

RPW Steering Committee Meeting Minutes December 17th, 2013

Present: Bruce Whitehead, Darlene Marcus, Wanda Cason, Chuck Wanner, Steve Fearn, Jimbo Buickerood, Suzanne Sellers, Ann Oliver, Jeff Widen, with contract staff Tami Graham. Observers: Preston Groetzke, Mely Whiting, Ty Churchwell, Emily Orbanek

Approval of Summary from prior meeting

The summary from the November 8th, 2013 meeting was approved with one minor edit.

Observer Comments

None.

Next meetings

- Friday, January 10th, 10am-noon
 - Thursday, February 13th, 10am-noon (CHANGED from Feb. 14th. Tami will send an email to the workgroups regarding the change).
- All meetings will take place at La Plata Electric Association, unless otherwise noted.

Hermosa legislation update

- Jeff was in D.C. for the hearing. Senators Bennett and Tipton did a great job in support of the legislation. Senator Udall also was present, as he sits on the Energy & Natural Resources committee.
- One question from a Senator from West Virginia, asking about hunting access.
- BLM is advocating for a full release of the West Needles WSA. Jeff noted that at least 20 entities were in support of the compromise of a partial release. Note that the compromise for release of the WSA was not a part of the Hermosa RPW group discussion. It was an add-on, after the fact. The Animas group did not reach consensus on the issue of WSA's.
- The agreement reached by the Hermosa RPW is still likely to move forward as drafted.
- Senator Bennett's office will be reaching out with Senator Tipton's office, to schedule a meeting regarding some issues that DMR has had regarding water rights they have. They would like to reconvene the drafting committee as well as the two planning departments from La Plata and San Juan counties. Could impact the WSR discussion on Hermosa.
- It was noted that nothing in the Hermosa legislation was meant to impact existing water rights.

- To date, minor edits being proposed to the Hermosa legislation have no negative impact on the work done by the Hermosa drafting committee/workgroup.
- A process is starting up for source water protection planning, involving 7 public water suppliers on the Animas. It's called the Animas Drinking Water Alliance and is funded by CDHPE. It's a voluntary and standard process for CDPHE. The next meeting is in January. Tami will email the SC the meeting date once received from Ann. Hermosa was mentioned at the first meeting, which is why it's being brought up in this discussion.

Regional Discussion

Range of current issues, viewpoints and considerations on various streams:

San Juan

East Fork:

- Suitability on private land is a major issue for some (54% of suitable stretch in FS plan is on private land – need to confirm).
- Was added in FS plan after workgroup was done.
- Leave suitability in place.
- If looking at removal of suitability on private lands, wouldn't have to go to workgroup, as there was consensus on that.
- No consensus on the issue of suitability on public or private land, either in the workgroup or steering committee.
- Final report not specific on the mineral withdrawal, although there were some objections.
- Concerns around diversions:
 - It is not clear that all the diversions are located on private property. If additional permits are required, due to suitability, this is a concern. Need clarity on which diversions are on private land vs. public land.
 - Bruce will get specifics on diversion points, upstream and downstream from public land on East Fork.
- 4 potential choices so far: 1) walk around suitability issue (leaving what's in the plan), 2) remove suitability as part of legislation, 3) advocating for suitability (could be complicated because of mineral withdrawal issue, as ¼ mile on either side is not the whole valley, 4) a hybrid approach of advocating for removal of suitability below the upper boundary of the private lands, with the finding of suitability to remain in place only above the private lands (may take some adjustment of boundary if there are decreed water rights on USFS property).
- It was noted that there are conservation easements on all of the private property found to be suitable on the East Fork.

West Fork:

- Final report states mineral withdrawal could be acceptable as part of a package, as an alternative to WSR.
- An idea emerged out of workgroup for a withdrawal on the west side of Bootjack Ranch to preserve character.

Piedra

- Piedra protections were discussed as possible stand-alone legislation in the work group. If there are additional trade-offs to be discussed, the principal trade-off seems to be possibility of WSR on Hermosa in exchange for removal of suitability on the Piedra and tributaries, Animas, (and possibly portions of the East Fork of the San Juan).
- Concerns around WSR in main canyon due to water right issues. Interested in other ways to protect the character of the canyon.
- Mineral withdrawal as stated now is not as strong as a WSR set-back. Interest by some in an equivalent withdrawal for upper drainages (the 4 streams between Wilderness and the bridge). Piedra drafting committee agreed to 150 foot set-back (excluding private property).
- Concern around change from what Piedra workgroup came up with, if expanding set-backs on mineral withdrawal.
- Piedra protections proposed are good. Not WSR but good protections. Upstream protections in upper part of Piedra are not inconsequential.

Animas

- Concerns about WSR in the canyon, due to upstream water rights, but interested in other protections to protect the character of the canyon.
- Leave suitability in place.
- Animas is a major point of discussion and whether suitability is maintained or not. Swifts and Fens are State protections and therefore can be protected through State protections such as the In-stream flow program without a need for federal legislation.
- Suitability on upper reaches is an open question. Dropping suitability considered by some to be substantial. May not be as much potential for water development up there.
- WSA's:
 - There are two that are adjacent to the river: Whitehead and West Needles. Consider turning them into Wilderness. Some would like to see as part of lower Animas protections.
 - Question on WSA's: How much is along the river corridor?
 - There may be mining claims there. Consider moving the boundaries slightly if so. Need to consider access to those claims. Would likely eliminate most of the objections.
 - WSA boundary comes down to WITHIN ¼ mile corridor.

Hermosa

- Principal trade-off seems to be possibility of WSR on Hermosa in exchange for removal of suitability on the Piedra, Animas and possibly portions of the East Fork of the San Juan.
- Some prepared to accept WSR legislation there.

Vallecito/Pine

- Some potential for water rights issues on TMD's.

Observer Input

Mely:

- Animas is challenging. Consider option of removal of suitability in exchange of recognition of ORV's and heightened scrutiny of federal agencies consultation requirements in order to protect ORV's. Also include mineral withdrawal and no dams. This approach could bridge the gap between removal of suitability and maintaining it.
 - East Fork of San Juan: 4 options discussed. Leaving it alone is a good option – status quo. If suitability released on private lands, there needs to be a trade-off for keeping suitability on public lands. (Steve noted he wouldn't have a problem with leaving suitability on public lands, as long as there is a buffer for diversions).
- (Note: Tami will bring maps from the San Juan workgroup next meeting, to help clarify locations of diversions – public vs. private land).

Ty:

- WSA's are such because they lack private property in-holdings.
- Snowmobile meeting that happened in Silverton – he would argue that although we didn't go back to RPW process to discuss, all major constituencies were there. Ty got approval from TU, Sportsmen for Hermosa, discussed WSA withdrawal and got approval, before offering it.
- Federal Land Policy Management Act says that BLM is obligated to provide reasonable access to properties in WSA's but doesn't guarantee that.

The group agreed to review the St. Vrain language at the next meeting.

Meeting adjourned at 12:03pm