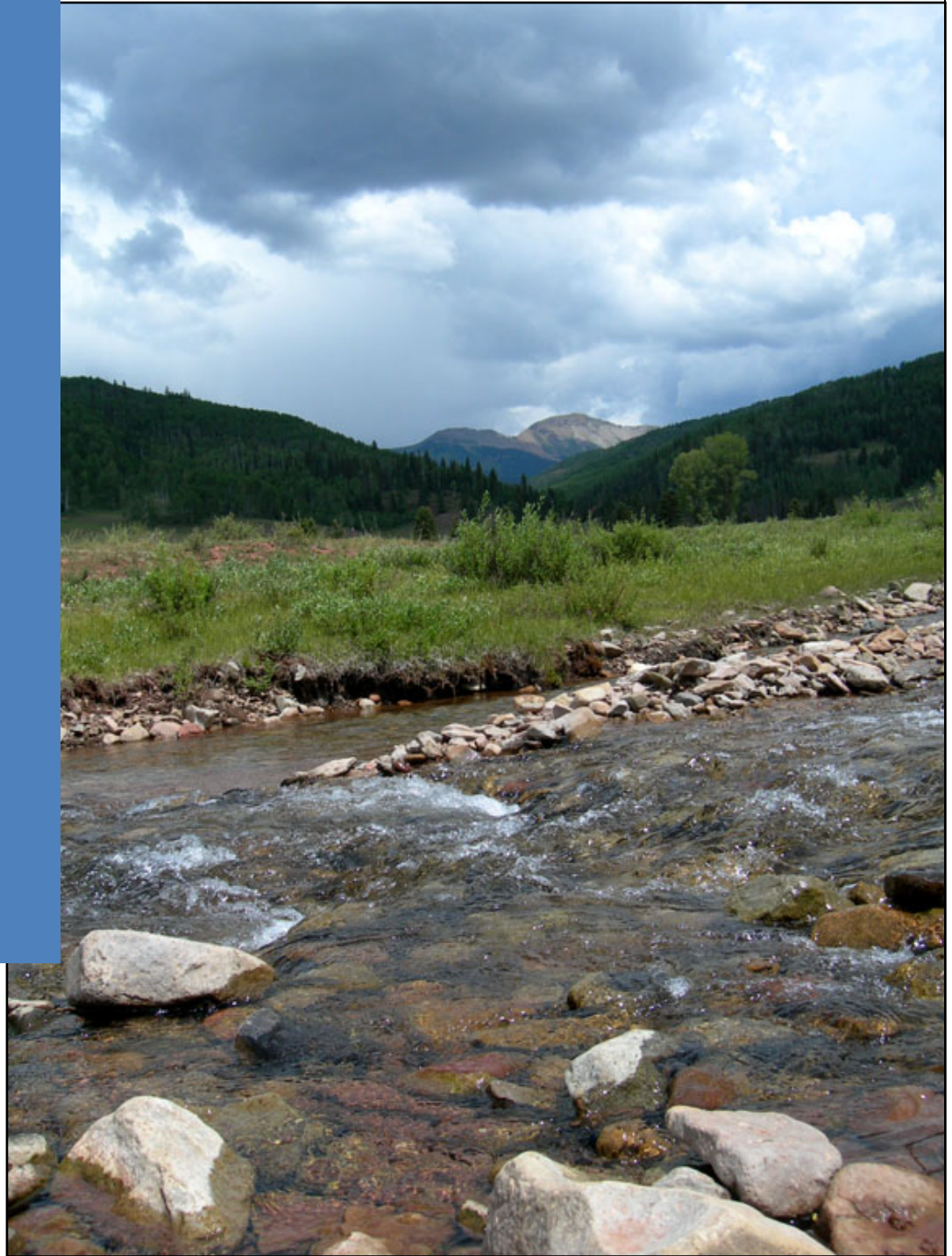


Hermosa
Creek
Workgroup
*Final
Report*

February
2010

An initiative
of the River
Protection
Workgroup



River Protection Workgroup



The Hermosa Creek Workgroup is a project of the regional initiative, the River Protection Workgroup. The entities participating in the River Protection Workgroup Steering Committee include:

- Colorado Department of Natural Resources - Divisions of Wildlife and Water Resources, and the Colorado Water Conservation Board (CWCB);
- San Juan Citizens Alliance (SJCA);
- San Juan Public Lands Center (USFS/BLM);
- Southern Ute Indian Tribe;
- Southwestern Water Conservation District (SWCD);
- Staff from the local offices of U.S. Senator Michael Bennet, U.S. Senator Mark Udall and U.S. Representative John Salazar;
- The Nature Conservancy;
- The Wilderness Society - Wilderness Support Center; and
- Trout Unlimited – Five Rivers Chapter.

