

**RPW Regional Discussion
Steering Committee
June 18, 2015
LPEA Small Conference Room**

In attendance: Jimbo Buickerood, SJCA; Steve Fearn; John Taylor; Preston Groetzke; Bruce Whitehead, SWCD; Chuck Wanner, TU; Ann Oliver, conservation; and Jeff Widen, The Wilderness Society.

Ex Officio: Mark Lambert, USFS; Darlene Marcus, Congressman Tipton's office; Suzanne Sellers, CWCB by phone.

John Whitney with Senator Bennet's office emailed Marsha to say he would be out of town Matt Thorpe from CPW could not make it.

Staff: Marsha Porter Norton, facilitator and Tami Graham, recorder

Observers: Mely Whiting, Sandy Young, Ty Churchwell, and Sara Hardie

Marsha welcomed the Steering Committee and reminded all that the Small Group has met twice since the last Steering Committee meeting on April 21st. Marsha also reminded everyone she sent out a memo regarding the status of the *Agreement in Principle* which outlined the updates from the Small Group work including their recommendations and areas for discussion. This memo, along with any agreements and discussion points from today's meeting, will be integrated into the *Agreement in Principle* document that everyone was emailed which, she noted, was the April 21st (1st draft) version.

Review of agenda and proposed outcomes

Proposed agenda:

- 1) Introductions (5 minutes)
- 2) Agreement on the Agenda and Outcomes and a Review of the Ground Rules (5 minutes)
- 3) Observer Comments (5 minutes)
- 4) Discussion of the *Agreement in Principle* (2 hours and 30 minutes)
 - a) Facilitator reviews the memo outlining changes to the *Agreement in Principle* since the last meeting on April 21st (no discussion during this time)
 - b) Group discusses each section and develops a list of ideas, reactions, opportunities or concerns for each section ("section" is defined as each recommendation or topic)
 - c) Observer comment (5 minutes)
 - d) Group discusses if there is broad agreement on the *Agreement in Principle* as it currently stands. If not, next steps and if so, next steps. Information needs are clarified.

e) Summary and Recap

Proposed outcomes:

- a) Discuss changes to the *Agreement in Principle* since the April meeting (refer to memo distributed)
- b) Determine if there is general agreement on it and/or note areas still under discussion and then clarify next steps and any information needs
- c) Business Item: Opportunity to brief the CWCB in July (10 minutes) – meeting is July 15th and 16th in Ignacio
- d) Business Item: Concept of doing a Case Study on the Hermosa Creek Watershed Protection Act (5 minutes)
- e) Setting next meeting(s) (5 minutes)
- f) Observer Comment (5 minutes)
- g) Summary and Recap of the Meeting

All agreed to the agenda and outcomes as proposed.

Observer input

None

Jimbo noted, as an FYI, that there was a recent public meeting organized by the San Juan National Forest office to discuss the Hermosa Watershed SMA and the management plan that is being done for it. He noted that several of those in the room were present at that meeting. Since that time, there have been five field trips that have been scheduled by the SJNF office. Steve added that the Forest Service has appeared to be working very hard on making sure that what's enacted is in line with the work of the Hermosa Creek Workgroup.

Review of the updated *Agreement in Principle*

Marsha presented an overview of the memorandum dated June 16, 2015, with additional comments by Small Group members and Steering Committee members. The memo outlines the updates from the Small Group work since the last Steering Committee meeting. Marsha reminded all present that there are numerous reference maps for discussion areas on various streams in the basin, and other maps as well.

Note: The memorandum text is included below. Comments from this meeting start with an indented "o".

Piedra

The clarifying language below was suggested by John Taylor, was agreed to, and is in keeping with the Working Group's recommendation:

Nothing in this agreement will impact the ability of the USFS to obtain gravel for nearby public roads from areas beyond the setbacks as agreed to above.

Animas and WSAs

Further refinement was done. These items have been agreed to and are considered a package:

West Needles Contiguous will go from WSA status to Wilderness and includes the part that was not included in Hermosa Creek legislation. Some boundary adjustments will be made including an offset from private property and a northern tributary (XX). The language used around water for this section will match the language used for the existing Weminuche Wilderness which is the 1993 Wilderness Water language. This would apply to Molas Creek to the south.

- It was noted that there was a mistake on the distributed memorandum regarding Molas Creek. It was agreed in the Small Group to remove Molas Creek. All agreed.

