

Hermosa Creek Workgroup

Meeting #12 Summary

March 3, 2009

Meeting summaries: The February meeting summary was approved with no changes.

Continued discussion on Hermosa Creek: Facilitator Marsha Porter-Norton led the Hermosa Workgroup in developing a draft list of possible scenarios for the future. She began with two scenarios and the group added more during the discussion; the full list is at the end of this summary.

The two first scenarios were:

- **The Trails 2000/Wilderness Society/San Juan Citizens Alliance proposal** as presented to the workgroup at the January 2009 meeting. Some key components of this proposal are: Manage the entirety of the Hermosa Creek watershed as a single landscape; incorporate the Bear Creek watershed as part of the landscape; give a special management designation to the entire area; designate wilderness within the larger management landscape but leave the popular mountain-biking route outside the wilderness; do travel-management planning to designate motorized and non-motorized routes; create a watershed restoration area for headwaters; designate much of Hermosa Creek and its tributaries as a Wild and Scenic River (“WSR”).

- **A proposal by workgroup member John Taylor** of Hinsdale County. (His complete proposal has been e-mailed to the workgroup.) Briefly, it says that the ecosystem needs increasing protection as use increases. Because WSR designation would ensure that recreational use increases, a better means of protection would be to utilize local monitoring and guidance. With the Forest Service as administering agency, an advisory committee would be established composed of individuals from local clubs and organizations. It would meet with the forest supervisor at least twice a year to make recommendations on ecosystem management, trails, and other issues. The idea is to have more local control and more flexibility. Existing trails groups could help with monitoring and user counts.

Jeff Widen of the Wilderness Society commented that the difference between the two proposals is not so much the degree of local control, but the fact that one is a legislative proposal and the other is not. One would codify the management system in law, while the other would let things be managed under administrative directives.

Bruce Whitehead, executive director of the Southwestern Water Conservation District, speaking on behalf of John Taylor, said John’s concern is that

legislation would bring a new title for the landscape, which might attract more users and further degrade the area's resources.

It was noted that a type of advisory group that might be comparable to that proposed by John is the Bureau of Land Management's ("BLM's") Resource Advisory Committees ("RACs"). There are three such RACs in Colorado providing advice to the BLM on land management.

Mark Stiles, manager of the San Juan Public Lands Center ("SJPLC"), said the Forest Service also has such advisory groups and has broad authority to establish advisory councils under federal legislation.

Mark also said a federal designation does not preclude local involvement. Jeff said he does not think he has ever worked on an area that received a federal designation that does *not* have a local advisory council. Usually the legislation granting the designation specifies how to set up the council and who will be included. The establishment of the council is especially important for more flexible designations such as national conservation areas ("NCAs"), natural resource areas, and national scenic areas ("NSAs"). Jeff said NCAs are usually managed by the BLM, NSAs by the Forest Service, but the concept is the same.

La Plata County Commissioner Wally White, a current member of the Southwest RAC, said he believes the RACs have been very successful. Ed Zink, a former member, said they are excellent when they have a specific issue to work on and a deadline; when they don't, they tend to make up things to do. Ed said if such an advisory group is set up for the Hermosa Creek area, once it is established, it should meet once every three years, not twice a year.

Ed suggested utilizing Mark Stiles' list of hierarchies, presented at the December 2008 meeting. Maybe the Hermosa area's protections should be as low (local) as possible on the ladder, but certain qualities, such as roadlessness, should be protected at the top of the ladder (greater permanency, less local control). Ed said flexibility is important. For example, 25 years ago Ed's father placed an agricultural conservation easement on most of his ranch, which is now owned by Ed. Over the years, there came to be increased interest in preserving wetlands, so Ed proposed creating some wetlands, and found they might not be allowed under an agricultural easement. However, because the easement was managed mostly at a local level, he was able to get permission to make a change. Ed suggested the Hermosa area's water should be protected at the state level, grazing and other on-the-ground uses at the local level, and the land mass itself at the federal level.