Funding is derived via in-kind donations from many of the entities involved and grants from SJCA, SWCD, Trout Unlimited, CWCB, the Southern Ute Indian Tribe, The Wilderness Society, and the National Forest Foundation. The River Protection Workgroup Steering Committee thanks each of these funders and especially the Colorado Water Conservation Board for its generous support, and ongoing participation and technical assistance. The San Juan Resource Conservation and Development Council (San Juan RC&D) is also thanked for serving as the fiscal agent.

Contact:

Facilitator: Marsha Porter-Norton, 970-247-8306 or mporternorton@gmail.com

of the Hermosa Creek Workgroup's minutes, meeting handouts, maps, etc. are on this Web site:
<http://ocs.fortlewis.edu/riverprotection/> (click on "Hermosa Creek Workgroup" on the left side).

The River Protection Workgroup Steering Committee extends gratitude to each of the Hermosa Creek Workgroup members who are giving time and energy to the workgroup process and products. **Because of these dedicated community members, this report and project is possible.** Participants in the Hermosa Creek Workgroup include:

Terra Anderson	U.S. Senator Bennet's Office
Linda Bassi	CWCB
Bonnie Boyle	Neighbor
Scott Brinton	CDWR
Ann Brown	U.S. Senator Bennet's Office
Jimbo Buickerood	SJCA
Peter Butler	Self and Animas River Stakeholders
Marion Carnes	Citizen
Michael Carroll	The Wilderness Society
Wanda Cason	U.S. Senator Mark Udall's Office
Ty Churchwell	Trout Unlimited
Barbara Crowder	Citizen
Eugenia Dorminy	Neighbor
Larry Eads	Colorado Trail Foundation
David Eckelberry	Citizen
Duke Eggleston	Durango Mountain Resort
Steve Fearn	SWCD / San Juan County
Kent Ford	American Whitewater / SJCA
Megan Graham	SJCA
Eric Green	Animosa Home Owners' Association
Joe Griffith	Hermosa Ditch and SJCA
Paul Herz	Citizen
Byron Hilliard	Citizen

THANKS!

THANKS!

Corey Sue Hutchinson	Aqua-Hab
Aaron Temple	Animas River Keepers
Ted Kowalski	CWCB
Fred Kroeger	SWCD and Citizen
Scott Kurlander	Multi-user
Chuck Lawler	Southern Ute Indian Tribe
Rege Leach	CDWR
Meghan Maloney	SJCA
Jerry McCaw	Grazing Permit Holder
Matt McFue	Trails 2000 and Hermosa Tours
Jim Mimiaga	Free Press
Martha Minot	Neighbor
Leonard Moehrke	Citizen
Mary Monroe	Trails 2000
Ann Oliver	The Nature Conservancy
Alice Outwater	Durango Water Commission
Wally Patcheck	Grazing Permit Holder
Mark Pearson	SJCA
David Peterson	Trout Unlimited/PL1
Lissa Ray	Citizen
Harry Riegle	Citizen
Janice Sheftel	Attorney, SWCD
Paul Sheppard	Citizen
Bill Simon	Animas River Stakeholders and Self
Gaige Sippy	Neighbor
Buck Skillen	Five Rivers Chapter of Trout Unlimited
Mark Smith	Trails 2000
Barry Spear	Attorney, SWCD