Whitehead Gulch would go from WSA to Wilderness with boundary work generally agreed to around access and private land with accommodations made for Deer Park Creek. The 1993 Wilderness water language will also be used here.

- Darlene asked if the proposal would increase private lands in one area where there has been a concern. Steve clarified that it's about better access to private lands and yes, in that one area, that issue would be resolved. Steve pointed out on the map where the road comes in from Silverton and where the private land access would be improved.

The Elk Park current CRA (Colorado Roadless Area) would become Wilderness with some boundary adjustment work around the railroad Right-of-Way.

Weminuche Contiguous WSA would be released and the area above 12,800 feet will be protected through a policy of "No Surface Disturbance." The release of the WSA is recommended as part of a Wilderness tradeoff package and because of adjacent patented mining claims. The map needs to take into consideration the viewshed of the Highland Mary Trail.

- Jeff had a question about whether there is a mineral withdrawal or not. It was clarified that the recommendation there is not a mineral withdrawal but rather a provision for "no surface disturbance." Jeff was ok with this.
- It was clarified that for the WSAs, existing acreage is approximately 491 acres in West Needles, 1,200 acres in Whitehead Gulch and 1,600 acres in Weminuche Contiguous. Marsha noted (as in the memo) that the Small Group kept extensive, specific notes on their thoughts regarding boundary adjustments. In some cases, they drew rough maps. Tami has compiled a

document that relays this detailed thinking/discussion. This information can be used to develop the final, legislated maps.

- Jimbo made an overall comment that the tenor of the deliberations of the Small Group has been very positive and constructive.

Additions to the “Other” category

These additional items were refined and agreed to with the exception of what is in italics below:

1) State-level tools to pursue outside of the legislation but as part of the “Regional Package.”

- a) The group agrees that studying the water sources for the Iron Fens should be done via an application made to the CWCB via their grant program for this purpose (Wild and Scenic Fund);
 - b) The group agrees that an ISF application should be made on four tributaries in the South Mineral area for Black Swift protection (details are in the agreement); and
 - c) *Some of the Small Group agrees that an ISF should be pursued on the private and lower reaches of the East Fork (in italics because there is not agreement yet on East Fork).*
- It was noted by Steve and confirmed by Marsha that an ISF would be pursued on three tributaries with Bandora Creek being truncated where private property begins.

2) The legislation, as well as locals acting on their own behalf, should give support and recognition to some type of “Local Community Council” as per the agreement made by the San Juan and Piedra Workgroup. Such a “Local Community Council” is most applicable for the Piedra and the San Juan – East Fork areas. Success of such councils would be contingent on local stakeholders organizing them and participating. Both the Piedra and the San Juan Workgroups have agreed to this concept.

- Steve: If you establish a formal advisory council, the Secretary of the Interior appoints the members. There is a law (FACA) that restricts the Forest Service from taking recommendations from groups unless they are formally designated as per FACA guidelines. The question, he continued, is how to formalize this group given this restriction.
- Darlene asked if the Forest Service would come to a group and receive input prior to major decisions. John Taylor said yes, that’s the idea. He feels this group would be very important to provide input, counsel, and information about what’s taking place on the ground.
- Steve: With FACA, it’s a formal relationship. In this situation, we’d like to encourage the Forest Service to get local, representative input on the ground.

- Darlene asked if it could be put in the legislation that instead of the Secretary appointing a council, that this be a different scenario.
- Jeff: In the past, the Secretary would select the appointees with input from various elected officials. They can also seek to include various representatives from stakeholder groups.
- It was agreed that this conversation may need to be continued later in the meeting or at a later time but that everyone got the concept.
- John T. commented that, in thinking about the Piedra and a potential local advisory council, he would prefer that the BOCC make the appointments. It wouldn't get tied up in federal bureaucracy this way.

Marsha reminded everyone that the workgroups did good work and have great relationship capital. The goal is to continue that when working with the Forest Service and other agencies. The group hasn't figured out exactly "how" to do this yet but rather "what" they want to do.

