

Hermosa Creek Workgroup Meeting #10 Summary Jan. 6, 2009

Because there were some new faces at this meeting, facilitator Marsha Porter-Norton briefly reviewed the purpose, history, and ground rules of the Hermosa Workgroup. There are at least five or six more meetings to come, and new people are welcome. They can familiarize themselves with the issues by reading the material on the Web site, ocs.fortlewis.edu/riverprotection.

The River Protection Workgroup Steering Committee has a two-part question for the Hermosa Workgroup: What are the perceived threats to Hermosa Creek and the watershed? Are the current protections adequate to address those threats?

It was decided to skip the December meeting summary to save time.

Presentation on Trails 2000 proposal: Mary Monroe, executive director of Trails 2000; Mark Pearson, executive director of the San Juan Citizens Alliance (“SJCA”); and Jeff Widen of the Wilderness Society explained a compromise wilderness proposal developed for the Hermosa Creek Area.

Mary gave an overview of the history of how the coalition came together. In late 2007, the San Juan Public Lands Center (“SJPLC”) released its draft revised Resource Management Plan (“RMP”) for San Juan Public Lands. The RMP contained a proposal for a Wilderness Area in the Hermosa watershed. Because of the popularity of the Hermosa Area, there was a great deal of interest in the proposal, particularly regarding its potential impact to mountain-biking. The SJPLC’s wilderness proposal includes a portion of the Colorado Trail, which is popular with mountain-bikers, and the 1964 Wilderness Act specifies that no mechanized uses are allowed in wilderness.

Trails 2000 is a trails group, not a mountain-biking group, but some of its members are mountain-bikers. Trails 2000 wanted to work out a compromise that would protect the values and wilderness characteristics of the area proposed as wilderness while allowing continued mountain-biking on the popular Colorado Trail. There was also a desire to provide some sort of protection for the entire Hermosa Area.

After many meetings, Trails 2000, the SJCA, and the Wilderness Society came up with an alternate proposal which they explained in an April 10, 2008, letter to SJPLC Manager Mark Stiles.

Mark Pearson reviewed the comments presented to the SJPLC. He noted

that as part of its plan-revision process, the SJPLC had to evaluate roadless areas within its planning boundary and make recommendations about wilderness. The San Juan Public Lands contain approximately 140,000 acres considered roadless, the largest chunk of unprotected roadless acreage in Colorado. That includes most of the Hermosa and Junction Creek watersheds and all of the Bear Creek watershed. The SJPLC had recommended that the western half of the Hermosa watershed and the upper portion of the Bear Creek watershed be designated as wilderness.

In its comments on the draft RMP, the Trails 2000/SJCA/Wilderness Society coalition made several recommendations to the SJPLC, as explained in the April 10 letter. In brief, those recommendations were:

1. Give a special management designation (e.g., National Scenic Area, National Conservation Area) to the entire Hermosa watershed.
2. Add the Bear Creek watershed into the special management area to maintain continuity between the two watersheds.
3. Designate a West Hermosa Wilderness Area within the larger management unit.
4. Do travel-management planning to designate motorized and non-motorized routes.
5. Identify watershed-restoration opportunities for areas in the Hermosa Creek headwaters that were degraded through past activities such as logging and mining.
6. Designate 62 miles of Hermosa Creek and its tributaries as a Wild and Scenic River ("WSR"), as recommended in the draft RMP.

In its proposal, the coalition gave up some wilderness acreage in order to leave open to mountain-biking the popular trails on the west side. The possibility of a wilderness unit on the east side of Hermosa Creek was considered but rejected by the coalition.

Jeff Widen outlined the coalition's goals and time frame. He said the coalition had been pursuing the compromise between wilderness advocates and mountain-bikers while the Hermosa Workgroup was following its own track. Then the coalition realized there were two separate but parallel efforts occurring. By bringing the Trails 2000 proposal to the Hermosa Workgroup, the coalition hopes to merge the two efforts into one track. The goals seem to be similar: protecting the values of the Hermosa watershed while maintaining historic and varied uses in the area. Another goal is finally settling the issue of protection and management of the Hermosa Area.

Among the most effective tools for protection, in the coalition's view, are legislative tools because they provide certainty and predictability for the future, while offering the opportunity to protect historic multiple uses.

The groups in the coalition have long supported WSR designation for Hermosa Creek. They believe it fits well in the Hermosa watershed because of the values, topography, and lack of water conflicts.

The groups have not discussed the specifics of the Wilderness Area, but they propose a wilderness designation for the least trammled, core area of the watershed. A wilderness designation can be made only by an act of Congress and is the most protective and most restrictive federal land designation. Wilderness is defined by the 1964 Wilderness Act. The designation keeps an area the way it is at the time of the designation and keeps the land in a natural state. It bans future activities that will harm the area's wilderness values, but it "grandfathers" or respects, pre-existing uses such as hard-rock mining and mineral leases. It may, however, impose greater restrictions on access.

Wilderness can be accessed by foot, horseback, non-motorized boat, and wheelchair (for the disabled). Motorized access is not allowed except in emergencies or when it is the minimum tool necessary to perform activities that *are* allowed, such as livestock-grazing and stock-pond maintenance. Trails are maintained by crosscut saw rather than chainsaw, except in emergencies.