Richard Speegle	Citizen
Don Squires	Citizen
Edward Stern	U.S. Representative John Salazar's Office
Mark Stiles	SJPLC (USFS/BLM)
John Taylor	SWCD / Hinsdale County
Elizabeth Testa	4 Corners Back Country Horsemen (4CBCH)
Pete Turner	Self & Outfitter
Chuck Wanner	Five Rivers Chapter of Trout Unlimited
Dave Wegner	LWAB & Animas River Keepers
Wally White	La Plata County Commissioner
Jim White	CDOW
Bruce Whitehead	SWCD
Mely Whiting	Trout Unlimited
John Whitney	U.S. Rep. John Salazar's Office
Jeff Widen	Wilderness Support Center -The Wilderness Society
Gary Wilkinson	San Juan Trail Riders
Thurman Wilson	SJPLC (USFS/BLM)
Win Wright	Southwest Hydro-Logic
Sandy Young	Self and 4CBCH
Larry Zauberis	4CBCH
Ed Zink	Hermosa Ditch and outfitting

Staff:

Bill Ball	Web Master (Fort Lewis College - Office of Community Services)
Gail Binkly	Recorder/Publicist
Jane Maxson	Administrative Assistant
Marsha Porter-Norton	Facilitator and Coordinator
Kathy Sherer	Project Assistant

A total of 30 to 45 people attended every Hermosa Creek Workgroup meeting. Everyone on the meeting distribution list was given the opportunity to decline to be included on this list. If any names were inadvertently omitted or included, please accept the RPW's apologies.

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Executive Summary

As part of a regional initiative called the River Protection Workgroup, the Hermosa Creek Workgroup formed in April of 2008. This collaborative, community process - which operates on consensus - involves many citizens and organizations in discussions about the human and natural values in the Hermosa Creek watershed. This report outlines the Hermosa Creek Workgroup's processes, milestones and recommended actions.

The Hermosa Creek Workgroup is one public workgroup convened as part of a broader multi-year process to achieve consensus about management of river basins across the San Juan National Forest by involving the public in protecting the natural values of selected streams while allowing water development to continue. The primary issue that brought this group together was the San Juan National Forest *Draft Land Management Plan's* preliminary decision that a number of river segments are suitable for designation under the Wild and Scenic Rivers Act.

After 22 months of work, the Hermosa Creek Workgroup arrived at a set of recommendations. Central to their work is recommending that special federal legislation be developed, introduced, and hopefully passed. The principle elements of the proposed special legislation are as follows:

- ✓ A Special Management Area (SMA, or similar designation) of roughly 70,000 acres, the boundary for which would follow the exact boundary of the Hermosa Creek Watershed (please refer the final draft map in Attachment B).
- ✓ A Hermosa Creek Wilderness of roughly 40,000 acres within the SMA, encompassing qualifying lands on the west side of Hermosa Creek. The eastern boundary of this wilderness would be set back from Hermosa Creek ¼ mile to avoid the effective prevention of most water development on the Creek with a boundary at or near the water's edge (please refer the final draft map in Attachment B).
- ✓ The inventoried roadless area within the SMA, but outside of the wilderness area, would be managed to remain un-roaded, although some motorized use would be allowed. The intention of the Hermosa Creek Workgroup is that this area does not have new roads constructed in it that would allow travel by passenger-sized cars.
- ✓ The San Juan National Forest would be directed to prepare a management plan for the SMA, including a comprehensive travel management plan for motorized and mechanized use would be permitted only on roads and trails that are designated in the area's management plan.
- ✓ The entire SMA would be withdrawn from the mineral entry and leasing, with two exceptions. This would allow for limited infill claim filing and development, subject to standards and restrictions of federal and state laws and regulations, as well as the SMA's management plan. The two exceptions are:

Executive Summary (Continued)

- An area totaling approximately 300-400 acres at the extreme northern boundary of the SMA where current mining activity is being conducted.
- An area of approximately 1,000 acres on the southwestern boundary of the SMA, surrounding a number of patented claims.
- ✓ The management of the portion of the SMA that lies outside both the wilderness and roadless area would be determined by the area's management plan, with fewer statutory restrictions than the other two areas. This zone would still be subject to the designated roads and trails provision described above, and to the mineral withdrawal (with the exceptions described above).
- ✓ Logging may be allowed in previously logged areas, though with restrictions based on impacts to water quality, the State of Colorado's Outstanding Waters designation, and other SMA resources.
- ✓ Potential water protections on Hermosa Creek, including a possible Wild and Scenic River designation, will be discussed at a later time once four additional basin Public Workgroups are concluded for the Animas River, San Juan River -- East and West Forks, Vallecito Creek /Pine River, and the Piedra River. A number of issues that were identified during the Hermosa Creek Workgroup process will be incorporated into these discussions.

