

RPW Steering Committee Meeting Summary May 16th, 2014

In Attendance

Matt Thorpe, Wanda Cason, Jeff Widen, Ann Oliver, Bruce Whitehead, Darlene Marcus, John Taylor, Preston Groetzke, John Whitney, Jimbo Buickerood, Chuck Wanner, Steve Fearn

Approval of last meeting summary

Some minor typo's were corrected from the March 13, 2014 meeting. Summary approved as presented, otherwise.

Observer Input

Mely encouraged the SC to remember the amount of work that has gone into getting to this point. Encouraged everyone to be patient and respectful in the meeting.

Process for canceling or postponing meetings

Chuck made a request that the SC be consulted before a meeting is canceled or postponed.

Hermosa Legislation Update

John W. reported that on the Senate side, the bill has been amended to include language around water right issues with DMR. There has also been some discussion around minor technical changes. Some issues still remain with Molas pass snowmobiling. The BLM wants to release the entire WSA, even though there was consensus otherwise to release half of the WSA. Hopeful to get bill passed out of committee on the senate side soon. Feeling positive overall.

Darlene reported that on the House side, the committee chair likes the bill and wants to move it. As soon as there is resolution on the Molas language, it should move out of committee.

Discussion was heard on whether the SC should send a letter to BLM reiterating the collective support of the bill. No consensus was reached on this. Individual organizations can certainly do so, if they so choose.

Phase II/Regional Discussion

Jimbo and Jeff presented a proposed basin-wide package. Jeff stated that there were a couple of goals in putting together the proposal, which included honoring the overall goals and direction of the group, which is to provide protection for stream segments and watersheds in a variety of ways while leaving opportunities for water development. Jimbo and Jeff met with Steve and ran some of the ideas by him prior to the meeting.

Basic features of basin-wide proposal:

- Release of suitability of 90 miles of river segments overall, including the main stem of the Animas.
- Finding alternative protections for most of the areas where suitability would be released, especially on the Piedra, Animas and Mineral Creek.
- Designation of some portion of WSR on Hermosa.
- Preserving opportunity for off-channel storage on Piedra, Howardsville site, bottom of South Mineral Creek, possibly Town of Silverton.
- Maintain consensus package on Piedra (release of suitability on main stem but

leaving potential for off-channel storage.

West and East Forks of the San Juan

Proposal:

- Leave as detailed in SJNF Land and Resource Management Plan (9/2013)
- 13 miles found to be suitable in plan.

Comments from SC members:

Bruce

- SW didn't agree with suitability on East fork and have filed an appeal with SJNF. Letting that play out.

Piedra

Proposal:

- Proceed with the Piedra agreement with the one change of extending the saleable mineral extraction boundary to 300 feet from the four tributaries (rather than the currently discussed 150 feet).
- The legislative language for the removal of suitability on all segments agreed to in the RPW process could be derived from the language already utilized in the Rio Grande Natural Area Act (2006).

Note: The act can be found on-line. Tami will send out a link, once received from Jimbo. "Section 5DI of WSR act shall not apply to the natural area". This language in the Rio Grande Natural Act exempts the Area out from being considered as a suitable segment in the future.

Comments from SC members:

John T. & Bruce:

- Question on increasing extraction boundary. A concern, as Hinsdale BOCC wants to have access to gravel. Need to discuss further. Existing gravel pit is within 300 feet. Need to look at access issue.

Preston:

- there are already protections in place between the picnic area and road, eliminating the need for a 300 foot extraction boundary.

Pine/Vallecito

Proposal:

- Leave as detailed in SJNF Land and Resource Management Plan (9/2013)

Animas

Proposal:

Mainstem

- Removal of suitability on river segment from Baker's Bridge to south of Silverton (27 miles)
- A ¼ mile mineral withdrawal corridor (leaseable, locateable, saleable) on both sides of river
- No impoundments in Baker's Bridge to Silverton segment (with Howardsville storage right still intact)
- Addition of Elk Park, which is an element of the "Weminuche Adjacent" Colorado Roadless Area, to the Weminuche Wilderness (641 acres which is recommended for Wilderness in Final SJNF LRM Plan)
- Addition of Whitehead Gulch, Weminuche Contiguous and West Needles Contiguous (except for acreage that will be withdrawn as part of the Hermosa WP Act) BLM WSA's to the Weminuche Wilderness (4,442)
- Addition of the Grasshopper and Tank Creek area of the Weminuche Adjacent CO Roadless Area to the Weminuche Wilderness (approximately 5,000 acres)