Chuck Wanner of the San Juan Citizens Alliance said the watershed needs to be managed as a unit. The different levels of protection need to be under one coordinating umbrella to ensure they don't conflict.

There was discussion on whether this "umbrella" is needed. Some said we need

the umbrella to provide a mandate for future generations. The No. 1 priority and most permanently protected aspect should be the watershed. We need to think in terms of 50 or 100 years and make it more difficult to diminish protection of the watershed.

Alice Outwater of the Durango Water Commission said her concern is protection of the creek's variable flow, and that would not be provided by keeping the Hermosa area roadless through a wilderness designation or similar measure. Roadlessness doesn't address possible water diversions. Some tools don't have direct connection to the water flows.

Bruce said the workgroup was formed to protect the watershed while allowing some water development to occur.

Mely Whiting of Trout Unlimited said some of the most effective stakeholder systems are developed when there is a threat of federal action and the local effort is designed to avoid that. An example is the recovery of the Colorado River, the impetus for which is coming from the threat of endangered-species listing for the native warmwater fish. It is valuable to have flexibility to create local solutions and be responsive to changing circumstances, but a system relying entirely on flexibility is too fickle.

Bruce asked why this group is wiser than future generations. Why shouldn't the decisions be left to the future, so changing conditions can be considered?

Jeff Widen said if that were the philosophy, Yellowstone National Park would never have been created. People do make decisions for future generations. Congress can change laws as needed, but when something is so exceptional that it deserves protection, we should make it difficult to undo that protection without vigorous debate.

Mark Stiles said if the group establishes an overarching goal, there can be different levels of flexibility underneath that.

Marsha asked if there is consensus that protecting the Hermosa Creek watershed in perpetuity is the goal. Many agreed. Steve Fearn of San Juan County said that would be fine except for the phrase "in perpetuity".

It was suggested that if the WSR designation is the sticking point, it could be taken out, but to have a scenario with no legislative designation would be unacceptable.

Mely said a WSR designation can be valuable because it can dictate what other federal agencies can do, such as the U.S. Army Corps of Engineers. Without a WSR, there is little you can do to stop the Army Corps if it wants to issue a Section 404 permit for a project along the creek. A WSR designation can also help Hermosa Creek compete for funding.

Buck Skillen of Trout Unlimited said he wants to ensure that the natural hydrograph of the river is maintained. If other protections don't do that, they are not sufficient. Does protecting the watershed mean protecting the natural hydrograph?

Bruce said it depends. Water development doesn't have to be on the scale of Hoover Dam. Also, any water-development project would require a special use permit from the Forest Service.

Buck said the Lower Dolores was a phenomenal fishery at one point. Now it's very poor because of McPhee Dam. Adequate water was supposed to be maintained for the wildlife, but it didn't work out that way.

Others said the wilderness designation alone would not protect the water rights and flows, and said they wanted to hear from the water-users about the dangers of a federal reserved water right.

Future meetings: Marsha said the original goal of the Hermosa Workgroup was to have 15 meetings, so the workgroup will theoretically wrap up in July. The River Protection Workgroup Steering Committee has suggested the Hermosa Workgroup form smaller subcommittees that will meet between meetings and bring back a detailed report on each scenario. It was tentatively decided to form two such subcommittees of seven or eight people, not "experts", to analyze the different scenarios for land and water protection in the Hermosa Creek area. The subcommittees will be formed at the next meeting.

**List of scenarios for Hermosa Creek
(This is a tentative list and it can be changed)**

1. Trails 2000 proposal
2. John Taylor's proposal (local management)
3. Special legislation. (If No. 1 is too much and No. 2 is not adequate, try to find another way with elements of both.)
4. A basin-wide framework/umbrella concept
5. WSR designation
6. Wilderness
7. National scenic area, national resource area, national conservation area
8. Instream flow

Next meeting: The next meeting of the Hermosa Workgroup will be Tuesday, April 7, from 6:30 to 8:30 p.m., at the Durango Recreation Center.