Two additional recommendations were agreed to but do not require legislation:

- ✓ Standards for roads and/or trails need to be bolstered to reduce sedimentation caused by human activity. The appropriate entity to work on this is the United States Forest Service.
- ✓ There should be an active community-based Advisory Council established, modeled upon best practices, that involves the many stakeholders in continued action and stewardship for the watershed.

The next steps include asking U.S. Representative John Salazar to initiate the special legislation; continuing to involve the Hermosa Creek Workgroup as this legislation proceeds; and educating the communities involved through outreach.

All of the Hermosa Creek Workgroup's proceedings, including minutes, reports, handouts, maps, etc. are at this Web site: <http://ocs.fortlewis.edu/riverprotection/>

(go to *Hermosa Creek Workgroup* on the left side).



Hermosa Creek Workgroup Final Report

Background and History

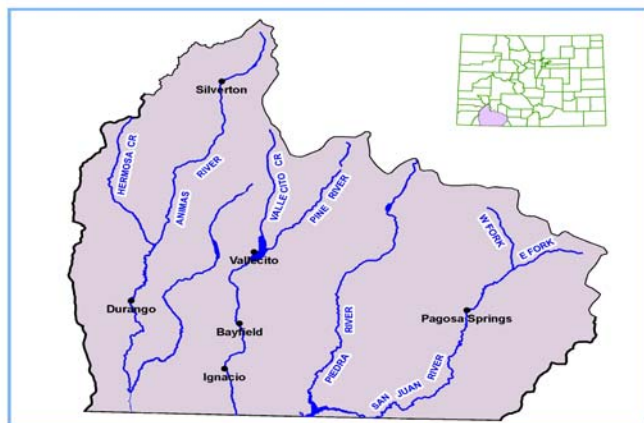
The Hermosa Creek Workgroup (hereinafter referred to as the “HCW”) launched in April 2008 and is spearheaded by the River Protection Workgroup (hereinafter referred to as the RPW). The RPW formed in late 2006 and the purposes of this effort are:

- ❖ to bring together citizens and organizations interested in selected streams in the region to determine values worthy of protection;
- ❖ to recommend the types of tools necessary, either existing or newly-developed, to protect the values and
- ❖ to make these recommendations in the context of protecting values while allowing water development to continue.

This report documents the work of the HCW which met 18 times from April 2008 to January 2010 and presents recommendations for action. A full set of minutes provide the group's detailed proceedings and are on the Web site at:

<http://ocs.fortlewis.edu/riverprotection/>

The report is for anyone interested in this special and unique area of Colorado including individuals, governments, elected officials, non-profits and other organizations. *Each recommendation represents consensus of the participating HCW members.*



River Protection Workgroup
Basin Area and Rivers of Interest

Starting the Hermosa Creek Workgroup

The San Juan Citizens Alliance and the Southwestern Water Conservation Board formed the RPW in response to the San Juan Public Land Center's (USFS/BLM) *Draft Land Management Plan* which recommended certain segments of the areas' rivers and streams as suitable for the Wild and Scenic Rivers designation (WSR). These two organizations, which represent

sometimes competing or conflicting interests, decided to address this contentious water issue by *working together*. They established a RPW Steering Committee and its members are:

- Ann Brown and Terra Anderson, U.S. Senator Michael Bennet's Office
- Wanda Cason, U.S. Senator Mark Udall's Office
- Scott Brinton and Rege Leach, Colorado Department of Natural Resources - Division of Water Resources (CDWR)
- Ted Kowalski, Colorado Department of Natural Resources - Colorado Water Conservation Board (CWCB)
- Chuck Lawler, Southern Ute Indian Tribe (SUIT)
- Meghan Maloney, San Juan Citizens Alliance (SJCA)
- Mark Stiles, San Juan Public Lands Center (USFS/BLM)
- Ann Oliver, The Nature Conservancy
- Chuck Wanner, Trout Unlimited - Five Rivers Chapter
- Bruce Whitehead, Steve Fearn and John Taylor, Southwestern Water Conservation District (SWCD)
- John Whitney, U.S. Congressman John Salazar's Office
- Jeff Widen, Wilderness Support Center, a project of The Wilderness Society (TWS)