Comments from SC members:

Steve:

- Regarding ¼ mile mineral withdrawal, the workgroup proposed that for areas below Silverton, no major dams, mineral withdrawal ¼ mile. That was based on what would occur if that corridor was designated as WSR. No problem in Wilderness boundary area. If WSA's added, that would be fine also. Regarding no major impoundments, would have to talk about how to frame language related to diversion structures in that reach now. Not sure about adding Elk Park to Wilderness. Tank Creek is a water right for the railroad. Will need to take a look at this. Grasshopper is a pure cutthroat Creek, according to Parks & Wildlife. There are other decreed water rights for A-LP that we need to make sure we're not impacting. Would have serious reservations of any blanket protections that could impact existing or future water development potential, where no water rights exist now.

Bruce:

- Clarifying question: WSA's in Animas – West Needles is 461 acres. BLM would like all of WSA's removed – about 1200 acres. How would that play out in relation to the Hermosa bill?

Jimbo:

- Whatever is not partially withdrawn by Hermosa bill, would become Wilderness in this proposal.

Bruce, con't:

- In additional Wilderness to be potentially added in Animas from WSA's – keep it consistent with ¼ from river for Wilderness boundary. Caveat: are there any other decreed water rights in WSA's? If so, need to look at. Tank Creek – Train has a water tank at approximately the Wilderness boundary. Not sure if it's on FS land or not. Need to find out.

SMA – if it makes decreed water rights a higher standard for them to acquire special use permits in future, there would be concerns.

Mineral Creek

Proposal:

- Removal of suitability on this segment (8.65 miles)
- A ¼ mile mineral withdrawal corridor (leaseable, locateable, saleable) on both sides of river. This is the exact suitable segment in the plan.
- No impoundments on segment.

Comments from SC members:

Steve:

- Has a problem with Mineral Creek, since there is a lot of potential there (Silverton to the top of Red Mountain Pass). A history of extended mining in that stretch. There are some visual protection there now.

Bruce:

- Is any of that area private? Steve – yes, there is patented land in that stretch, starting in Silverton. There is an in-stream flow water right there now.

Bruce:

- The Animas mainstem doesn't have some of the protections that Mineral Creek does.

Ann:

- The corridor along the highway is a scenic, historic and backcountry by-way. That corridor is in a by-way now. It was associated with a management area 4 in the draft plan. Need to clarify current management for the by-way, especially in relation to mineral development. Info. sheet includes some of the management suitability. Not sure if it was kept in the updated plan. Need to look up final plan and see what was included as far as scenic protections.

Steve:

- Silverton special area has it's own designations. Need to be checked to see what's in there, for very lower section of Mineral Creek (roughly Bear Creek down). It's an area of joint concern. The Town and County have to agree that development is appropriate.

Bruce:

- Doesn't see agreement for no impoundments on Mineral or South Mineral – at least from workgroup. Through a collaborative effort, Carbon Lake Ditch water rights were purchased for in-stream flow.

Jeff:

- Mineral withdrawal was included here because it is standard.

South Fork of Mineral Creek

Proposal:

- Designate a Special Management Area (South Fork of Mineral Creek Watershed Protection Area of approximately 19,000 acres) with the following elements:
 - SMA would include South Fork Mineral Cree and Bear Creek watersheds (Bear Creek is a municipal water source).
 - South Fork of Mineral Creek designated as a Wild and Scenic River (Recreation) for approximately 7 miles. The downstream/eastern end point of the reach would be the location of the absolute structure that is approximately $\frac{3}{4}$ mile upstream of the confluence of Mineral Creek and South Fork of Mineral Creek.
 - The private property along this river segment (constituting of a lineal $\frac{1}{4}$ mile of river) would be "exempted" from Wild and Scenic designation – this is in the Bandora Creek area.
 - SMA would include Bear Creek watershed with legislative provisions to protect Silverton/SJ County's ability to develop (divert, store, etc.) Bear Creek flows as a municipal water source
 - Travel and trail designations would remain "as is" including road to Clear Creek
 - Recreational infrastructure needs would be allowed (bridges, campgrounds, toilets, etc.).
 - SMA language would include mineral withdrawal for locateable, leaseable and saleable minerals.

