

San Juan River Workgroup

Meeting 4 Summary

May 27, 2010

Final - 3 pages

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

Information: Facilitator Marsha Porter-Norton said Mike Reid of the Colorado Division of Wildlife (DOW) has provided detailed information on wildlife in the watershed, and Ann Oliver has winnowed the list. There is also a handout listing sensitive plant species, and a more detailed handout on water quality is being prepared. The Initial Information Sheet was extensively edited after the input from the last meeting and is available on the Web site.

Meeting summaries: The March and April meeting summaries were approved with one correction in April.

Values statement: The group worked on revising the draft values statement prepared by Marsha. Marsha explained that the focus of this process is the area from the headwaters of the East and West Forks down to their confluence. She said some people may value some attributes of this area more than others, but nobody's value is more important than anyone else's.

Several in the audience stated that private property rights are a key value. Many concerns and questions were raised about the effects of Wild and Scenic River (WSR) designation and/or WSR suitability/eligibility findings on private landowners. There was discussion about whether the workgroup process was needed when many landowners don't want a WSR designation on the East or West Fork.

Mely Whiting of Trout Unlimited said this process is an opportunity for the community to say what it values and whether those values need further protection. She said it is not geared toward finding an outcome that WSR designation is recommended.

Steve Fearn of the Southwestern Water Conservation District (SWCD) noted that much of the potential WSR corridor in this watershed corridor crosses private land, especially on the East Fork. One of the reasons the SWCD and the water community are at the table is because they believe WSR designation would be a problem here. However, Steve said it isn't enough to simply oppose WSR designation if you want the suitability finding to go away; an alternative needs to be offered. One of the outcomes he hopes to see from this process is one or more alternatives to WSR status that the Forest Service will find acceptable. He said the presence of private property is a consideration in the agency's determination of suitability, and alternative protection tools may mean the agency will decide WSR designation is not the best tool. He said WSR status has not been taken off the table, but if a community consensus is developed that supports an alternative it will carry weight with the agency. However, if individual people just say they oppose WSR designation, this won't mean as much.

Marsha agreed that it's difficult for the public-lands agencies to ignore a broad community consensus. Marsha said this process is funded to completion. She said more details about the ramifications of WSR status will be provided at subsequent meetings, but it's important to get to know each other's interest and concerns first.

Ann Oliver said one reason the meetings didn't start with WSR information is that the River Protection Workgroup doesn't want the process to be focused on WSRs only. There are many other protection tools.

Landowner Kathy Weber said it seems that the community is telling people who own land along the river what to do with their property, but those river-front landowners can't tell the community what to do with theirs.

Michael Whiting of the Southwest Land Alliance, representing the East Fork Ranch, said there is understandable resentment and confusion about why people have to participate in a public process regarding their own private land. He said it is the federal government, not the community, that is considering potentially affecting property rights through a WSR designation.

Marsha said if people simply abandon this process and it ends, the agency findings of WSR eligibility and suitability will probably stand. She said this process is a chance for the public to give feedback to the agency. It's not a process designed to tell private landowners what to do.

Steve said part of the SWCD's responsibility is to protect water rights in the entire area. The SWCD believes a WSR finding has many adverse impacts on water rights. The district's reason for being here is to protect water users in the basin, not to tell landowners what to do with their land. He was asked what would happen if the group recommends doing nothing in terms of new protection. Steve said the group can decide the area is already protected adequately, and that would be the recommendation to the Forest Service and congressional representatives. It might form the basis for a reconsideration of the WSR eligibility/suitability findings.

Kevin Khung of the San Juan National Forest (SJNF) said the SJNF is still a long way from adopting its final land management plan and the final decision will be the regional forester's. He said Mark Stiles, SJNF supervisor, values citizens' input and he believes Mark will take that input forward.

Marsha said the report will be the community's product and can be presented to the county commissioners, DOW and more. She said not all solutions have to be government-based. Recommendations could include incentives for conservation easements and other citizen-based measures. Michael said there may be an opportunity to generate incentives to help people keep their land in agriculture.

Some of the comments regarding values were:

- It's important to recognize the river in this process, not just the watersheds.
- The intake for the Snowball water-treatment plant on the West Fork is a concern for the Pagosa Area Water and Sanitation District (PAWSD).

- It's also important to protect the undeveloped water rights of the PAWSD and San Juan Water Conservancy District.
- Specific reasons that the river and watershed are important should be listed, e.g., downstream users, agriculture, and more.
- Geology should be mentioned.

Landowner Lesli Allison raised the issue of weighting values. She said she makes a distinction between public need and public desire. She asked which is more important: a landowner who has been on the land for generations, or a recreationist who wants to ride by on a bicycle once a year? She said substantive values need to be identified rather than just every value anyone can think of.

Steve Fearn said the feeling is that all values are important and it's best to come up with solutions that don't require evaluating which values are most important. The goal of this process is to produce a "win-win" under which everybody gets the things most important to them to a reasonable degree and nobody is left out. If the group starts prioritizing values, half the people will leave the table.

The group reached consensus on a revised values statement; Marsha will prepare it and distribute it.

Overview of protection tools: Marsha briefly went over the handout on protection tools and added that there may be other tools that are identified by this community.

Lesli commented that there is a need to look at the integration of local, state and federal regulations in regard to protection. She gave a personal example: She was asked not to graze sheep on her ranch because of a conflict with bighorn sheep; now the county assessor is valuing her land as vacant land rather than agricultural because it isn't being used for grazing. Lesli said any federal restrictions on what you could do with your land could result in your being penalized by the state and county in regard to property taxes.

Issues, opportunities and concerns: Marsha took input on additions to this list:

Issues and concerns

- Impacts to private property of WSR status.
- Impacts of WSR status on property values as they relate to conservation easements.
- Water quality.
- How were the ORVs designated for private property?
- The interaction of federal, state and local tools and regulations.

Next meeting: The next meeting will be Thursday, June 24, at 5:30 p.m. at the Ross Aragon Community Center cafeteria. There will be a panel discussion of WSR and other tools. A field trip is tentatively planned for July and the Southwest Land Alliance is having its annual picnic sometime in July or August on the East Fork.