

RPW Steering Committee Meeting Summary October 22, 2013

Present: Bruce Whitehead, John Whitney, Wanda Cason, John Taylor, Chuck Wanner, Steve Fearn, Jimbo Buickerood, Suzanne Sellers, Ann Oliver, Jeff Widen, with contract staff Tami Graham. Observers: Mely Whiting, Ty Churchwell

Approval of Summary

Minutes from the September 10, 2013 meeting were approved.

Observer comments

No public participation was heard at the beginning of the meeting.

Next meetings

Friday, November 8th and Friday December 13th, 10am-noon at LPEA.

In addition, Friday, Jan. 10th and Friday, Feb. 14th, 10-noon were confirmed for the first two meetings in 2014. Tami will inquire about reserving a conference room at LPEA for these meetings as well.

Phase I budget wrap-up Phase II Contract

Bruce reported that all invoices from Phase I had been received. SWCD will reimburse DWCD in full for expenses that had remained from Phase I. In addition, the Phase II contract with Tami has been approved and is in the process of being signed by Bruce, Jimbo, Tami and DWCD.

Forest Service Plan (FEIS & ROD)

The deadline for filing protests related to the recently released Forest Service and BLM management plan was extended to November 7th, according to John Whitney. This extension is due to the 16-day government shut-down. Bruce reported that SWCD has filed a protest in regards to a few items. Shouldn't affect the Phase II process with the possible exception of the East Fork of the San Juan, which the FS found to be suitable for WSR. Bruce wanted to let the group know that SWCD had done so. He will forward the protest language to Tami, who will forward to the SC. Also of note in the plan is the removal of suitability on the portion of West Fork that runs through private property, primarily Bootjack Ranch.

In addition, the FS has included in their standards (formerly guidelines) how they review or evaluate by-pass flows. These issues have been relevant in this State for many years. The State and SW have been opposed to them in the past. SWCD is appealing this change. Also, on the lower Dolores, additional species have been added as ORV's, which could require higher flows than what the DRD had been discussing.

The three issues noted above are those addressed in the SWCD protest.

Also, Suzanne reported that the Colorado Department of Natural Resources filed a joint protest (with CWCB and Parks & Wildlife) on bypass flows and the disregard of the work of the two workgroups up to this point. In 2008, CWCB asked that when the groups finished their process, the ROD's could be re-opened and taken into

consideration. Those are the two items that relate to WSR but there some other issues that Parks & Wildlife raised as well. The FS did reference the work of the workgroups, which leaves open future land managers ability to take their outcomes into consideration.

All workgroup members agreed to share with the SC any protests that they individually or the organizations they represent file.

Update to overview of five workgroup outcomes matrix

Tami reported that there will be an updated version of the workgroup outcomes overview matrix. It will include language under Vallecito/Pine that the VP workgroup suggested the issue of maintaining suitability on the Upper Pine be discussed at the regional discussion. In addition, the acreage on the Hermosa wilderness designation will be updated to the exact acreage of 37,236 acres, and the finer points of mineral withdrawal on the Piedra will be noted. Tami will forward the updated version to the SC.

Observer comments at SC meetings

The SC readdressed when it is appropriate for observers to share their thoughts, feedback, questions, etc. As was previously agreed upon by the SC, there will be an opportunity for observer comments at the beginning and the end of every meeting.

Considerations for evaluating proposals

The SC brainstormed the following list of considerations when evaluating any proposals for legislation coming out of the regional discussion. This list is only a guideline and can be added to or otherwise amended in the future by the SC.

- Does it align with the outcomes of the individual workgroups?
- Is there local BOCC support?
- Support from local governments, including municipalities?
- Can State of Colorado support it?
- Can congressional delegations support it?
- Can proposal provide durable protections of identified values while taking water development interests into account?
- Does it align with a broad spectrum of local interests?
- Can proposal be supported by a variety of stakeholders?
- Does it address a regional perspective, i.e. all five segments?
- Can it be supported by national environmental groups?

Format for evaluating proposals

Tami reminded the SC that in the planning retreat for the regional discussion, the SC agreed to develop a common format for discussing and debating proposals. After discussing possible formats, the SC agreed to move forward with exploring building a proposal from “the bottom up” instead of asking SC members to come prepared to present draft proposals already fleshed out. With that said, the SC began discussing broad parameters for building a proposal from the “bottom up”.

The following is a summary of this discussion.

Steve:

- Recognition that there is a desire for one WSR designation in the basin. Is there a way to accommodate that with existing water rights and compacts?

Hermosa Creek is the most likely candidate as he sees it. Would need to give up a reservoir site to do that. Feels that a federally reserved water right is not necessarily off the table in Hermosa. Trade-off would be removal of suitability, perhaps on Piedra and/or Animas.

General agreement that Hermosa and Piedra workgroups were the most complete and specific in terms of outcomes and consensus areas. Also general agreement that a bigger conversation was needed in the regional discussion around the East Fork of the San Juan, and the Animas.

There was a general suggestion to capture concerns related to specific proposals, as they emerge, and keep note of them.

John T:

- WSR is an appropriate protection tool in some streams. In other streams, WSR designation is not the way to go because it may increase tourism and damage the values were trying to protect via increased development.

Steve

- Animas and Piedra – will be difficult to support WSR due to downstream water rights. Unless there could be a way to explore designation without a federally reserved water right.

Concern: water right getting added in to legislation after it leaves SC. Could an ISF replace a federally reserved water right?

Jimbo:

- Good to hear there's an opening for exploring options outside of box in regards to protecting values other than through a federally reserved water right.

Steve:

- Asked the question: what is real purpose or value of WSR designation, if values are protected otherwise?

Jeff:

- Open to other methods of protecting water other than WSR designation.

- Important for all to run "trap lines" with various constituencies along the way

The group asked for a blank matrix chart, which could be used for SC members to make notes on as we continue our discussion. Tami will provide this to the group.

Next steps for the SC include continuing dialogue around parameters for a basin-wide proposal.

Observer comments

Mely:

- Ground-up approach makes sense. Continue exploring what stakeholders can live with.
- Liked “guidelines” conversation and how it ended. Come up with a package that all can live with on the SC and then figure out how to “sell” it. Stressed importance of needing to be faithful to what has happened in workgroups. Needs to be respected. i.e. – not making a recommendation on the San Juan, since that workgroup did not reach a consensus.
- Suitability – don’t let the FS plan be a distraction for this group. Lets not get into sidebar fights over this.

Ty:

- Question: With the Animas being found to be suitable, has the train had any objections or have they protested? No one knew if the train had formally protested or not.

Other

- Suzanne announced that the CWCB workshop that had been schedule for the lower Dolores was canceled, due to the shutdown. CWCB will reconvene the workshop and will let others know when a date is secured. Will likely not be until after the holidays.
- John T. suggested that the following groups be consulted if a proposal is agreed to by the SC: NACD (National Assoc. of Conservation Districts), range organizations.
- John W. announced that the hearing on the Hermosa bill may be postponed. Nothing to do with the bill per se but more with committee politics. Will keep us posted. Also, John mentioned, as he has in the past, that the Natural Resources Committee would not likely support the Piedra legislation as it’s drafted now as a stand-alone bill. As a basin-wide package, there’s more opportunity for a passage of the Piedra legislation.

Meeting Adjourned

12:16pm