

**River Protection Workgroup for the Animas River
Meeting #7 December 15, 2011 5:30 – 8:30 p.m.
Silverton Town Hall, Silverton CO**

MEETING SUMMARY

What happened at this meeting?

- *New handouts made available, including a revised Information Sheet
- *Reviewed previous meeting
- *Determined consensus on Values Statement
- *Reviewed Information Sheet (12/11 version)
- *Reviewed the Animas River from Baker’s Bridge to Silverton segment in-depth and identified various options for protections

** Next meeting – MONDAY, January 30, 2012, Silverton Town Hall, 5:30-8:30 p.m.**

The River Protection Workgroup for the Animas River conducted their seventh meeting on Thursday, December 15, 2011. Approximately forty (40) 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.

Opening

The facilitator reviewed the agenda and proposed outcomes, and it was agreed to. It was stated that at the next meeting we will see if the minutes can be approved from October – December. She asked that anyone with changes email them to her before the next meeting. The RPW ground rules, process principles and framework were briefly reviewed as is done at each meeting. Marsha reminded everyone to pick up handouts on the table when checking in.

Values Statement

The Workgroup then reviewed the Values Statement (draft #3) from November 16, 2011. The group approved the values statement by consensus. The group was reminded that the Values Statement is a ‘big tent’ of what everyone cares about. As the next meetings are held and the group talks about specific protections, everyone needs to take all of the values into consideration.

Kevin asked if we are talking about the watershed or just the river. Marsha replied that the default position is to assess what levels of protection are desired for the stream segments found to be suitable for the Wild and Scenic River designation (refer to the map and/or the Information Sheet to see them). So, she said if the group desires to take a watershed approach to looking at protections, this can be discussed and will be discussed as the process moves forward. For example, the Hermosa Creek Workgroup chose to look at the whole watershed, and the Vallecito Creek/Pine River Workgroup decided just to make their recommendations for the river segment. Steve Fearn commented that the RPW Steering Committee looked at much more than the WSR suitability segments when devising the Information Sheet. He suggested that the group may want to talk in-depth

about all the segments (Baker's Bridge to Animas; and Mineral and South Mineral) and see what kind of issues arise and what options for tools can be used, and then decide if it wishes to take more of a watershed approach when making its recommendations. Marsha reminded everyone to please read the "Tools" handout (available on the website) and become educated on what tools can be used. She noted that in the tool kit, some tools apply just to the water (e.g. WSR or instream flow or existing management) and some tools apply to the entire watershed (e.g. land-based tools).

Group members made the following suggestions:

- Kent: Change the bottom of the third paragraph to include access to both public and private lands (not just to private lands).
- Mark Stiles: 1) Add Precambrian to the section about geology. 2) We have county roads and state roads that are both a National Scenic Byway and a Skyway. Marsha said the value could be thoroughfares that have national significance in terms of their scenic values.
- Dan: In the second paragraph from the bottom on the first page: 1) Add ecologic to the list with economic, aesthetic and tourism. 2) Wordsmith access to wild lands in the train and Chicago Basin concept.
- Kay: Add alpine and forested to the section beginning with "The health and vitality..."
- Wendy: In the first paragraph it seems to say that only La Plata County residents care about the lower stretch and San Juan residents only care about the upper stretch. Change this paragraph so there is balance.
- Jean: Include fishing outfitters in the recreation paragraph.

Consensus decision: With the above changes, the group arrived at consensus on the current draft of the Values Statement.

Review of Information Sheet (12/11 draft)

Ann said that the group had requested specific information about what some designations offer in terms of protection. That information is now in the Information Sheet, she said. Kent asked if any off-highway motorized vehicles are allowed in Wilderness Study Areas. Mark Stiles said that in Colorado all Wilderness Study Areas (WSAs) are closed to motorized vehicles. Ann let the group know that the following are additions to the current Information Sheet:

- Page 8: Table 12 shows what activities and uses (both current and future) are allowable in the Scenic, Historic and Backcountry Byway areas.
- Page 9: The two trails are the Colorado Trail and Continental Divide National Scenic Trail.
- The Special Recreation Management Area is on BLM Lands in San Juan County, and the Silverton Special Recreation Management Area is in the Alpine Triangle.
- Page 11: The table summarizes what is allowable in the above Special Recreation Management Areas.
- Marsha said that Jason with the Town wanted to make sure the municipal water was noted as a value on the Information Sheet.

- Page 13: Instream flows in the Animas River drainage above Baker’s Bridge are tabulated here. All but two are mapped in red – pending cases (two) are not on the map.

Ann said that in a previous meeting, someone asked if a “status of the watershed” report is available. She reported that in her research, she has not found one single report that represents a document on the status of all resources. Matt Janowiack, the USFS District Ranger on the Columbine, stated that he believes the USFS has a watershed assessment that he can provide.

