

# San Juan River Workgroup

## Meeting #1 Summary

Feb. 25, 2010

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**Opening remarks:** Facilitator Marsha Porter-Norton explained the purpose and parameters of the San Juan River Workgroup, which is operating under the auspices of the River Protection Workgroup (“RPW”). Many different perspectives are represented at the table, including private property rights, recreation, people making a living off the river or the river corridor, and federal and state agencies. The goal is to put all those opinions and interests together, examine the East and West Forks of the San Juan River, and have a community discussion about what values are present in the corridor and how those could be protected. There are no “done deals” and no pre-set decisions. Tonight’s meeting is to gauge interest in proceeding with such a group. If there is enough interest, participants will be oriented to the purpose and scope of the project as well as their role. Several articles have been printed in local newspapers about the workgroup, and informational materials will be distributed. A draft of the San Juan River Initial Information Sheet has been prepared; it is not a final document and may contain incomplete or incorrect information. Meeting summaries and presentations will be posted on the workgroup’s web site: [ocs.fortlewis.edu/riverprotection](http://ocs.fortlewis.edu/riverprotection) (click on San Juan River Workgroup on the left).

Marsha thanked John Taylor of Hinsdale County, Mely Whiting of Trout Unlimited and Water Commissioner Pete Kasper for helping put together a list of whom to invite to this first meeting. However, there is no pre-set membership for the workgroup; whoever wants to come to the table is welcome.

Marsha said the RPW wants this to be an open process that is consensus-based. That doesn’t mean everyone will agree, but that the group will come to a point where people generally agree the solutions will work.

**River Protection Workgroup:** Steve Fearn of the Southwestern Water Conservation District board described the process by which the RPW came into existence. About two years ago, Mark Stiles, San Juan National Forest supervisor and manager of the San Juan Public Lands Center (“SJPLC”), started work on the *2007 San Juan Public Lands Draft Revised Resource Management Plan*. As part of that process, the SJPLC was required by law to do an inventory of streams and rivers that might qualify for Wild and Scenic Rivers (“WSR”) designation. The agency went beyond the first stage, determining WSR eligibility, and proceed to the second, suitability. A number of stream segments in Southwest Colorado were found preliminarily suitable. Steve said that represents a problem for the water community because a designated WSR carries with it a federal reserved water right (“FRWR”). About four years ago, Chuck Wanner of the San Juan Citizens Alliance (“SJCA”) asked the Southwestern Water Conservation District board about starting a dialogue about local streams. The RPW and its steering committee were then formed. The RPW is overseeing the study of five major stream basins —Hermosa Creek (that workgroup has largely finished its work), the Animas up to Red Mountain Pass, the Pine/Vallecito, the Piedra and the San Juan. All had one or more portions found preliminarily suitable for WSR status. The RPW is trying to find alternatives to WSR designation that would provide for protection of the rivers and watersheds.

Meghan Maloney of the SJCA said the solutions recommended by these workgroups will not be final decisions, but recommendations to the Forest Service.

Chuck thanked the SWCD for working with the SJCA. He said he realizes it is necessary to save room for water development in Southwest Colorado and the workgroups will help find ways to do so while preserving the rivers' values. It took two years for the process on Hermosa Creek to be completed, but it is hoped this process will be somewhat faster.

Ted Kowalski of the Colorado Water Conservation Board ("CWCB") said stakeholder groups such as this have been forming in Colorado to find alternatives to WSRs. Besides this process, there are workgroups focusing on for the Upper Colorado, Lower Dolores, and Uncompahgre. The CWCB board has dedicated funds to all these different processes, but funding is becoming tight.

**Workgroup process:** Marsha described two basic ground rules she always uses for such groups:

- Everybody's opinion counts.
- One person speaks at a time.

Another key element of the process is respect. Marsha also asked those interested to attend consistently. There will be monthly meetings. It's important to read the minutes and keep informed.

The process principles are:

- Anyone with an interest is a stakeholder.
- Respectful dialogue.
- Solutions that meet the needs of a diversity of interests.
- Everyone's opinion counts even if you do not agree.
- Use of accurate facts and information.
- Lots of interaction – consensus, collaboration, and possible negotiations.
- Fair, open, transparent process.
- Available tools and data.

**Process framework:** This is like an inverted triangle. The top, or beginning, of the process is broad (general) and then the group will move downward to specifics.

- Phase I will include introductions, agreement on the process, a decision to proceed, and basic information.
- Phase II will be discussion of important values to protect, whether human, economic or natural; the generation of options, including tools; and discussion of those options.
- Phase III will include continued discussion of options; the reaching of a consensus for the future; and defining an action plan.

At the end there may be issues that can't be decided until work on all five river basins is done. That proved to be the situation with Hermosa Creek; that workgroup has called for a basin-wide discussion of water protection before making a final decision on water protection for the Hermosa.

The goal of the process is consensus. Marsha said consensus means:

- Including steps so that all views are heard.
- Recognizing that differences of opinion are natural and expected.
- Making a good-faith effort to reach a decision that everybody can support.

