

MEETING SUMMARY

What happened in this meeting?

- *New handouts available including Value Statement Summary Draft 2, Public Processes Within the Area of Focus and Revised Info Sheet.
- *Review of previous meeting.
- *Presentation of Water 101 by Bruce Whitehead, SWCD.
- *Values Statement Draft #2 Brainstorm.
- *A schedule was approved for next two meetings.

The River Protection Work Group for the Animas River conducted their fifth meeting on Thursday, October 27, 2011. Approximately 25 people were in attendance. Marsha Porter-Norton facilitated the meeting. The meeting began with introductions of the attendees. The agenda was explained and agreed upon by those present.

Marsha reviewed the following:

- Proposed Outcomes of tonight's meeting.
- Updated minutes from last meeting, by Peter Butler, includes technical information.
- Meeting Schedule.
- Next Months Meeting Water Panel- Nov. 17, Linda Bassi, Steve Fearn or Bruce Whitehead, Chuck Wanner, and Roy Smith.
- Process Principles, Ground Rules, Consensus, RPW Process Framework.

Marsha reminded participants to pickup all handouts on table upon arrival at meetings, and noted the revised handout, The Value Statement Summary, and the Revised Info Sheet as important to read and review. She also reminded the group that she welcomes changes to minutes for past meetings, but please remember that meeting minutes are only a summary and they do not include every single detail from each meeting. Later, the group approved all past minutes. Please submit any corrections or suggestions you have for these minutes to Marsha via phone or email.

Bruce Whitehead, Executive Director of Southwestern Water Conservation District (SWCD) presented a Water 101 power point presentation. **(Please refer to Bruce's Power Point on the Web site).**

A question and answer session was conducted at the conclusion of the presentation.

Ann Oliver asked are there any trans-mountain diversions in to the San Juan Basin? Bruce replied, no there is generally enough water supply to meet local needs. There are some trans basin diversions that occur in the San Juan Basin, such as the Dolores Project that diverts water for use in the McElmo Creek drainage, and a diversion from the La Plata River into the Animas River drainage for domestic and municipal uses.

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Jimbo Buickerood asked if Recreational In Channel Diversion (RICD) is a non-consumptive right and the other ones are consumptive? Bruce answered correct that recreational rights are considered non-consumptive and the other water cases included in the stipulated settlement include a depletion allowance.

Ernie asked if Animas River RICD is a maximum 1400cfs? Bruce replied only for a two week period during peak flows on the river (June 1-14). The RICD structures have not been developed to date, and the Animas main-stem has not been declared over-appropriated or water critical. In regards to the In-stream flow program intended to protect the natural environment to a reasonable degree, Bruce clarified that CWCB can accept donations and leases of water rights to improve the environment.

Chuck Wanner stated that the Federal reserved right is a useful tool under the appropriation doctrine, and depending on date may be a junior right administered in priority similar to an RICD or In-stream flow right. He further stated that the 1968 Wild and Scenic Act was created to protect river flows and to not have them become over appropriated or depleted to preserve natural resources. Marsha comments that the group will have a panel discussion around this and other matters in November.

Ty Churchwell commented that RICD is for a whitewater boating park and he posed the question, who can file for a RICD water right? Bruce stated that government entities, or subdivisions of government as defined by statute, are the only entities that can file for an RICD. There are about 20 RICD water rights in the state. Bruce stated that Colorado's In-stream flow program protects the status quo of the river, and does not increase the amount water (note: unless increased through an acquired water right).

Ray asked if and when we head into a cap and trade, is that going to have an impact on water laws if we have increased or decreased stream flow? Bruce replied that this is a very difficult question. The State of Colorado has done some studies on climate change and the impact on the Colorado River Compact, if there is less water available, then water rights will be administered accordingly which would not require a change in the water laws. Mark Stiles added future uses can still be adjusted accordingly and Bruce agreed.

In regards to the La Plata River compact, a participant asked the question, if the La Plata Compact splits the flow based on water measured at Hesperus, what happens if not enough flow gets to New Mexico? Bruce answered that Colorado will shut off ditches and water rights to meet the Compact obligation. If mother nature causes the decrease in flows, and the under delivery is not caused by diversions, that there is not much that can be done since the low flows are based on natural conditions.

Ann Oliver requested that Bruce talk about how CWCB, Conservancy Districts and Conservation Districts are funded. Bruce stated that CWCB is funded primarily through

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severance tax revenues; Conservancy Districts and Conservation Districts are both funded by a Mill Levy assessment on Property Taxes.

Group break began at 7:15pm.

Group resumed meeting at 7:30pm.

When the group reconvened, Marsha Porter-Norton lead a group review of the Values Statement, Draft # 2 from 10/26/2011. Marsha began by describing what a Values Statement is. A Values Statement is to a document that sums up what people care about which then leads to determining the preferred levels of protection for this stretch of river. Marsha said she took information brainstormed at the past meetings, and crafted this Values Statement but noted it is only a draft and the group really needs to buy in to it.

