

## RPW Steering Committee Meeting Summary

Dec. 15, 2014

FINAL

### In Attendance

Jimbo Buickerood, Steve Fearn, Preston Groetzke, Mark Lambert, Ann Oliver, Suzanne Sellers, John Taylor, Matt Thorpe, Chuck Wanner, Bruce Whitehead, John Whitney. Tami Graham: Facilitator; Gail Binkly: Recorder.

### Meeting Summary

The meeting summary for Oct. 1 was approved with the recommended change that the “executive session” be called a “closed session” instead.

### Observer Input

Mely Whiting asked to be able to check the August meeting summary to make sure that a reference to her comments in the Oct. 1 summary was correct.

### Hermosa Legislation Update

John Whitney said that since the last meeting of the Steering Committee, the offices of Senator Michael Bennet and Congressman Scott Tipton worked to negotiate another version of the legislation. It was a complex undertaking because of the different committees and majority and minority staff weighing in, but they were able to restore the legislation to a version substantially corresponding to the one agreed upon by the grassroots workgroup. John thanked everyone who sent in comments. He said the bill was passed out of committee on a voice vote and was then included in a package of lands bills that was added to the Defense Authorization Act. That has passed both houses of Congress and is awaiting the President’s signature. John said a celebration is planned for Friday in Durango and Senator Bennet and Congressman Tipton might be present.

John said he believes everyone can be proud of the final product. He will send out a copy of the final version of the bill.

Steve thanked John, Darlene Marcus, and others for their work, as well as the senator and congressman. Steve said it was a great victory to have a community-based bill passed. Jimbo also thanked John and Darlene for all their hard work.

The group thanked the Colorado Water Conservation Board for its support of the Hermosa Workgroup effort.

Mark thanked the committee for working so hard and said the Forest Service wants everyone to continue to be involved and to let them know if the agency isn’t acting according to their wishes for the Hermosa area. He noted that a management plan is to be written within three years. In answer to a question, Mark said travel management for Hermosa is back on the table.

#### Next steps

→ Tami has posted Senator Bennet's press release on the RPW web site and will post the text of the bill there as well.

#### Budget Update

Tami gave an overview of the budget. She said there is \$33,980.96 remaining for Phase II. The need for further contributions from other entities was discussed.

Jimbo asked Suzanne if it would be appropriate for the Steering Committee to communicate directly with the CWCB, either to thank them or to provide a report on the progress of this effort. Suzanne said she includes an update on Hermosa Creek and this group in her director's report for each CWCB meeting. However, it was agreed that a letter of thanks for the CWCB's support of the process would be appropriate.

#### Next steps

→ Bruce will draft a thank-you letter to the CWCB and send it out for comments.

#### Phase II Regional Discussion

Tami said the group needs to decide how to move forward and who might be the neutral parties leading the process. She presented a handout on regional mediation and negotiation resources that could possibly be of help. She said negotiation and mediation are different processes, though there is overlap between them, and discussed some of the differences.

Tami said the RPW over the years has spent a great deal of time on process. That paid off with the successful Hermosa Creek legislation. In discussing the plan for Phase II, this group has said that negotiation and mediation were options. These may be necessary because although there is agreement on many elements, this group seems to be at an impasse regarding the Animas River and possibly the Piedra as well, in relation to whether there was agreement that it could move forward as a stand-alone legislation or not

Tami said Mike Preston and Marsha Porter-Norton have offered some short-term pro bono help as facilitators or as part of a process team with Tami. The groups listed on the handout of mediation and negotiation resources would be fairly costly and also would have to be brought up to speed.

Tami read an Oct. 15 email from Jimbo regarding the San Juan Citizens Alliance's concerns about having Mike Preston as part of a facilitation team with Marsha. The alliance said it holds Mike in high esteem but believes that his current position as general manager for the Dolores Water Conservancy District would preclude him from being able to be a neutral facilitator. Jimbo asked if anyone else had any other proposals for moving forward.

Bruce said he was comfortable with the team concept involving Mike and Marsha because this has been a local process all along.

Steve asked what the purpose and goal of mediation would be. He said most of the people here have been at the table eight years or more, and asked what would be gained that can't be by continuing to work as the group has been doing.

Tami said the idea is to get past what seems to be an impasse, particularly regarding the Animas, and to find the "sweet spot" for the whole basin.

Bruce said there may or may not be a basin-wide package.

Chuck said he believes there needs to be something new in the mix to get the process moving. He said he doesn't think the group can continue on the same path and reach a resolution. He said Trout Unlimited would be happy to have the services of Mike and Marsha, and emphasized that time is an important consideration.

Preston said because these decisions will have such an impact on the people in the area, the Steering Committee will have to go back to the Animas Workgroup, so it might make sense to go back to them to begin with. The people have the right to make the choices and decide what they want.

