation and CPW acknowledged the issues raised by the complainant and developed a plan to mitigate those issues while allowing waterfowl hunting. The initial plan limited the number of waterfowl hunters and their location within the parcel at any one time. Waterfowl hunters would be kept towards the western half of the parcel with hunting allowed only from 3 designated blinds and with up to 4 hunters per blind.

The proposed waterfowl hunting action subsequently became a proposal for a fish and wildlife related SUA which went beyond the waterfowl hunting issue and addressed other use issues (see final SUA restrictions below). The intent was to keep the area primitive, limit the types of public use allowed and not increase the use beyond what was currently occurring. Alternatives to the original proposed action included 1) closing the parcel to all public use, 2) no change to pre-complaint public use, and 3) modifying the proposed SUA following a public comment period.

Public Involvement:

Because the proposed SUA involved hunting, fishing, and trapping, a public involvement and NEPA process was required. The proposed SUA was posted on the WCAO website, July 2, 2020, for a 30-day public comment period. Letters announcing the proposal and comment period were sent to the adjacent landowners, the Silt Water Conservancy District (SWCD), the Colorado Department of Transportation (CDOT), CPW, the Town of Silt, and the Garfield County Commissioners, plus other persons who had expressed an interest in decisions potentially changing public use conditions on the parcel. Notices of the proposal and comment period were posted at the parcel, at the nearby BLM office, at the SWCD office in Silt and at the CPW Regional Office in Grand Junction.

Thirty-four (34) written comments, including several form letters, were received from individuals. No comments were received from the BLM, the Town of Silt, the SWCD, CPW, CDOT, or the Garfield County Commissioners. Twenty-eight of the commentators opposed the creation of the SUA, primarily due to perceived safety and other issues associated with the proposed waterfowl hunting use. They did not necessarily oppose non-hunting provisions of the proposal. Opposition comments included:

- Public Safety- 12 hunters in 3 blinds shooting toward the river would be hazardous to other users (floaters, fishermen, hikers, etc.) along the river; parking along frontage road would increase the risk of accident to individuals accessing the parcel.
- Lack of Formal Recreation Facilities- no restrooms, no constructed/designated trails, no off-road parking areas, no lighting, etc.
- Effect on Nearby Wildlife- disturbance of nearby wildlife, including nesting bald eagles and blue herons due to noise of 12 guns all day long for 180 days per year.
- Crime/Undesirable Uses- potential use of the area's blinds by undesirables (drug users, delinquents, transients, and homeless).
- Waste Management- accumulation of trash, and dog and human waste due to no trash receptacles or restrooms; pollution of river due to toxic shot going into river
- Enforcement- who will enforce this; the potential increase in use of area by undesirables could tax the county sheriff's department.

The SWCD has worked with Reclamation and CPW in developing the proposed SUA. They submitted a letter of concurrence via e-mail dated 8/31/2021. On 2/10/2022, Reclamation received a second SWCD e-mail which provided additional information regarding the initial concurrence letter. The off-road parking is at the discretion of CDOT. CDOT is aware of the parking situation and, at this point, does not consider it a problem.

Reason(s) for Designation of a Special Use Area § 423.60(b)):

The Western Colorado Area Office has determined that it is appropriate to designate this parcel as a SUA to:

- 1) Protect public health and safety-
 - Unrestricted waterfowl hunting may impact public health and safety due to noise and potential shot showers on adjacent residential lands.
 - When water is present in the inlet canal, the canal is a hazard to the safety of the users.
- 2) Avoid conflicts due to public use of the parcel- Unrestricted waterfowl hunting on this parcel has resulted in alleged shot showers on neighboring residences and disturbance of the peace.
- 3) Other reasons in the public interest- This parcel is not suitable for many forms of public use. It is primarily a low-lying, marshy area along the river.

Public Use Limitations to be Applied to the Special Use Area (43 CFR 423.60): The following limitations will be applied to public use of the Silt Pumping Plant Parcel:

- Public use of this parcel is limited to the following fish and wildlife related recreation: fishing, waterfowl hunting and wildlife watching.
- Day use only; no camping or other overnight use.
- Pedestrian use only; no vehicles, horses, bicycles, or ATVs/UTVs allowed.
- No open fires.
- No smoking allowed.
- No firearms allowed, except for waterfowl hunting.
- No hunting allowed, except for waterfowl hunting. All waterfowl hunting shall be from the two designated natural material blinds on a first come, first served basis. No more than three hunters allowed per blind.
- Dogs are prohibited, except as an aid in waterfowl hunting. Waterfowl hunters are responsible for removal of their dog's waste.
- Use of wag bags or other acceptable human waste collection/removal system is required.
- No trapping allowed.
- Public access to the parcel is from a small pull-off area located on the River Frontage Road, just west of the property access gate. Such off-road parking is allowed at CDOT's discretion.
- No trash dumping; pack it out.
- Appropriate signage shall be installed within the parcel to notify users of these restrictions.
- Areas closed to public use will be posted and delineated through a combination of:
 - Fencing and locked gates, and
 - Posting of signs and notices at conspicuous and reasonable locations along the parcel boundary and within the parcel.

Decision:

Reclamation will establish an SUA for the Silt Pumping Plant parcel as outlined above. This decision will become effective August 1, 2023. The use limitations for the SUA were modified from the original proposal to address some of the comments received during the public comment period and concerns with public use in proximity to the inlet canal. Modifications to the original proposal include a reduction in the number of waterfowl hunting blinds available for use, a reduction in the number of hunters per blind, and an increase in the area closed to all public use (see Exhibit A).

Reclamation will monitor the SUA and its use. If Reclamation determines that all or part of the above allowed public use is no longer appropriate for the parcel, then the SUA may be modified or terminated in accordance with 43 CFR §423.60

Public Notice: Reclamation shall provide public notice of this determination and decision at least 15 days before the effective date of this decision, in accordance with 43 CFR §423.61. Notice shall be provided by posting a copy of this decision and the associated map at the entrance to the property, at Reclamation's Western Colorado Area Office (Grand Junction), at the Silt Water Conservancy District Office, at the Colorado Parks and Wildlife's District Office (Grand Junction) and by mailing copies of this decision and map to those entities on the public involvement mailing list.

UNITED STATES OF AMERICA

Ed Warner, Area Manager
Western Colorado Area Office
Bureau of Reclamation

Exhibit A