Areas where refined language is still being worked on

No New Major Impoundments:

The Small Group has been discussing a definition and various ideas have been put forth. This policy applies to Mineral and South Mineral Creeks, the Main Stem of the Animas, Piedra and potentially the East Fork of the San Juan. Everyone agrees that those who have conditional or absolute rights should be able to use them. The group is discussing how to get the language "just right" which is complex given the various stream segments and given the fact that suitability would be removed. The issues at play are: configuration of the impoundment; what type of impoundment could be put in that would still allow for recreation passage (i.e., rafts and boats) and fish passage; and how to do an impoundment without harming the values that led to the river segment being suitable. One issue that has come up on the Animas is the Teft diversion which is roughly at Cascade and the Main Stem of the Animas. This is a conditional water right related to the A-LP project. The Small Group members can fill you in on issues related to the Teft diversion, as this potential diversion relates to the policy of "no new major impoundments."

- It was noted that for South Mineral, the recommendation that has been agreed to is both NNMI and suitability.

Summation: The definition of "no new major impoundments" has not yet been fully agreed to by the Small Group. This area is a "work in progress." And, in the case of SWCD, their attorney will need to review the final language.

Legislative release of WSR:

Release of WSR language, as per the Rio Grande Special Area, was discussed by the Small Group. There is agreement that the language used in the Rio Grande Special Area will serve as a basis, but the language may need to be expanded and refined in the legislative drafting phase.

- Chuck feels the word should be "diversion" versus "impoundment." Steve agreed.

- Marsha clarified that, yes, the group is talking about diverting water within the context of NNMI.
- Marsha asked if the non-Small Group members understood the issues at hand.
- Darlene asked how we were defining impoundments and how we were defining diversions. Marsha said that this is a great question and is the crux of the need for definitions.
- Jimbo stated that we're trying to design language that clarifies allowance for water development where it's already allowed.
- Darlene relayed some concerns: California hasn't developed any storage facilities for 35-40 years and they are in a major drought. There are cases where water is flowing into the Pacific because they're trying to protect a fish that doesn't need protecting. Her concern in this area is that the population in Colorado is going to continue to grow. Somehow, we have to balance the recreational values, wildlife, fish, etc. with a need to be able to store or divert water. Some of the values have to be human beings, both for today and the foreseeable future. She advises a cautionary approach.
- Chuck: To give a background, all of the discussion in the basin(s) have included all of the values that anyone has mentioned, both human and ecological. If you can put it to use, you can divert it if you have the right. He doesn't see her concerns happening in this process as we've been very specific about allowing water development to continue under Colorado water law. In general, we've tried to treat human values like every other value.
- Ann: She understands that we're not talking about whether existing water rights can be used. It's more a question of whether a structure can be placed in the river for a diversion to utilize the water right. The Small Group members agreed.
- Jimbo noted that for Lake Nighthorse, it's a diversion used to store water off-channel, but it's not in the river.
- All agreed that what we're talking about is avoiding storage on-channel.
- Ann would like to understand. To her, what has worked, and is completely doable, is to specify what you want the diversion to be able to accomplish and leave it at that. She would not recommend stating what the diversion looks like, or is, but rather what it does. She would add language such as: "allows safe recreational passage", "allows fish passage", and "passage of sediment" as key river functions. People that design structures do this all the time. That's the way you issue a call for proposals and then you evaluate the proposals in that way. When it comes to enshrining something in law, the more basic the better, so you allow for creativity when it comes to design.
- Steve said that the key to this process for the Southwest Conservation District (SWCD) is allowing water development to continue – not only existing but future water development. The constraints that they have agreed to regarding NNMI on all these tributaries reflect what the Workgroups want to see which is rivers remaining free-flowing. We have agreement on this. There are some SWSI sites. We (SWCD) have proposed that those go away via legislation. However, the sideboards include that it would not impact development of off-stream storage. We want to make sure that the language doesn't preclude or make off-stream storage potentially more difficult. This applies to diverting water from streams.

