

Vallecito Creek/Pine River Workgroup

Meeting 1 Summary

June 14, 2010

draft - 3 pages

NOTE: The Web site for the River Protection Workgroup, including the Vallecito/Pine Workgroup, is <http://ocs.fortlewis.edu/riverprotection>.

Facilitator Tami Graham reviewed the agenda and proposed outcomes for the meeting.

River Protection Workgroup (RPW) overview: Steve Fearn of the Southwestern Water Conservation District (SWCD) explained that the public-lands agencies must periodically revise their land management plans. As part of this process, the agencies are required to review stream segments within their management area to determine their suitability and/or eligibility for Wild and Scenic Rivers (WSR) status. Initially, the San Juan National Forest (SJNF) identified approximately 50 stream segments that were eligible based on the presence of Outstandingly Remarkable Values (ORVs). There was concern about the implications of the WSR findings, as WSRs that are formally designated carry a federal reserved water right, which poses a potential conflict with state water law. Steve said Chuck Wanner of the San Juan Citizens Alliance approached the SWCD about starting a dialogue regarding the potential WSRs. The SWCD agreed and formed the RPW to create a framework for a community-based discussion about the individual basins. The goal is to see what people truly value about these streams and rivers, and what additional protections might be needed for their values. Steve said WSR status is one protection tool but the SWCD has great concern about it.

The first group to convene under the auspices of the RPW was the Hermosa Creek Workgroup in Durango. It has completed its process except for the resolution of its water-protection issues; that is awaiting the completion of the remainder of the workgroup processes. Steve said Hermosa Creek had been a point of contention for at least 35 years and several different groups had struggled to decide how to manage it. Now this group is moving forward with special legislation to protect the area.

Proposed Vallecito Creek/Pine River process: Steve and Tami said this is an open process; anyone can attend. There is no formal voting, as the goal is to reach consensus. The RPW is interested in ideas and finding common ground. Recommendations from this group will become recommendations to the Forest Service. Steve said the SJNF is willing to listen to people's ideas and willing to incorporate those ideas into the agency's plan if they make sense.

Meghan Maloney of the San Juan Citizens Alliance said the RPW steering committee has been working since 2007 to develop a process that will be effective in the community. She said, although legislation was the recommendation of the Hermosa Creek Workgroup, it may not be the result of this or any other workgroup. A wide range of protection tools is available.

Steve said the steering committee doesn't know how this process will come out or whether there will be consensus. It's possible that the community will not be able to

come together on just one option but will be divided between two or three options, and that could be the report to the SJNF. There does not have to be forced consensus.

Tami said this process seemed to work well for Hermosa Creek. Its purpose is to look at tools already in place, understand community values and learn about potential tools to protect the values of the streams and watersheds. She said the steering committee is very diverse in terms of interests, and the key to a successful workgroup is to have a diverse group of stakeholders at the table. When a recommendation comes from a diverse group, it carries more weight. She said the expectation is there will be a total of eight to 12 meetings taking place once a month. The process could continue to the end of next spring or could conclude in December or January.

Tami reviewed the three phrases of the process: getting started, work/discussions/dialogue, and the recommendation phase.

Tami reviewed the elements of consensus:

- It includes steps so all views are heard and considered.
- It recognizes that differences of opinion are natural/expected.
- The group makes a good faith effort to reach a decision that everyone can support.
- Consensus does not mean everyone agrees with the decision but they can support it.

John said he supports the consensus method because, with voting, you have to decide “yea” or “nay” and that polarizes people. With consensus, you can say, “Maybe it's not too bad and I can live with it.” Tami and Steve agreed that a critical question is, “Can you live with it?”

Tami said this is the third of the six streams identified by the RPW for a stakeholder process. The remaining streams to be studied are the Animas and the Piedra. At the end of all the groups' processes, there may be issues remaining that have to be discussed on a broader, regional basis. Steve said WSR designation is one of those issues. He said WSR designation is still a possibility for Hermosa Creek, but the water-development community wants to view that possibility in the context of what will happen in the entire basin, and that requires seeing what the other workgroups decide about protection tools for the other streams.

Mark Stiles, SJNF supervisor, said the agency found Vallecito Creek eligible for WSR designation and the Pine River to be preliminarily suitable. The Vallecito was chosen for scenery and recreation, the Pine for scenery. Mark explained that that WSR eligibility is a lesser finding than suitability. Eligibility merely requires the presence of three factors: The stream is free-flowing, it possesses one or more ORVs, and it has adequate water quality. Suitability requires the evaluation of whether WSR designation might be a good protection tool for that particular stream. Mark said eligibility answers the question, “Could it qualify?” while suitability decides, “Should it qualify?”

Mark said the eligible/suitable stream segments are within the Weminuche Wilderness Area, so they have considerable protection already. Mark said Vallecito Creek was never evaluated for its WSR status before because this is the first plan revision done on the SJNF since a court decision stating that the agencies must do a comprehensive WSR evaluation as part of their plan revisions. The Pine had been looked at previously, in the late 1970s, as part of a statutorily mandated study, and was found suitable. Since then, it has been managed as suitable, as Congress has not chosen to take further action regarding its WSR status.

In answer to a question, Mark said that eminent domain authority (the authority to take private land for government purposes) is not conferred if a WSR is designated.

Outreach to other stakeholders: The low turnout at tonight's meeting was discussed. John Taylor of Hinsdale County said the Upper Pine has some great values and he would think this community would be very interested in taking part in the process. Tami said she wants everyone to help get the word out and thanked the *Pine River Times* for sending a reporter to tonight's meeting and publishing an op-ed about the launch of the process. Those present contributed suggestions and names of other stakeholders who should come to the meetings. Suggestions about stakeholders who should be contacted should be sent to Meghan Maloney at meghan@sanjuancitizens.org or Steve Fearn at fearneng@rmi.net.

Decision to proceed: Tami asked whether there was a decision to proceed but said it would be best to bring more stakeholders to the table before making a final decision. She said this should be as inclusive a process as possible and anyone can join at any time, although it's helpful if stakeholders are committed to attending meetings so there will be less time spent "catching-up" at each meeting.

Those present decided to proceed for now, but it was agreed that more people need to be present before the decision can definitely be made. The group agreed that at least two more meetings should be held.

Initial information sheet: The sheet was compiled by Ann Oliver using information from the steering committee. Participants were asked to read it at their leisure and offer suggestions about anything missing or incorrect. Tami said the information sheet will continue to be a draft for some time.

Next meeting: The next meeting will be Thursday, July 15, at 6:30 p.m. at a location to be decided.