Facilitator: Marsha Porter-Norton

The RPW Steering Committee decided to conduct public workgroups on five area rivers/streams beginning with Hermosa Creek using a set of collaborative and consensus-based approaches and the following principles:

- Anyone with an interest is a stakeholder and has a seat at the table.
- Dialogue must be respectful to ensure that the whole range of opinions is heard and understood and that a future recommendation will meet as many concerns as possible.
- Facts and information must be accurate.
- There will be a lot of interaction, collaboration, and possible negotiations to reach a consensus.
- The process will be fair, open and transparent.

The Hermosa Creek Workgroup meetings, which were led by a professional facilitator, operated as an "open table" where anyone could participate. Before starting the HCW, the RPW conducted significant outreach efforts to get interested stakeholders to the table including phone calls, public service announcements and placing an Opinion Piece in the *Durango Herald* newspaper. Many answered the call to do so as over 70 people attended the first meeting. There was community agreement to accept the RPW's invitation to form a workgroup and the Hermosa Creek Workgroup was off and running!



Hermosa Creek Workgroup Final Report

The HCW focused on the Hermosa Creek area, including all its tributaries down to the southeastern (lower) United States Forest Service ("USFS") boundary. Four of those tributaries were not considered to be eligible for Wild & Scenic Rivers ("WSR") designation by the USFS. The Area also includes 160 acres of private land with a decreed water right diverted from the main stem of Hermosa Creek at the Three Sisters Ditch, for which a land exchange is being considered between the USFS and Tamarron Properties.

In the first meetings, it was noted that there are no "pre-set outcomes" or "done deals" decided upon by the RPW. The HCW agreed to the process principles, set ground rules and defined consensus.

Definition of Consensus...

- Includes steps so that all views are heard and considered
- Recognizes that differences of opinion are natural/expected
- Group makes a good faith effort to reach a decision that everyone can support
- Consensus does not mean everyone agrees with the decision but... they can support it

Ground Rules...

- Respect
- One person talks at a time
- Every person's opinion is important
- Determine truth and facts based on solid data
- Speak up and raise issues for discussion

Prior to the HCW kicking off, the RPW devised a process model which was agreed to by the HCW. This phased approach to the discussions is described as follows:

Phase I:

Background information will be shared. The group process will be fully discussed and agreed upon.

Phase II:

Hermosa Creek values will be discussed, including natural, social, cultural and/or economic values, addressing any protections already in place. By the end of Phase II, participants will have considered a range of options for protecting important values on Hermosa Creek. No decisions will be made in this phase.



Phase III:

The group will look to the future. Each option will be discussed in-depth. Through consensus-building and other decision-making tools, the group will reach conclusions and develop action plans.

Learning about the Creek

Next, to gain a *common understanding* of the Creek and its watershed, and to ensure the groups' discussions were grounded in facts, an "Initial Information Sheet" developed by the RPW Steering Committee was reviewed. This information sheet presented the following: description of the area; values; protections currently in place; potential protection mechanisms (as defined by the HCW); water rights; information on existing In-stream Flows and the status of water quality; uses which require permits; court actions; location of a dam site (through the Statewide Water Supply Initiative or "SWSI"); transportation issues; potential conflicts; and reasonably foreseeable economic development in the area. Changes were made to this document by the HCW and a final edited document was agreed to (see Attachment A).

The group was comprised of interested citizens *along with* some professional water experts. So, a "Water 101" learning discussion was given by Bruce Whitehead, executive director of the Southwestern Water Conservation District (SWCD). Accompanying this presentation were two handouts: one on basic water terms and another one related to agencies/entities involved in water in Colorado (find both on the Web site).