- We can talk about putting some sideboards on diversion structures. We cannot put any sideboards on the Teft diversion, as Teft legally constitutes a basis for what's built out downstream (Steve has made some suggestions to the Small Group on how to approach all of this). SWCD recognizes it's desirable to have some passage where there are diversions. It helps them from not getting washed out, but it has to happen during low-flow times. SWCD does not want to see additional costs being incurred by water users for doing what they can do now. On the Sam Miguel, there's a major diversion which has been a problem for boaters. There has been major reconstruction there and SWCD helped fund that. Some feel the recreational community should help pay for this project as well. Let's look at how we jointly might participate in the future on these kinds of things in the future. How do we achieve the things we want to achieve without consequences that might be deal-killers? SWCD would like to see this package move ahead.
- John T. said he keeps thinking about big and small streams and what to do on small streams. His head-ditch has been washed out 3 times and they keep having to move it upstream. John has a concern with the "safe passage" comment by Steve. He doesn't see that anyone in their right mind would go down middle-fork but they do. He doesn't want to have to go to court to do a repair or change the point of diversion. He would like to have an absolute right, no questions, to divert.
 - Steve added another example. At the round table on the Dolores, there is at least one diversion that needs some further discussion. We have to find a way to make this work that makes sense. Preferably, all these diversions are allowed but they are site specific. How do we put this in legislation so it works practically?
 - Jeff: A lot of discussion around diversion structures is about whether or not we can prohibit bank-to-bank structures. Many in the conservation community would like to go there. At the same time, he's hearing unanimity in this group that we don't want to do anything that would limit existing rights. Maybe we have to accept the fact that in order to build a diversion structure to satisfy an existing right, we might have to build a bank-to-bank structure. Let's see if there's language that would allow as much of a default as possible that would leave the free-flowing character on a river that would allow for fish and recreational passage.
 - Ann: On Jeff's topic, she has a certain amount of experience with structures that have happened in her family and in her work for agriculture. She would argue that many times you do want a bank-to-bank structure if you want to allow for sediment, fish and recreational passage. Aesthetically, you may not want them but they can be designed successfully to accomplish these goals. All of this is not addressing the question of cost. She would not feel good about an agreement that said "no bank-to-bank" structures. It could limit the creativity of your options to accomplish your goals. Regarding push-up dams (getting in the river and placing rocks or gravel to create a wing that gets water into your ditch), there's a lot of reasons they can be problematic in relation to river channel stability. They are affordable, but not permanent, but are doable and traditional. She would suggest limiting this conversation to permanent structures. One additional thought is around conditional rights, current absolute rights, and future unforeseen rights. Below a certain CFS, the cost-benefit analysis would be difficult regarding

- requiring someone to do a fancy design just to get water in his or her ditch. Above a certain diversion, given the size of the river, maybe it's fair to require or ask for some of these conditions to be met and that cost could be born by the landowner. Cost is an issue. We are talking about relatively steep portions of the river which complicates things.
- John T. stated that the steeper the stream, the more chance of a need for a bank-to-bank structure.
 - Jimbo expressed optimism that we can find language that works. For example, the diversion at Lake Nighthorse takes a lot of water out of the river but doesn't impact recreation, sediment or fish passage. Within all this, recognize that some places work better than others for diversion. He'd like to see us come up with language that works for all places vs. separating out specific locales. He feels we can get there with language that gives enough surety that it meets all needs.
 - Chuck feels that final language can come in the legislative draft. What we need now is agreement in principle, which he feels we have. We don't want to lose any of the values or basic uses that are currently on the stream such as ORVs and diversion. We need to find a way to craft that language and he feels we can get there.
 - Bruce: Good conversation. He has a major concern about bank-to-bank structures – sometimes you need them. It's a given on some of the smaller tributaries that you will need that. SWCD has made it very well-known that we don't and won't have any impacts on conditional or absolute water rights. Any mandates that somehow limit that ability will be difficult for SWCD to agree to and probably for the statewide water community as well. He said he is very open to a discussion on working together, safe boater passage, fish passage, etc. This isn't just about protecting existing structures but existing water rights as well. It needs to be inclusive of use, maintenance and development.
 - Jeff: There has been discussion about bank-to-bank diversions in the conservation community. Education on this would be beneficial. The conservation community wants to mimic the kinds of protections that suitability provides. He, too, has found some gray areas in the WSR Act. He's not wedded to a certain set of language. He feels we're close enough on the principles and is comfortable in going into the next phase to work out more details. In terms of cost, he agrees that we don't want to place great burdens on water right holders for small amounts, but he doesn't necessarily feel it's our job to allow sacrificing some of the natural values in rivers for keeping costs down.
 - Steve is not sure how to codify this all in legislation. Is there another place to codify these things other than in legislation? He said he has no real aversion to talking about how we want to collectively achieve this but rather how do we want to achieve it? Nobody is against rafting or fish passage, but how do we allow for it in the language and where? It could be in the record of the process which should be considered by legislative bodies if they're trying to fund something.
 - Ann had a couple of questions in her mind. Is the point to seek an alternative to WSR and create language that is no more specific than what the WSR Act might create or require? When SWCD agreed to NNMI, what did impoundment mean to them? Steve responded and said storage reservoirs. Ann asked what Colorado

state law says about defining storage vs. diversion. How does the state determine if it's storage or not? Another comment is that "safe" is in the eye of the beholder. This does need further definition.