Marsha read the current Values Statement Draft and opened the floor up for discussion. The following is feedback on what group participants liked, disliked or wanted to add or modify from the current draft:

Ty Churchwell started by asking if the sentence, “lacks human made structures and influence”, is this about dams? Marsha responded that this sentence can be about bridges, buildings or dams. The value that Ty would like to add is that we include language “free flowing river.”

Lisa would like to add in sentence of ..health and vitality...the word Alpine.

John Taylor stated the strong importance of railroad and ability to maintain the railroad and would like this included in Values Statement. Mark Stiles notes that railroad connects Silverton area with river and connects Durango to Silverton and would like Values Statement to reflect this.

Chuck Wanner wanted to change “among residents of area”, to the word “basin residents” because there are many downstream stakeholders in the Animas, not just those who immediately live in by its headwaters.

Ray mentioned that here there is huge environmental group of people and we are looking at heavy carbon emissions, hydro electric and uranium with Wild & Scenic we have competing clean energy. Marsha reflected that it sounds like integrating clean energy in to Values Statement is something the group is interested in. Participants agreed.

Bruce noticed that there is a mix of private and public land, including lots of in holdings. Access to private property is something that should be in there and captured.

Sandy wanted to strike “almost endless” because natural resources are not almost endless.

Mark requested Values Statement highlight whitewater sports.

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Kevin liked the phrase “fierce independence” and wanted to word smith here to distinguish basin from Silverton.

Mark stated that in general it reads very San Juan County-centric. He proposed the group change some things up so that other Animas River areas are represented. Marsha replied that there is a headwater community here in Silverton and there are other water users downstream. She suggested that she should re-draft this element of the values statement to reflect both – that there are people who live in San Juan County and also others who have a stake.

Ty noticed that where it states ...local residents value...he would like more clarification to be more inclusive of broader users. Marsha noted that the broad constituencies are interested in Upper Animas River and we need to recognize all users and those readers will see their values in it. Bruce further commented that, he agreed we need to talk about local San Juan County and Silverton residents, but also other constituents. Chuck added that he is concerned about it being San Juan County centric and would like it smoothed around the edges as this is a community in the basin and the river runs through it. Marsha reminded the group that everyone has seat at table regardless of where you live. We have meetings in Silverton as larger stretch of river is here, but we need to be regional community here.

Austin thought it is ok to separate it out the Upper Animas with lower residents and Silverton residents as both groups affected in different ways. Ron commented that he would like to support that. Marsha proposes the idea that the group create a tent for all locations, everyone and that we not homogenize the Values Statement.

Jim commented that he thought the Values Statement is very diverse and inclusive.

Bruce made the comment that the group should be a little careful to address this as a watershed. He didn't think watershed discussion was appropriate at this time since that had not been discussed or decided by the group, and we should be careful not to expand it too much. Marsha suggested that this is a Parking Lot Item and the group needs to decide if we want to reach of protections in watershed or just corridor in the protection phase of meetings. She talked about how the Hermosa group approached this issue and told the group that we do not have to take the same approach as they did. She told the group that we will keep this Animas River above Bakers Bridge for now and at a future meeting we will determine corridor or watershed later later.

Steve Fearn made the comment that it seems to me there are 3 communities here: 1) upper 2) lower and 3) overlap and asked if the Values Statement can recognize this to be all inclusive?

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Mark Stiles stated that where it starts off...mining mineral extraction in 3rd paragraph...he would like to tie it to railroad and add historical mining piece and stress importance even further of this historical context of mining and railroad settlement of the area. The emphasis here is on historical context.

Austin would like roads and their importance in corridor for recreation uses stated more strongly.

Ray wanted the Values Statement to reflect the Animas river corridor in terms of history and the Precambrian examples to geology of the area are very important. Marsha agreed that values like this are nationally and internationally unique.

Wendy noticed that the 4th paragraph where it says natural values she would like to add free flowing word and say human made structures are minimal.

Ty responded that he really liked what Austin said and wanted to include Alpine Loop National Byway and All American Highway in the Values Statement. Marsha replied that the red flag to me is that are we then bound to list all highways, but will investigate is we can add them in a general sense.

Ron wanted to highlight importance of tourism. A participant replied that she wants to stress importance of heritage tourism. Marsha added that it sounds like heritage tourism needs its own paragraph. The group agreed. Steve told the group that the last count was 300,000 for animas forks visitors and how this great number shows how important tourism is to both communities. Marsha continued by stating the importance of this symbiotic relationship.

Marsha wrapped up the group brainstorm and then asked if anyone had an issue with minutes. The group approved the minutes from the September 22, 2011 meeting. She then reminded the group to bring friends to panel discussion next months meeting,

Upcoming Meetings:

- November 17, 2011 Silverton Town Hall 5:30-8:30pm
- December 15, 2011 Silverton Town Hall 5:30-8:30pm

The meeting was adjourned at 8:15pm.

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