Additional comments from Jimbo about the points above:

- In plan, two ORV's are black swifts and fens. Seeking WSR designation on South Mineral Creek, to protect those values.
- Not aware of any conditional or absolute water rights upstream of proposed WSR designation.
- South Mineral has better water quality than much of the Animas watershed. It is a rainbow trout stocked stream.

Comments from SC members:

Bruce:

- Same comment as before on SMA, if it impacts conditional or absolute water rights - if it's a higher standard for special permitting, then it would be a concern.
- Have been cases where FS has been very difficult in regards to special use permits.

Jeff:

- Could deal with it the way it was done on Hermosa with DMR, with a clause that states it doesn't impact existing rights. Could mitigate some of the unintended consequences.

Steve:

- Can't support an SMA. Too much for this area. Consider leaving suitability in place on South Mineral Creek. A case in court now to secure additional water rights for Silverton.

Jeff:

- Are there areas in the watershed that have real values and could have protections added without adding pressures on existing water rights?

Bruce:

- Second point on South Fork, location of an absolute water right – is that Silverton's?

Steve:

- An SMA is of significant concern, with or without WSR designation.

Steve:

- Does it make sense to have a 5-6 mile stretch of WSR?

Hermosa Watershed

Proposal:

- Wild and Scenic designation utilizing the framework of ORV's and specific segment classifications as detailed in SJNF Land and Resource Mgmt Plan (9/2013)
- East Fork of Hermosa Creek as "Recreation" and Hermosa Creek as "Scenic"

Comments from SC members:

- To be discussed in more detail next meeting.

Overview of proposed release of suitability and WSR designations

(as presented by Jimbo and Jeff)

- In the SJNF Plan (9/2013), 220 miles of river streams that were found to be suitable.
- This proposal takes just under 90 of those 220 miles and removes suitability, including Animas segments: 27, Piedra segments: 50+, Mineral Creek segments: almost 9.
- Proposes addition of 42 miles for WSR designation: Hermosa segments: 35 miles, South Mineral Creek segments: 7
- The Poudre river, Colorado's only WSR designated river, has 60-70 miles of WSR.

Observer Input

Ty:

- In relation to an earlier question in the meeting, in looking at a map, it appears that the set-back of WSA's is the same as the Wilderness boundaries.
- There's 62 miles of suitable now on the Hermosa. Does this proposal include all 62 miles? The description in the proposal excludes the "wild" tributaries.

Emily:

- Conservation Colorado would work hard on the front range for any proposal that has strong conservation links to it.

Sandy:

- Also wants clarification on proposed WSR segments on Hermosa. Looks like removal of 21 miles of "wild" segments removed in the proposal.

Mely:

- Thank you for staying and talking in a civilized way.

Bruce:

- Question for Mely and Ty....is this part of your proposal? Which camp are you in?

Mely:

- I support something that will work. Concerned about people taking hardened positions on things. The upper Colorado wild & scenic group just stopped meeting for about 5 months. Doing great but it wasn't smooth. TU wants this process to move forward and to be successful, whether it's their proposal or a different one.

SHIFT Symposium

The SHIFT festival in Jackson Hole had some interest in someone from the SC to attend festival and discuss the RPW process. They have since eliminated RPW from their consideration for this year's entities that they will feature, in relation to collaborative natural resource related efforts.

Next steps

It was agreed that at the next meeting, questions and concerns that were identified with the most recent proposal would be further discussed. It was also reiterated that the first basin-wide proposal, presented by Chuck, will also continue to be vetted.

Future meeting dates

The next meeting will be on July 1st, 1-4pm at the Southwest office on 2nd avenue!!