Chuck said eventually it will be necessary to go back to the workgroup, but the Steering Committee should first decide on a proposal to take to the workgroup rather than starting over from scratch. The Animas Workgroup had 23 meetings and the process was contentious. Preston said there may be five outfitters working in the Grasshopper area, and voiced concern about the possibility of it being designated as wilderness. He said it would have a major impact on outfitters and grazing permittees.

Chuck said that is not being proposed at this point and it would be up to the group to decide if they want to have that discussion. Trout Unlimited's proposal does not include a wilderness designation for Grasshopper but they don't have any specific objection to it.

Suzanne said it is not clear to her whether the impasse is associated with personalities, in which case a different person might be able to navigate that differently; or whether the impasse is simply the result of two camps having different ideas, in which case it seems like the capability for dealing with that is available in-house.

Tami said in her opinion there are some strained relations in the room because of different perspectives.

Suzanne said if the strained relations are enough to prevent this group from going forward, a different facilitator might help.

Ann said she thinks there is a basic disagreement over substance, and the format of the process is not moving the group past that. The same agenda item comes up at every meeting. A lot of behind-the-scenes conversations should be happening but may not be. She said bringing in a new person without background in the situation would be exhausting. She said if Tami and Mike and Marsha could propose a new approach, one or all of them are well-suited to pursue it, but it can't be the same format.

Tami said working on the Hermosa legislation has drawn a lot of energy from some of the key players. Now that some of the stakeholders have more time to focus on the regional discussion, there may be a shift.

Matt said he believes the group is in a rut and something new is needed. He said he had experience with some of the regional facilitators on the list and believes somebody local might better serve the Steering Committee.

John W. said some kind of change is needed and there is merit to doing something different. Bruce agreed. He said he doesn't see a lot of room for success unless something changes. He said bigger outside groups are expensive and would require a lot of prep time. When people are volunteering their time because they care what's happening locally, he doesn't see that there is a lot to lose by offering them a chance.

Steve said he sees some differences in interpretation as one difficulty. There is a difference in interpretation as to what "flexible" is. If the Steering Committee stays within the parameters the workgroups outlined, then it can work something out without going back to the groups, if it is consistent with the ideas they discussed. Steve said he has previously voiced his concerns about going back to the Animas Workgroup. He said he can't argue with wanting to preserve Tank Creek and Grasshopper Creek, but it's a question of drawing the line. If those two areas are added to the proposal, then it will be necessary to go back to the workgroup. He said any organization that wants to pull away and work on its own bill can do so and there will be no hard feelings.

Jimbo said the proposal he and Jeff put forth was a menu of possibilities, not an all-or-nothing concept. He hasn't heard a specific response to his and Jeff's proposal. Right now the discussion should be focused on how to go forward. Something fresh is needed. Jimbo said he does not agree with the categorization of "two camps" because there are many different perspectives. He is not sure a team of facilitators will be effective. He agreed that it is necessary to first come up with a proposal before going back to the workgroups.

John W. said maybe the process should be a two-step one. This group completes one stage of negotiations and then the door is left open a crack for others to suggest additional provisions to make a complete package. That was how it worked with Hermosa Creek. Toward the end of the process, there were some add-ons such as an agreement regarding Molas Pass and a land

conveyance, and that built momentum and energy to move the proposal across the finish line. Bruce said that all happened after the workgroup was in agreement.

John W. said that was right. He said he is suggesting maybe there is room for there to be more in the package. Some entities may not feel there is enough at present. Maybe the possibility should be left open for other entities to say they would like to add in something else. Steve said first the Steering Committee should focus on things tied to the report, then any additions. Then it will be time to go to the workgroups and possibly to talk about how to build a broad package. He said he likes the stepped approach and maybe some mediation will help the group get through the first two steps.

Bruce said he likes the idea of using Marsha alone or in combination with someone else because she has experience with this process.

John T. said either Mike or Marsha would be acceptable to him.

Tami said she has had discussions with Marsha, and she is willing to meet with Tami and offer pro bono help, up to a point. She will need compensation if it becomes a long-term commitment. Chuck said hopefully all that will be needed is a few meetings to get past the impasse.

#### Next steps

→ Chuck, Jimbo and Bruce are willing to talk to Marsha along with Tami. This will be set up.

#### Observer Input

Mark Pearson discussed “hard” and “soft” release language for wilderness study areas. He said the Steering Committee is hampered because of the regional workgroups because their parameters were pretty narrow. He said there needs to be a way to break things open and start a bigger conversation, as John suggested. Otherwise you are stuck in an impasse. The discussion so far may be too limited for a big legislative package.

Dean Mize of San Juan Sky Outfitters said he is not up to speed with everything the group discussed but it sounds like the group is doing a lot. It is interesting and it saddens him. He talked about federal land and nature and said nature will take care of itself.

#### Next Meeting

The Steering Committee will set a date by email for the next meeting.

Gail Binkly, Recorder