- Bruce: Generally, storage is when you put water in a bucket and hold it for a later date. Diversion is not considered storage. The idea of removal of WSR is so there are not as many constraints on water development. As far as SWCD is concerned, the many restrictions that WSR provides doesn't actually support water development.
- Jimbo: On the Hermosa, an overarching statement helped with interpretation. We can look at this in the basin-wide legislation for an idea.
- Jeff: He honestly believes that we're all trying to find the sweet spot. He believes we're very close. He's comfortable moving on to a drafting phase.
- Darlene: Putting as much as we can into legislation, as opposed to having a sidebar of guidelines, is absolutely critical. At some point, this group won't exist and there won't be the brain trust to tap into. It will make it easier for the agencies to implement.
- Bruce: Depending on what goes into legislation, he agrees with Darlene. There are a lot of ways to look at this. There are many pros and cons so it's important what the language is.
- Mark said he is truly curious about what can be tackled through legislation and what can't as it relates to implementation by the USFS.

Observer input

Mely: Sometimes, talking about abstract stuff has to get more specific. She said she feels it's time to do this. On the Hermosa and for the SWSI site, we literally "gave birth to it" after several months of gestation and then labor. Trout Unlimited's perspective is that the impoundments issue is very important. In the Workgroups, people had different perceptions of what that meant. You need to clearly define and start crafting legislation. Then, give enough time for people to look at the language. Be mindful that others outside of this group will be looking at the language.

Ty offered help with the mapping of WSAs and determining acreage. He asked if the WSAs would be conveyed to the USFS the way the other WSAs were in the Hermosa. He feels we should address this. Steve said the released piece would probably go to the BLM. Ty added that those that are in the USFS now should remain as USFS. As far as agricultural diversions, TU has people on staff at the state whose job it is to help with old, poorly engineered diversion structures. Ty can bring seed money for grants to the table so there is no expense to water owners. Steve suggested not using the language "poorly engineered." Mely will send contact information for these opportunities within TU. Marsha asked that the contacts be sent to her and she will send to everyone. She thanked Ty for bringing forth a resource.

Sara wanted to address the broad discussion regarding an underlying guidance document which she believes is crucial. In the interplay and dance between values and the law, when it pertains particularly to resources, here is your chance to define your values and then move into your legislation. She said she supports that effort.

Sandy: As a member of the SW Resource Advisory Committee (RAC), they, as prospective members, were required to submit an application which was then sorted through by the Forest Supervisor and recommendations made for membership. The RAC doesn't get to tell the USFS how to do projects but simply makes recommendations.

Jeff: There was a meeting of a lot of conservation groups recently. One of the conservation groups (Conservation Colorado) felt very strongly that, with regard to the WSA issue, there was too much acreage released in comparison to the acreage protected as Wilderness. Their suggestion was that this group consider taking that portion of this agreement out, including Elk Park, and leave it for a later date. Jeff feels we have a good package, but this is something we need to stay cognizant of as we move forward. Jeff said that he felt he wanted to be transparent and bring this issue forth.

Marsha noted that everyone will be hearing from various individuals or groups and should bring any input forth as they see fit.

Steve: Ty's idea of putting together a better number of acres would be useful for both sides. He noted that there are others who feel they are not getting enough WSA acreage released.

Ty: He did have a conversation with Jeff from Conservation Colorado and told him not to forget what was added in the Hermosa Creek legislation which was an additional 38,000 acres.

Steve added that he feels we're pretty much in agreement here. What is on the table is what works locally. This is the integrity of the process. When it gets to legislation and Congress, there will be battles to fight and we'll rely on our legislative staff to work on this.

Previous items "under discussion" where agreement does not exist (at this time)

East Fork of the San Juan:

Two scenarios continue to be on the table. They are presented below.

Preference of the San Juan Citizens Alliance

- 1) Keep suitability on the private land and lower reach. Why? The area is very special and has many people recreating there (boating, hiking, picnicking, etc.). There is not confidence in the tool of ISF to protect values. The SJCA has done work there for a long time and believes WSR suitability is the protection tool desired. There could be a threat of a major water diversion someday.