Jeff reiterated that the coalition also wants to protect the whole watershed in some way and is proposing a special management designation. Such designations have no "organic act" and therefore offer more flexibility. The legislative provisions could be whatever the law's crafters want. However, standard provisions for special management areas generally include mineral withdrawals for new claims, no new timber harvesting, limiting of motorized recreation to designated routes, and the development of a comprehensive management plan.

The coalition considers the Trails 2000 package to offer effective tools for reaching the goals the Hermosa Workgroup has defined.

Discussion: One person asked whether the WSR and Wilderness Area legislation could be proposed as a single piece of legislation. Mark Pearson said yes, there have been other areas where a single bill covered different designations, such as an NCA with a wilderness unit inside that larger unit.

The issue of whether a wilderness designation could prove detrimental was raised. Concerns have been expressed in previous meetings about the potential for overuse and overcrowding in the Hermosa Area. Mark Pearson said after Colorado's Powderhorn Wilderness Area was designated in 1993, he asked a land manager there whether this had caused a surge in visitation. The manager said the only spike came when the area was publicized in "Backpacker"

magazine. It is the publicity that draws increased use, not the label itself.

One person commented that one of the reasons the Hermosa Area has remained special and beautiful is its lack of facilities. Even putting in a footbridge across the creek could increase the number of users.

On the other hand, it was stated, if we don't protect the area, it will change anyway because of the lack of protection.

Members asked whether a federal designation would bring more money for management.

Thurman Wilson, assistant manager for planning with the SJPLC, said sometimes a special designation can enhance the chances of an area receiving additional funding, but it's very uncertain. The actual budget comes down to each year's appropriations.

Mark Stiles said he is slightly more optimistic. If Congress designates a Wilderness Area or other special area, it shows there is interest in protecting that area. Although it may take a few years, eventually the additional funding will come. Canyons of the Ancients National Monument near Cortez, managed by the Bureau of Land Management, is now receiving about 2 1/2 times the funding it would have gotten prior to its monument designation in 2000. Mark said he would not recommend a wilderness or other designation solely for the purpose of getting more money, however. Wilderness Areas are seen as not needing much management, although in fact they can be expensive to oversee.

Jeff said the Hermosa Workgroup can consider the Trails 2000 recommendations as a package or as individual components. The workgroup can also "tweak" the boundaries in the proposal.

Other questions were:

- One of the discussions in the past was to try to eliminate the private inholdings in the Hermosa Area. The SJPLC has done that with many of them, but at least one remains. Are private inholdings problematic to this proposal?

Mark Stiles said he does not think so. The 160-acre parcel at the confluence of the East Fork and Hermosa mainstem has a private water right of about 1.7 cfs. That one is the only absolute water right in the basin, though there are some conditional rights associated with lands formerly owned by Durango Mountain resort. The 160-acre parcel is the only major private inholding. but the wilderness proposal could go forward without it. The SJPLC is working on a land exchange for that private parcel; the draft EIS for the exchange should come out this spring and be finalized this year.

- Would a WSR or Wilderness Area designation affect the land trade, perhaps

by increasing the value of the inholding? Mark Stiles said it was best to keep the issues separate. It is possible such designations could increase land values, but on the other hand they could decrease them by limiting access.

- Would a WSR designation affect private land outside the forest boundary at the end of Hermosa Creek? Mark Stiles said there would likely be no effects. It depends partly on whether the river is categorized as wild, scenic or recreational. If it were categorized as scenic, for example, no new power lines would be allowed. The other major component of the WSR proposal is the federal reserved water right. In almost every case, when a WSR is designated, a federal reserved water right is provided for. That means no new diversions would be allowed. The federal water right would not affect existing water rights; it would be junior to them. It would actually protect downstream flows.

The WSR designation would not have to cover the whole river and would likely end at the San Juan National Forest boundary.

Thurman noted that the Bear Creek watershed has “fingers” in Montezuma County and San Juan County, while the Hermosa watershed lies in La Plata County. That may have political ramifications for any legislation.

One person said it appeared the consortium has been advocating its proposal to the SJPLC outside of the Hermosa Workgroup. Mark Pearson said there was a deadline to comment to the SJPLC, and the coalition had hurried to meet it. They have been meeting separately, but wanted to bring the proposal to the workgroup. Jeff said their plan is to work with the group and not advocate the plan independently to congressional representatives.

Marsha said the workgroup may decide no new protections are needed. It doesn't have to accept the Trails 2000 proposal carte blanche or at all. She believes an in-depth discussion of WSRs may be needed at a future meeting.

The group agreed that the Trails 2000 proposal with its package of tools should be added to the list of potential tools.

Next meeting: The next meeting of the Hermosa Workgroup will be Tuesday, Feb. 3, from 6:30 to 8:30 p.m., at the Durango Recreation Center. The agenda item of deciding what protection is or isn't needed for the Hermosa Area will be moved to that meeting. Ann Oliver has created a draft document that may prove helpful comparing tools, values they address, and other factors. Marsha will e-mail it to the workgroup members.