Todd announced that he will be presenting “Mining and the Strategic Metals of the San Juans - San Juan County’s Future and Its Critical Importance to the United States.” The presentation will be held at the Silverton Town Hall on January 19, 2012 at 7:00 p.m. He will provide integrated information about the Upper Animas – an analysis of mineral resources of the whole basin and how these minerals can affect water quality and extracted mineral resources through time. It was agreed that this announcement would be sent to the RPW for the Animas email tree.

Ernie asked how the water quality status affects the Wild & Scenic status. Kay Zillich, with the San Juan Public Lands Center, answered that if water quality is good enough to sustain an ORV (Outstandingly Remarkable Value) or if there is a plan in place to attain water quality, then a river/stream segment can be found “suitable” for the WSR status. In the case of the segments this group is studying, it was found by the USFS that there is a plan in place to improve water quality enough that the segments can still be suitable for WSR.

Marsha asked the group if they are satisfied enough with the 12/15/11 version of Information Sheet to place it aside for awhile and consider it out of draft. She noted that the email version to be sent out has tracked changes so the changes can be seen. Kevin said he would like to review the changes before we approve it. Marsha told him and the group that she will email the updated Information Sheet out along with a County Roads map and also the map of special protection areas (several copies of this map were available at the meeting but not enough to go around).

Honing in on the Segment from Baker’s Bridge up to Silverton: Discussion and Brainstorming Tools

(Please refer to the Information Sheet for much more detail on current protections and other relevant information for this segment.)

Ann clarified that the current Upper Animas segment that the Workgroup is looking at is from Baker’s Bridge to Silverton (Segment 1). Segment 1 (as the group decided to term it) is 3.58 miles downstream of Silverton and runs to Baker’s Bridge. This segment is determined to be preliminarily suitable for Wild & Scenic and reaches roughly a quarter mile on each side of the stream. The protections currently in Segment 1 are: BLM & USFS managed land (current and future management); a historic and scenic railroad corridor; a Wilderness Area that is adjacent to WSAs; and a Special Management Resource Area (Alpine Triangle) in the upper reaches. Mark Stiles said the Wilderness

boundary does not come all the way to the river because of the railroad. The West Needles Wilderness Area was designated later than the Weminuche Wilderness Area. Both Wilderness Areas are divided by private land and mining claims.

The upper part of the area is an SRMA (Special Recreation Management Area).

Marsha asked the participants what they thought about these layers of protections – what is important to you? Bill said he is not clear about the existing protections in the corridor. Matt answered that there are stipulations about what the railroad can do in the corridor and that there are several unpatented mining claims and many mining relics in the corridor.

Marsha stated that we need to add “preliminarily suitable for the WSR designation” to current protections because it is currently stated as being suitable in the San Juan Public Lands Center’s draft plan. Mark Stiles replied that the USFS would then be obligated to manage and protect ORVs in that segment of the river. ORVs in this segment are recreational/scenic and cultural/historical. The train is both recreational/scenic and cultural/historical. Other cultural/historical attributes include the Tacoma power plant, mining relics and the toll road.

Steve Fearn asked how many feet of corridor were originally granted for the railroad. Todd Hennis stated that it is at least 100 feet wide. Mark said that he would gather information on the definite width. This is a valid and existing right – an exclusive easement that falls within ¼ mile of the river. Dan mentioned that there is a whole segment below the Cascade Y (where Cascade Creek comes into the Animas River), where there is no Wilderness Area adjacent and he wondered how that is managed. Ken asked what more needs to be done, if anything, for protection. Is anything wrong? Marsha clarified his question by asking, “What we are asking is: Are the current protections adequate?”

Bill Simon said we need to know the unknown and what the possibilities are. There are many unknowns about the train. Wendy commented that there are land protections adjacent to the river itself, but it appears that there are no protections that would allow the river to keep in its free flowing form such as Instream Flow. Pete responded that downstream water rights would pull water through (this is being researched). Steve also noted that there are significant senior water rights below Baker’s Bridge that pull water through and keeps the river flowing. Todd said geography comes into play when protecting the water – the entire basin is surrounded by 12,000 and 13,000 foot peaks and he said it is virtually impossible that any development would occur in this stretch that would dam the river because of inaccessibility. Steve F. said there is a diversion project that still exists on paper to divert water through tunnels out of the basin. Ty Churchwell said trans-basin diversions are still possible and notes two in the state that are in remote areas as well.

Casey Lynch said the Upper Animas is world class for rafting and is valued nationally. It is the only two-day, class 5 river trip in the United States, with five or six regular outfitters for rafters and kayakers booking trips. He added that there are approximately

200 permits issued through the Colorado River Outfitters Association per year for this stretch.