Early on, the HCW requested a comparative stream flow model. The Colorado Water Conservation Board completed the project and presented it. The San Juan Public Lands Center (USFS/BLM) gave information when asked, including much detail about past planning efforts in the Hermosa Creek watershed, the Roadless Inventory and Roadless Rules, along with their reasoning for recommendations made in the *Draft Land Management Plan*. And finally, based on a request from a Working Group, the SJPLC was conducting an Environmental Impact Statement (called the Hermosa Landscape Grazing Analysis), and a USFS staff person gave information on that effort.

Values

The HCW then deliberated for several meetings and eventually agreed to a values statement (below). The word "values" was defined as what people hold dear about the Creek or simply put: What do you think is important? The word "values" can be a loaded term so the HCW avoided making judgments about which values were most important. They elected to consider the full range of diverse values: economic, environmental, recreational, cultural, and social.

In the San Juan Public Land Center's (USFS/BLM) *Draft Land Management Plan* there were two official "Outstandingly Remarkable Values" (ORVs) that prompted the Agency to deem Hermosa Creek and its tributaries suitable for the Wild and Scenic River (WSR) status. These ORVS are:

- 1) Recreational use: The Area is subjected to heavy recreational use because of its proximity to Durango. Uses include mountain biking, horseback riding, motorcycle riding, hiking, camping, backpacking, hunting, fishing, snowmobiling on the East Fork, Class IV and V whitewater kayaking, cross-country skiing, and single-track use.

- (2) Cutthroat conservation use: This ORV is a result of the naturally isolated Hermosa Creek tributaries. These tributaries provide excellent habitat for existing Colorado River cutthroat trout and opportunities for restoration. An outcrop of limestone occurs at the terminus of many Hermosa Creek tributaries, providing a natural fish migration barrier. A pure strain of Colorado River cutthroat trout has been stocked in the East Fork of Hermosa Creek, Clear Creek, and North Hope Creek. Clear Creek was stocked from the native cutthroat trout population found in Big Bend Creek. A Colorado Division of Wildlife (CDOW) Colorado River cutthroat trout restoration project, in cooperation with the USFS, is currently planned for the headwaters of Hermosa Creek, with the long-range goal of linking the East Fork and headwaters cutthroat trout populations. Note: the Aquatic Biologist from the Colorado Division of Wildlife (CDOW), Jim White, addressed the group at one meeting to discuss the trout population including the CDOW's management practices and plans. Find the *Draft Land Management Plan* here: <http://ocs.fortlewis.edu/forestplan/>

Additional values were defined as also being important:

Economic

- grazing
- outfitting
- hunting

Fish Species

- species in the Hermosa Creek main stem and many of the tributaries of Hermosa Creek drainage include, but are not limited to: rainbow, brown, brook, hybridized and pure strain Colorado River cutthroat trout, and other wild trout populations

General

- the area's sense of remoteness
- Hermosa drainage contains almost no private property (it is rare for such a large watershed to be mostly publicly-owned)
- there is accessibility to the area and multiple access points
- existence of biodiversity and large blocks of road-less, un-fragmented land, providing ecological continuity and integrity; the area represents many major life zones and has large areas of intact old-growth and healthy ponderosa pine forest

Plants

- presence of a G2 community of white fir - Colorado blue spruce - narrow leaf cottonwood/Rocky Mountain maple, considered globally imperiled, as measured on a scale of G1-G5 by the Colorado Natural Heritage Program

Recreation

- ATV use (motorized)
- horseback riding
- hiking
- mountain biking
- snowmobiling
- other

Terrestrial Wildlife and Wildlife Habitat

- elk
- bear
- deer
- Canada lynx
- snowshoe hare
- blue grouse
- wild turkey
- river otters
- coyote
- beaver
- bob cat

Water

- Hermosa Creek's natural flow variation
- Hermosa Creek was one of the first drainages outside a Wilderness Area or National Park to be designated as "Outstanding Water" by the Colorado Water Quality Control Commission
- Hermosa Creek provides water for ditch users in the Animas Valley and it flows into the Animas River
- Potential for water development



Hermosa Creek Workgroup **Values Statement**
for the Hermosa Creek Watershed:

The Hermosa Creek Area is exceptional because it is a large, intact (unfragmented) natural watershed containing diverse ecosystems, including fish, plants and wildlife, over a broad elevation range, and supports a variety of multiple uses, including recreation and grazing, in the vicinity of a large town.