- Understanding that not everyone has to agree with the decision but that it is something they can support.

**Discussion:** Mark Stiles was asked about the timing of the workgroups' efforts and how they mesh with the new forest management plan. He said the final environmental impact statement for the plan should be published in 2011. The agency will not hold up adoption of the plan for the workgroups to finish, but he is committed to finding a way to take advantage of what comes out of the groups. This process for the San Juan East and West Forks is likely to be completed before, or about the same time as, the final plan is adopted. What this group comes up with probably won't affect the agency's finding regarding WSR suitability, but the group can influence how the agency protects those values. Mark said the agency is committed to the process and is very interested in river protection in the Southwest.

Marsha added that the Steering Committee is guiding the *process*, not the outcome. Jeff Widen of the Wilderness Society said, during the Hermosa Creek process, everybody's values were discussed and aired. At the end, the group reached a consensus decision. No one got everything he wanted, but the consensus was acceptable. Buck Skillen of Trout Unlimited said he served on the Hermosa Creek Workgroup and could vouch for the fact that this is not an effort to drive a WSR down anybody's throat.

Marsha said the current projected timeline is for the Vallecito Creek/Pine River workgroup to begin in April or May and finish near the beginning of 2011. The Animas and Piedra groups will kick off in 2011. This workgroup will finish at the end of 2010, it is hoped. After all the groups are done, there can be a regional discussion. Marsha said the water community may accept a WSR designation in Southwest Colorado if they know it won't be on every river, and the conservation community may find lesser protections acceptable on some streams if there will be WSR protection someplace.

Steve said one of the reasons the Animas and Piedra rivers were left until last is that their corridors involve significant private property and private water rights. There is not as much private ownership on the San Juan East Fork and West Fork.

Mark said the draft plan revision found the West Fork of the San Juan River preliminarily suitable. The East Fork has many of the same values, but the East Fork was, for various reasons, not found suitable. The West Fork suitability determination extends down to the confluence with the East Fork and upstream into the headwaters.

Mark was asked what will happen if the group's recommendations are contrary to what is adopted in the plan. He said the SJPLC will look for a way for these groups' recommendations to be added into the final plan, but he can't promise that *everything* the groups decide will be adopted. How the workgroups' recommendations are incorporated into the plan will depend partly on timing. If the final plan has already been adopted after a group completes its work, the plan could be amended.

Mark explained the process by which a WSR is designated. The designation comes through federal legislation. However, once a stream is found eligible or suitable by the managing agency, the agency must manage the stream so as to protect its values until Congress chooses to act. So, within the corridor one-quarter-mile of the stream on each side, the values cannot be impaired by an action authorized by the Forest Service or other federal agency. Mark said there are WSRs in the country that involve corridors with a significant amount of private property. The use of condemnation along a WSR corridor is not widespread and is not likely here.

Mark said “Wild and Scenic River” is a bit of a misnomer because there are three classes of WSR based on the degree of human disturbance in the corridor: “wild”, “scenic” or “recreational”. The preliminarily suitable portions of the San Juan West Fork were classified as either wild, or recreational (where there were roads and fences).

**Moving forward:** Marsha asked whether there is consensus to move forward with a workgroup. The consensus was yes.

**Additional stakeholders:** Marsha asked if there are additional stakeholders who should be invited to the table. Some suggestions were: property owners/snowbirds (they have been contacted), representatives of Archuleta County (they had another meeting tonight), representatives of Mineral County, developers, the Colorado Division of Wildlife, the Southern Ute Tribe (Chuck Lawler, who represents the tribe, is on the RPW Steering Committee but could not be present tonight), and Xcel (a representative was present),

David Bridges with Xcel said the company has a right-of-way along the Animas River and the East Fork and asked about the effect of a WSR designation on this. Mark said if a WSR were designated along one of those corridors, the right-of-way would be respected as a valid existing right. However, if the company wanted to put in a bigger line or make another major change, that could be a problem.

David Smith, manager of the Boot Jack Ranch asked Mark whether the bulk of the geology that is to be protected isn't in fact on the east side of Highway 160, in lands protected by the ranch's conservation easement. He said the ranch is already doing its part to manage noxious weeds and provide river restoration, and he wonders whether a WSR designation is needed when the corridor is already protected through conservation easements and by state agencies.

Mark said the group will have to decide such things. He agreed that a bulk of the geology is in the area David described. Marsha said conservation easements are on the list of existing protections on the information sheet.

Ted Kowalski said the group working on the Lower Colorado in one instance decided that a stream segment did not warrant WSR suitability because it already had instream-flow protections and some scenic protections and those were sufficient. It recommended that the BLM find that segment not suitable in the final plan.

Marsha suggested that group members do outreach and invite others. They should also check the web site for information and read the draft information sheet, which will be discussed in detail at the next meeting.

**Next meeting:** The next meeting will be Thursday, March 25, from 5:30 to 8:30 p.m., at the Ross Aragon Community Center Cafeteria. Meetings will be on the fourth Thursday of each month.