Todd stated that under protections, we need to address the entire Federal Clean Water Act, the Mine Reclamation Act and the Colorado Department of Public Health and Environment because they regulate all upstream activities and afford varying degrees of protection because of their oversight of things that relate to water quality. Marsha said this concept can be added to the Information Sheet.

Dan said the canyon and surrounding landscape of the canyon is very scenic and is well known for rock and ice climbing, backpacking, and rafting/kayaking so recreational and scenic values really come into play in this section. He said it is iconic nationally.

Kevin asked if Colorado Water Law(s) are a protection. Steve replied that they could be considered a protection because they mandate that water rights downstream are delivered.

Bill S. said he values the protection of the riparian corridor and that 90% of the wildlife in the state are dependent on riparian corridors.

Sandy asked if the group should understand the needs of the Tacoma Power Plant going forward in terms of if a WSR would interfere with its operations. Chuck answered that the plant gets water from Cascade Creek and will continue to do so if this stretch were ever to be determined Wild & Scenic by Congress. It was also noted that the historic nature of this power plant is a value identified by the USFS as “Outstandingly Remarkable.”

Peter and Wendy both mentioned the economic benefit that Wild & Scenic can have as a marketing opportunity/tool for rafting and outfitting, especially due to the recreational status of this stretch of the river.

Paul said he thinks this area is marketed to motorized vehicles and OHV users to a high degree but not to quiet users. He said he values this stretch of river because it is there in its natural state. Ken said that the OHV industry contributes \$156M to the Colorado economy each year. Marsha noted that in this process we are recognizing that there are many different values to think about.

Ernie asked what Wild & Scenic means for us. Does the quality of life and economy improve if there is a Wild & Scenic designation?

Chris gave the example of Fort Benton, Montana as a community positively impacted by a nearby Wild & Scenic River both in terms of quality of life, access to their river, and economic benefits from tourism/visitors. Ty stated he had also read studies about how WSR had positively impacted communities.

Comment: There is not going to be a lot of use in this area.

A concern was expressed about using a federal tool (WSR).

Question: Do we want more people accessing this if it a WSR? Will that increased access hurt the values and/or hurt the corridor?

Discussion took place about the amount of water that would be in the water right if it were determined to be WSR. There were varying opinions on this. The water right would have to take into account all existing rights, it was noted.

Marsha said that there are many different facets to evaluating the impacts of a WSR on a community. She said that probably some in the group felt a WSR would have positive benefits (economic and otherwise) and others might feel that the benefits would not be good (for many reasons). She requested that the group email her examples of communities impacted by Wild & Scenic. She said she will talk to the Steering Committee about how to get information to the group.

Todd stated that this area is physically limited by topography. This limitation in turn limits the numbers of users and this impacts any economic development. Ernie voiced concern about the costs associated with the required upgrade of the water treatment plant and the expense to San Juan County for Search and Rescue if this area becomes Wild & Scenic.

Marsha reminded the group that WSR is one tool. There are many others in the “Tool Kit” and she said this would be a very good time for everyone to peruse the “Tool Kit.”

Many commented that the railway needs to be maintained and that any protection tools should not interfere with the railroad because of its huge economic and cultural value in the region.

Question: Is there an incident management plan for the area (similar to an incident management plan for a nuclear plant or uranium mill)? No one knew the answer.

Comment: Private access and property are huge issues. Those who own property in the area’s corridor should be contacted, Todd noted.

List of brainstormed protection options for this segment (Segment 1: Baker’s Bridge to Silverton)

The group then brainstormed, **with NO final decisions or recommendations being made**, a list of ideas for protecting the values in this segment:

- State in-stream flow
- Status quo: current protections are adequate
- Leaving it Preliminarily Suitable for the WSR designation (like it is now in the San Juan Public Lands Draft Land Management Plan)
- Wild & Scenic River status
- Use county land use codes, San Juan & La Plata
- Designate the two WSAs adjacent as Wilderness Areas

- Mineral withdrawal within the area between wilderness areas and private land
- Management scheme by USFS such as the planning tool in the plan
- Design a special area (see the St.Vrain example in the Tool Kit) – the idea is to craft a tool that would likely require legislation that is unique to this area

More information was requested on the SWSI dam sites in the area.

The group agreed to have the same type of conversation next time – specifically for Mineral and South Mineral.

The facilitator said she appreciated everyone's tone tonight and that the group seemed to be listening to each other even while it's acknowledged that there are differences of opinion. She commended everyone on their work, thoughtfulness and participation.

Next Meeting

January 30, 2012, Silverton Town Hall. This meeting is being held on a Monday due to some conflicts with other groups' meetings.