Preference of SWCD, TU, and TWS (with a notation of TWS's views)

- 2) Remove suitability on the private land and lower reach, and put in place an Alternative to WSR suitability for both reaches. This Alternative would protect the values including geology (an official ORV) and the water rights in the area as well as all other values:

- a) Submit an application to increase the current ISF amount. Begin with further analyzing the hydrographs and data provided by the CWCB via Suzanne Sellers.
 - b) No new major impoundments.
 - c) a mineral withdrawal
 - d) Take into account the conservation easement that exists on the entirety of the private reach.
- Steve added that there is an existing ISF on the East Fork now. The idea would be to look at increasing the ISF via an application to CWCB, if possible, as a new water right and as part of reevaluating the protection of the natural environment.
 - Suzanne added that for actual implementation, she would defer to Linda Bassi and her team at CWCB. Steve said we would need good input from their staff on this.
 - Ann had a question about the preference of SJCA to keep suitability, asking why the preference for private lands.
 - Jimbo responded that the entire reach has been identified as suitable under the new Forest Plan ROD. Some of the water rights are on private land and some are not. SJCA was in support of pulling suitability on the private lands on the West Fork. Nationally, he's not aware of concerns about suitability on private lands. There are private landowners in other places that welcome suitability.
 - Marsha clarified that in the San Juan Workgroup process, there was consensus to remove suitability on both the private lands and East and West Fork segments.
 - John T. said he has some concerns about Jimbo's comments. At one time, when there was bank stabilization work on private property, suitability added another layer of review. Maintenance of diversions on private property could become more problematic. He used to be a Water Commissioner in this area and there was extensive need for replacing headgates and diversion structures, as that stream tends to wash out these structures. He doesn't see that WSR status would accomplish anything due to the added layers required for improvement work on private lands.
 - Jimbo's understanding is that these kinds of improvements are actually more accessible if they are on suitable stretches.
 - John T. said one extensive restoration process was done on the Piedra and it washed out the next year. In the area of the private property in that basin, it's mostly gravel. It is very difficult to put in structures that don't wash out. Preston asked if suitability would stop those private landowners from going back in and restoring segments on their land.
 - Steve said if you read the WSR Act, it's a little gray at times. If it changes the character of the segment, the government has the ability to restrict work. It could be a concern.
 - John T. asked what the effect of suitability would be on private land if found to be a WSR stretch.
 - Chuck stated that you cannot restrain development in the ¼ mile boundary of a WSR stream but you can within the river.
 - Steve stated that if you're doing restoration, you would need a 404 permit. It could impact or add layers of permits or regulation that wouldn't be there otherwise. Steve

also reiterated that the San Juan Workgroup did have consensus to remove suitability on private land on the East Fork.

- Jeff said that regarding releasing suitability on the lower and private land sections, it's a preference to keep suitability, but there could be other places to look at in the bigger package.
- Jimbo said he would like to hear from Steering Committee members that weren't part of the Small Group.
- Chuck reminded everyone that there is a section of the East Fork that was found to be suitable by the USFS after the Workgroup concluded (it was eligible at the time of the Workgroup). The private land on the West Fork was removed from suitability.

Background information

Mark Lambert provided information about the current management of the Skyway as well as fens/swifts in the South Mineral Area. His email to the group can be shared. Matt Thorpe provided a paper on management of the black swift birds. Suzanne provided hydrographs for the East Fork.

- Mark said he had some minor clarifying questions from the memorandum document. On the Piedra, as far as obtaining gravel, what was the issue there? John T. said there are two pits being opened for gravel. He just wanted to make sure that we were not limiting the USFS's ability on the ridges to get gravel. Steve added that we didn't want some other party to interpret the original agreement as inhibiting the USFS's ability.
- On West Needles contiguous: Mark asked what the language that says "includes the part that was not included in the Hermosa legislation" means. Jimbo clarified that it meant the parcel that was brought to the USFS that was not the recreation area. Mark clarified that it includes the part that was left for the BLM. Yes, all agreed. Mark suggested the language be clarified. He suggested this language: "The current West Needles contiguous would go from WSA to Wilderness." All agreed.
- Mark also asked about the last sentence in the fourth bullet in the Weminuche Contiguous section. What does "map should take into consideration the viewshed of the Highland Mary Trail" mean? For him, the word "map" is confusing as to what the USFS should manage. Marsha clarified that the Small Group wanted to make sure that the visual aesthetics be taken into consideration to protect the visual characteristics from the Highland Mary trail. Mark understood the clarification.

