

**RPW Steering Committee
Regional Discussion
Meeting Summary
FINAL
February 5, 2015**

In Attendance:

Jimbo Buickerood (San Juan Citizens Alliance); Steve Fearn, Bruce Whitehead and Preston Groetzke (Southwestern Water Conservation District); Ann Oliver (conservation); Suzanne Sellers (Colorado Water Conservation Board); Jeff Widen (The Wilderness Society); Chuck Wanner (Trout Unlimited), and Ex-Officio Members: Mark Lambert (San Juan Public Lands – USFS); Darlene Marcus (for Congressman Scott Tipton) and John Whitney (for Senator Bennet), and Marsha Porter-Norton, facilitator and Tami Graham, recorder

Marsha thanked Tami for her professionalism and collegiality in this process and also Marsha thanked the steering committee members for meeting with her individually over the past few weeks, which helped her shape a proposal for a process moving forward over the next three meetings. She noted several themes from the conversations. This group has a lot of human, financial and relationship capital expended in this process. There has been some level of impasse recently. There is an opportunity to focus on common interests: identify them and attempt to find a consensus proposal for the basin. She encouraged the group members not to “beat themselves up” for this process stalling. It is very complex and is one of the more detailed negotiations going on in the State of Colorado around water issues right now.

Marsha said she did an internet search on the Hermosa Watershed Protection Act and there are multiple articles stating the value of the Act and the community-based process that led to its success. She suggested using this capital to move forward. Marsha stated her job is to be fair, neutral and impartial. She can use her skills to get group there but they have to be willing to get there too. Marsha will be a “process cop” so to speak and as such, the agenda is timed. The job of the group is to listen, agree to disagree in a respectful way, and remember principles from workgroups. In this new phase, there is an opportunity to explore what common interests are, which is where consensus can be found.

Marsha conducted an overview of proposed agenda and handouts. The agenda was agreed to by everyone.

Observer/Public Comment

Mely: Cheering the steering committee 100%. Asked about another opportunity for public comment before end of meeting, so as to allow more timely input from observers. Mely stated her reason was that they might need or want to hear ideas before deciding on an item. This was agreeable to the group.

What worked to get successful federal legislation for Hermosa Creek?

The group was asked what made Hermosa successful. The answers are highlighted as follows:

- Transparency of process including effort to truly involve entire community
- Drafting committee – a willingness on everyone’s part to accept things that they didn’t like
- Did a good job of not sticking to ideology. Sticking with real facts and information
- Very valuable to have involvement of congressional staff to constantly inform the process, an understanding of political landscape
- At end of day, what happened outside of the workgroup was critical to the outcome

- There was a creative aspect to the language
- Steering committee discussion was about ensuring we were on the same page as related to communicating about the process, the proposal, the draft and coordinating communication
- Congruence between drafting committee and steering committee
- Honored the work of the workgroup itself
- That creativity created some problems on the legislative side but we stayed true to the work of the workgroup itself
- Didn't touch that much on the water issues, so didn't have to deal with water law and as such, was much easier than what we're proposing now
- We "rode the process" out
- An impetus for everyone to stick with it
- Congressional delegation was committed to honor the agreements of the local workgroup when
- Showed the importance of having both houses of congress involved, since the legislation had to move through both chambers.
- Having history with project is very important for congressional delegation, so they can answer the "why's"
- Feedback loop between steering committee, drafting committee and committees back in Washington DC including both chambers of congress
- The Hermosa Creek Workgroup sketched out a package and was willing to hand it off to a much smaller group (the Hermosa Creek Drafting Committee) where there was a lot of negotiating and working out of specifics
- Didn't have a lot of naysayers who said no to everything
- A lot had to do with timing in having both the senate and house involved and we needed a defense budget.
- The willingness to be packaged with other bills on the federal level
- Everyone played fair, an ethical commitment to the process
- We had a product that the congressional delegation could carry forward
- Grassroots, ground-up, community process eliminated a lot of issues and complications that could have emerged in congress
- Luck and timing

Re-establishing ground rules for interaction

Marsha conducted a review of ground rules and process principles from the workgroups and got consensus from the steering committee to adhere to them in this process as well. They include:

Ground Rules

- Only one person speaks at a time, no side-conversations
- Turn off cell phones or put them on vibrate
- Issue-focused discussions not people-focused. Respect others' opinions even if you don't agree
- If you need to catch up from a missed meeting please do so prior to the next meeting

Process Principles

- At the regional discussion meetings, there is time in the process for public input
- Respectful dialogue
- Solutions that meet diversity of needs and interests
- Everyone's opinions count
- Use of accurate facts and information
- Lots of interaction – consensus, collaboration, possible negotiations

- Fair, open, transparent process
- Use available tools and data

Interests discussion

Marsha then asked the group: What does an agreement in principle look like in relation to your interest or entity? Another way of asking it, she said, is: What are your interests? She said there is broad interest and then self interest. Both are ok. Knowing what each member's interests are helps craft solutions. Answers included:

- Chuck/TU: Needs to advance permanent protection on the resources that we're considering.
- Steve/SWCD: Protecting existing water rights and protecting ability for future water development as needed in the future. Need to get consensus from county commissioners.
- Suzanne/CWCB: Protecting ORV's while also protecting the ability to develop water rights. Also an interest in creating collaborative solutions that balances those two things.
- Suzanne/personal interest: I want to do a good job and look good to my board. Numerous others concurred that this was important to them as well.
- Preston/personal interest: Support from the public, without which will be difficult to get support from county commissioners.
- Ann/personal interest: Been at these meetings for a long time and would like to be able to hold up some success that reflects a balance of interests - a good package. Broader interest is that there are some durable protections that come out of this that help to maintain river systems, flows, etc. ~~ from an ecological function standpoint.
- Bruce/SWCD: Mission of group – protection of values while allowing water development to continue. To try to limit conflicts between federal and state law. Continued federal deference to state water law. Protect values as identified by workgroups, not limited to ORV's.
- Jimbo/SJCA: Durable and certain protections for certain watersheds that comes from legislation. Interest in seeing the San Juan Forest Plan be maintained as far as it reflected public input. Staying consistent with plan (i.e. honoring ORV's). Triple bottom line: social, economic and ecological pieces and how they interplay with one another are all important. Well-being of rivers and watersheds for the long term, considering climate change. Finding pragmatic solutions that are based on what's happening on the ground. Supporting solutions that reflect reciprocal relationship between humans and the environment.
- John T. (Bruce spoke for John Taylor's interest, as John was absent): Maintain forest health, protecting watershed in relationship to water quality. Protecting and maintaining agriculture as an economic driver.
- Jeff/TWS): Attaining a level of statutory conservation that makes the investment worth it. There is some threshold at which an agreement is worth it. Wants agreement that doesn't undermine other's interests on the ground. Make decision based on what's on the ground vs. ideology. Put aside blanket yes or no's (ideologies). In each watershed, try to resolve issues from workgroups. Resolve issues in a way that it is settled for the long-term. Wants to see this process work. Doesn't want it to go back to status quo.
- Mark L./FS: A product that is very clear and durable and recognizes the role of the San Juan Forest Service in implementing whatever is decided.

- Darlene/Congressman Tipton: Has to be able to sell this to the Congressman. Has to be clear that it is protecting private property rights, water rights, not a perception of having the federal government come in and take over, and a broad recognition and compromise with various groups involved. Makes it easier to vet a bill with these three things.
- John W./Senator Bennett: If we reach agreement here, we're probably good. Also has to be able to sell this to the Senator.

Marsha then asked if it was OK to ask observers what their interests are. Yes, it was and their answers were:

- Mely/TU: Reiterated Chuck's comments – permanent protections. This group is an example of how to get WSR designations in Colorado – by give and take, assurance in some areas and less assurances in other areas.
- Sandy Y./Agricultural interests: Our future for local food is in agricultural community. Wants to protect grazing.
- Mark P./personal interest: Seeing that the values of these wild and undeveloped rivers is retained over time. Show that WSR act can work in Colorado. Do this in a way that doesn't impact legal authority's to do their work/consistent with intent and integrity with laws of agencies.
- Ty/TU: Does this meet out mission statement as non-profit entity? Important in going back to constituencies. If legislation were to moved forward, ORV's established by Forest Service, ensure that those ORV's are not lost in the end. Interest that we all do our best to look long-term.