Marsha summarized a few points from the discussion

- NNMI: Several Steering Committee members feel that we are close on NNMI. It all comes down to what is in the actual legislative language.
- Release of suitability: Marsha said we didn't talk about release of suitability much today. Chuck stated that the Piedra is on a potential WSR list from an earlier study but the Animas was not, due to water quality. Chuck says he believes all are 5D rivers. Jeff asked if we can we just release it. Steve said yes, but we need to find a way to do this. Jeff said there is a model in place on the Dolores River that Senator Bennett came up with. Steve said SWCD will ask their attorneys to give us an opinion on what's needed to release WSR suitability. Marsha summarized that if WSR is to be released under the WSR Act and under the ROD, it sounds like there is consensus

to do so and it's a matter of getting the language to accomplish this. John W. and Jeff have this language from the Dolores and Jeff said he would provide it.

Next steps

- Jimbo suggested that we meet two more times as a Small Group and see if we can address the three or four hanging items. At that point, we can hand this over to Darlene and John W.
- Marsha commented that when the Hermosa Creek and Dolores NCA were done, there was a group drafting at the same time it was being reviewed by legislative staff.
- Chuck said he is ok with another one or two meetings but also feels ok moving forward with the legislative drafting phase at this time. The Hermosa, at this stage, had less specificity than we have now and moved forward, he said. He added that he feels we need some group unanimity at some point.
- Bruce feels we should move on, perhaps to a drafting committee. The Small Group went beyond what we originally thought and if they're not there yet, he'd prefer we move on.
- Jeff: This may be semantics and he feels we've already flopped over into legislative drafting. Having more Small Group meetings is fine. We could call it a defacto legislative drafting committee. He feels we're basically there and agree on basically everything. Some of the agreements possibly can't be finalized until we get to drafting.
- Ann feels we should wrap up and begin a drafting committee which might be the same group.
- Steve: We have agreement on most things. The other things will float to the top as we start to draft. Lets look at the drafting committee and how it will be involved. A key to that is having congressional representatives present and part of the drafting committee.
- Chuck feels it's important to make a political statement by moving forward as a drafting committee. It puts the discussion in a new arena with access to and involvement from congressional representatives.
- Marsha asked Jimbo if, given the principles of consensus, he's ok with moving forward with the drafting phase at this time, using the current *Agreement in Principle* and today's discussion points. Jimbo said yes.
- Steve asked Darlene how she feels about where we're at.
- Darlene said she feels it's worth the time but she doesn't make decisions in a vacuum and needs to run this up the flagpole. She agrees with moving forward with a drafting committee.

Who will be on the drafting committee?

- Darlene said she would reach out to Senator Gardner's staff.
- Ann said she doesn't think she has the time, but she's happy to help as needed.
- Mark asked if the USFS was involved. Marsha said that yes, Thurman Wilson from the USFS was present as an ex-officio member of the Hermosa Creek Drafting Committee.
- Jeff said he would welcome Mark Lambert's presence.

- Chuck suggested that if Ann doesn't participate, perhaps Mely could participate. All agreed to Mely participating in the drafting committee.
- Marsha suggested that Matt T. and Mark L. could be ex-officio.
- The group asked Marsha to talk with John W. about his participation.
- Bruce said he feels that we should stay as a big group because he will want to be involved in the drafting.
- Steve said that the drafting committee is really everyone except three people, so why not just have it be the Steering Committee.
- The group decided that the RPW Steering Committee, with the addition of Mely, will move forward as the drafting committee for the regional package. Marsha will talk with John Whitney and Darlene with Senator Gardner's staff.
- Suzanne said she'd participate as needed.
- The group agreed that the public would not be involved during the drafting phase.
- Steve: Assuming we get to a product, we'll need to shop this around with the public, County Commissions, etc. All agreed. The public would definitely be involved at that stage.

Next steps, continued

- Marsha will update the *Agreement in Principle* document which will portray intent to move forward and will note all agreements and clarifications. It will note the areas where language is still being worked out and any areas that still lack full agreement.
- Budget: It was agreed that Marsha would continue to facilitate the process and Tami will continue to be the recorder. At the next meeting, a total of expended and remaining funds will be presented. Bruce said he wants to see other partners contributing, just as in the past. To date, he said, the bulk of the funding has come from the CWCB and SWCD.
- A question was asked about whether CWCB funds can be used to draft legislation. It was clarified that CWCB financially supported the drafting phase on the Hermosa and on the Dolores. Suzanne said she will clarify that we can use current grant funds from CWCB on the drafting phase.
- TU will contribute some funds, Chuck said.
- Jeff will see if TWS has any funds to contribute.
- Bruce stated that he feels it's important that it's not viewed as a state-driven process in relation to funding.
- Several asked "How long will this take?" The drafting committee for the Hermosa took 22 meetings, Marsha said. (Note: It actually took many more. She facilitated 22 meetings but some were held without a facilitator.) It was agreed that we're closer now than we were at the last meeting. Steve suggested we target 10 meetings.
- In the drafting phase, the group needs to work out who's going to do what. This next meeting will be an organizational meeting.
- Mark asked if he's expected to keep BLM in the loop on where the process is at or if someone from BLM should be at the table for drafting. He offered to talk with someone in the BLM office and get a sense of whether they want to be involved or if it's ok for Mark L. to brief them. It was agreed that they could be briefed on issues that involve them.

Business item: Concept of doing a Case Study on Hermosa Creek

- Marsha said that Joanne Spina from La Plata County and Joe Lewendowski from Parks & Wildlife have approached her about doing a case study on the Hermosa and how it happened.
- Steve suggested that we wait until we're done with this process. He said he doesn't want this process to get derailed, as it's a delicate stage. Steve said the Animas River Stakeholders were studied 2-3 times and none of them got it right. The record is available for them to review and they can interview individuals if they so choose.
- Chuck agreed with Steve and asked that we receive a written proposal on what they would like to do.
- Jeff said that folks might want to get going on this while their memory is fresh.
- Mark agreed with the timing issue and sees that it's a great idea. Mark also asked what happens after this legislation. Is this group done?
- Steve said that if we can achieve legislation after 9 years, we have achieved what we set out to achieve. The value is the legislation and what has happened in the communities and the positive impact on the future.
- Jeff wholeheartedly supported what Steve said about the value of the community results and the model for figuring things out collaboratively and working together.
- Bruce asked if the group wanted to change the RPW process.
- Marsha clarified that this isn't about changing what the RPW is doing. She said it is a compliment to the group on the success of the Hermosa. She said she wanted to be very fair about the representation of this. These offers were made out of good will – not out of wanting to interfere with the RPW in any way.
- Steve said this group was formed based on the model of the Animas River Stakeholders Group.
- A decision was made to wait on a case study until this phase has concluded.

Business item: Opportunity to brief the CWCB in July

- We may have 10 minutes to present, maximum. Suzanne will touch base with Ted and Linda at CWCB about this. Steve spoke to Ted and he was positive about us coming to present.
- Jimbo suggested we give them an update.
- Steve suggested he and Chuck present, as has happened in the past. He said he feels it's important to let them know how long we've been working on this as a community and that we have support across the board. He said this will set the stage for when we go back to them with draft legislation.
- Jimbo said it will also let them know that we've spent their funds wisely.
- Suzanne will let us know the date and time that we'll be on the agenda.
- A decision was made that Chuck and Steve will present with Jeff as backup if Chuck cannot make it. Marsha was asked to be there as well. Everyone is invited. The meeting is the 15th and 16th in Ignacio (date and time TBA).

Observer input

- Sandy Young asked about circling back to the Hermosa Workgroup. Bruce said that a number of Workgroups will likely be circled back to. Marsha suggested we put this

on the agenda for next time – regarding circling back and under what circumstances and to whom. Sandy said she wasn't sure the Hermosa Creek Workgroup agreed to a WSR. Chuck and Steve said that, for all intents and purposes, they did by agreeing to the original "circle back" process (which is this regional discussion).

- Mely feels that at some point we do need to circle back to at least report on where we're at. Chuck feels we need to at least do something in the mail (on paper) to all Workgroup members.
- Steve added that we need to make sure to report out to publicly elected bodies as well as other bodies including the Workgroups and the public.
- Ty applauded everyone for their work from the start.

Next meeting date: Monday, August 3, 1-4 p.m.