Summary of stated Steering Committee interests above (summarized by Marsha):

- Durable, permanent protections
- Take care of the values
- Protect existing water rights and ability to develop future water
- To be successful/ to look good
- Maintain healthy water quality
- Maintain ecological systems
- Maintain healthy watersheds
- Limit conflicts between state and federal laws
- Follow through on FS plan decisions related to ORV's
- Ecological, social and economic balance
- Pragmatic, on-the- ground solutions that takes into account how those on the ground are affected
- A level of conservation that meets a threshold that's sellable
- A product that is clear and recognizes agencies need to implement
- Not a government over reach

Marsha encouraged the steering committee to think about shared interests.

Steve said he agreed with all these interests. Marsha said that in the next meeting, we can look back at this list and see if there is agreement on a refined set of common interests.

Bruce reminded everyone of the need to get US Senator Gardner and his staff up to speed and included in process. Marsha said that yes, that is important and she is under the impression that our region is waiting the hiring of his local staff.

Review of two basin-wide proposals

Marsha called the group's attention to the two handouts summarizing the basin-wide proposals. One was done by Tami (the longer one) and presents the agreements and then concerns and issues articulated by the group. The shorter one (legal sized and colored) was done by Marsha and is meant to be a summary. The two are meant to be looked at together since one has detail and one is a "snap shot", and, they are working drafts. They are both summaries and the meeting notes provide much more detail.

Marsha asked for any corrections to the handouts:

- Chuck: On Piedra, in blue color, should be $\frac{1}{4}$ mineral withdrawal on main stem within the canyon. Action Step: review the Piedra Workgroup's Final Report to make sure it matches.
- Jimbo: On Mineral Creek and South Mineral Creek it says on proposal A: "... special consideration discussed for the Animas-La Plata project and the Town of Silverton water rights." He said that this should be edited to state only Silverton Town rights not A/LP. He said that the concern is that the Town of Silverton has water rights in this area that is their main water supply including on Bear Creek. He said he doesn't want that diversion structure to be considered a major impoundment. No plans for major storage on Mineral Creek.
- Jeff stated the following changes:
 - o Proposal B: a typo was noted in proposal B. The word "purple" should be changed to "purpose."
 - o The "addition of Elk Park, Grasshopper and Tank Creek", as listed, were not intended to mean all of those but rather should be listed as an "and/or."
 - o The SMA on South Mineral Creek would cover the South Mineral Creek watershed. WSR could be considered along with that or as a separate proposal. WSR as proposed would not affect the Town of Silverton's water rights (upstream of Bear Creek). Proposal of WSR and SMA should be viewed as an "and/or" proposition.
 - o The WSR on South Mineral would NOT overlap with the confluence with Mineral Creek.
 - o Proposal B would NOT affect existing water rights.
- Ann asked if the blue text meant agreement between the proposals NOT that the steering committee agrees as a whole. Marsha said that she meant the blue to reflect agreement between the two proposals.
- Bruce suggested that for Proposal A on the Main Stem of the Animas that the following be put in a different color. He said this hasn't been agreed to but proponents of Proposal A were "open" to this idea" -Open to addition of Whitehead Gulch, Weminuche Contiguous and West Needles WSA's to Weminuche Wilderness (portion of West Needles that wasn't included in Hermosa bill)".
- Mark L: Asked about specifics related to the Piedra workgroup agreement and if the CRA's that are contiguous to the Piedra Area, would have the same or different management description than management in Piedra Area now.

Marsha will make updates and circulate another draft to the steering committee.

New ideas as related to basin-wide discussion

Marsha then asked the group if there were new ideas and asked the group not to debate Proposals A and B at this time. She said her reasoning was that the group had already spent a good deal of time on the “pros and cons” of both proposals. She asked if there was any new thinking or a new idea.

- Suzanne: Suggested that there might be a new idea of adaptive management or non-legislative solutions and/or using a suite of tools to manage a resource in specific area. For example, she said, on the Upper Colorado, the group decided to continue as a “cooperative measures” subgroup. Presently nothing is being done legislatively. They are using their own resources to meet the needs of the ORV’s. She suggested that a third proposal (or perhaps an enhancement to A or B) could be meeting the needs of value protection outside of legislation. The group agreed that this should be considered.
- Bruce: We may want to circle back to other alternatives that are non-legislative if need be.
- Chuck: Would be very leery of that, as he wants durable protections sought.
- Steve: In that context, if we talk about South Mineral Creek, if we can’t agree on WSR or not, might we look at other tools such as State tools, etc. that would protect ORV’s.
- Jeff said he would be open to a combination of federal legislation and non-statutory agreements, like on the Lower Dolores. That group, he said, was getting stuck on fish/flows so they created an “Implementation Team” to adaptively manage for native fish. Jeff relayed: Let’s not box ourselves in to a certain tool.

Marsha said maybe if the group cannot get to agreement on “the whole enchilada” so to speak, that could it get agreement on a smaller package in some areas.

- Jimbo: We should consider the “combination plate” vs. the whole enchilada. Certain tools may work for certain geographical locales.

Where do we go from here?

The group opened up discussion on where to go from here. Several options were put on the table by the facilitator:

1. Continue as the current steering committee trying to negotiate out a package
2. Use additional tools in the meetings: Marsha noted that there are group processes and decision making tools that can be used which have not been used in the past. These would help the group understand where areas of agreement do or do not exist and sometimes may involve working in small groups for part of the meeting.
3. Form a smaller group (such as a drafting or negotiating committee) that would work to get an agreement in principle and bring back to the larger group.

The group debated the various ideas for how to move forward.

- Bruce: Concern with smaller group is that someone may feel left out. He said that there is only an agreement now to move forward with three meetings with the steering committee as a larger group. There will come a point if we have conceptual agreement to possibly form a drafting committee.
- Chuck: More in favor of a smaller group discussion for purposes of more time efficiency, for discussion only, not to make decisions.

- Steve: On Hermosa, the workgroup developed a set of agreements in principle first before forming drafting committee. If a list of items could be developed for discussion in a smaller committee, it could work and could bring focus.
- Chuck: On Hermosa there was several points to be discussed.
- Preston: On Piedra it worked well because we had a clear set of ideas to get into more detail with. It doesn't feel like we're there yet. Get to some more specifics first.
- Ann: Would like to empower smaller group to hash out any differences we have now and come back with ideas to move forward.
- Steve: The two proposals are a starting point. We can review final reports and from that build a list, since we're trying to get to something that everyone can live with.
- Jeff: Likes idea of efficiency of smaller group and also getting a little closer on set of agreement in principles.

Marsha suggested based on the above discussion that to move forward the group might craft an agreement in principle first and then form a smaller group to work out the details. She suggested that one issue she saw in the minutes is that the group was jumping to details without having a broad agreement first. It's easy to bog down that way, she said. She also said the issues of when to go back to the workgroups and when to involve counties as well as a need for technical information are significant. However, if an agreement in principle cannot be reached, these three additional issues seem mute, not necessary.

Bruce asked if the public would be allowed to come to smaller committee meetings, with a concern about closing the door on some stakeholders. Chuck felt would not be a problem because the smaller group would not be making any decisions. Their input would be heard at the larger steering committee meetings. Marsha said that seemed to make sense but it was the steering committee's decision, not hers.

Observer Comment

- Sandy asked if there was a definition for agreement in principle?

Next Steps

The steering committee agreed to meet one more time with the goal to generate a list of agreed upon principles for a smaller group to move forward with and a timeline for them to work within. Marsha asked folks to think about who might be on that smaller group and how many times they should meet.

At the next meeting, the group will approve the draft of the 12/15/14 meeting, in addition to the draft summary from this meeting.

Next meeting scheduled for February 25, 2015, 1:00 p.m. to 4:00 p.m.

Meeting Observers: Brad Powell, Mely Whiting and Ty Churchwell, TU; Sandy Young and Mark Pearson, public.

Submitted by Tami Graham, Recorder