Broad Issues Identified

The group spent many hours deliberating, discussing and debating various issues plus proposed actions. One of the first realizations the group came to was a set of issues that are considered “threats” or “concerns” as follows:

- ❖ Carrying capacity of the area as a result of high use
- ❖ Conflicts among user groups
- ❖ Sedimentation
- ❖ Possible development (roads, water, mining, private land, expansion of the ski area)

The group concluded that these issues may have impacts on:

- . Water quantity/volume and flows for cutthroat trout
- . Water quality
- . Wildlife
- . Solitude and quiet
- . Safety
- . Agricultural uses and sustainability

It is noted that this list does not represent every concern that exists but simply was a summation done at this point in the process.

Protection of the Values

The HCW decided that additional protections were needed. The HCW again reviewed the “Initial Information Sheet” which gave information on the current levels of protection and they include:

a) USFS Management: The Hermosa Creek Area is managed by the USFS. Most of the Area is within the USFS 2001 Roadless Rule boundaries and managed under this rule. The Area contains the largest Inventoried Roadless Area in Colorado. The west side of Hermosa Creek, because of a lack of disturbance, has an unbroken sequence of various life zones, which can serve as reference areas for other parts of the San Juan National Forest. Under current USFS management, a majority of the area is classified as a Management Area 3 (MA3) which allows for grazing and some management activities that would benefit the resource conditions. The popular Hermosa Creek Trail is motorized and there are motorized trails on both the west and east sides. The San Juan Draft Land Management Plan/Draft Environmental Impact Statement released in December 2007 recommends Alternative B which features: the western portion managed as a MA1; the eastern side managed as a MA3; recommendation of 50,895 acres for Wilderness and 15,469 acres as a Research Natural Area; and a recommendation that 62.4 miles of Hermosa Creek and its tributaries are suitable for the Wild and Scenic River designation.

b) Water Quality: Hermosa Creek has been designated an "Outstanding Water of the State of Colorado" by the Colorado Water Quality Control Commission, except for the East Fork and its tributaries, which have the next highest water-quality classification. Also, the Colorado Division of Wildlife has fishing regulations in place on the East Fork from the headwaters to Sig Creek, including the use of artificial flies and lures only and a policy of catch and release.

c) Instream Flows: The Colorado Water Conservation Board (CWCB) holds in-stream flow water rights on the Hermosa Creek main stem and a number of tributaries.

New Ideas & Discussion of Protection Tools

The HCW agreed to consider additional protections and devised a list for study. At this juncture a document produced by the RPW was handed out that relayed all the current river/stream protection tools available (find it on the Web site). However, the group was encouraged to develop, if appropriate, new tools if applicable. This list (below) became the initial set of ideas upon which the group deliberated:

Land Management

1) San Juan National Forest -- Land Management Plan and other Agency rules, standards, plans, guidelines, etc.:

- ❖ Greater dispersment of users
- ❖ Designation of a Research Natural Area
- ❖ Limiting the number of users without eliminating use
- ❖ Road and trail standards and rehabilitation
- ❖ Gather information about and monitoring of user numbers (use of clubs and interest groups)
- ❖ weed control (management practices)
- ❖ other rules, standards, policies and guidelines

2) Wilderness Area designation (meaning Wilderness only)

3) Other designations such as National Conservation Area or National Recreation Area

4) Roadless Area rules/policies

5) Water

- ❖ In-stream flow rights to protect water (possibly more ISFs)
- ❖ Wild and Scenic River designation
- ❖ CDOW regulations regarding fishing
- ❖ Inventory of sediment sources
- ❖ New potential tool: "negative water right"

6) Other - Water

- ❖ A new tool/standard for sediment, to be developed by the group

7) Private land acquisition

8) Special Legislation

It is noteworthy that one proposal studied and accepted for consideration was a package developed by Trails 2000, the San Juan Citizens Alliance and The Wilderness Society. These groups had developed a comment letter to the SJPLC as part of the formal EIS comment period for the *Draft Land Management Plan*. Their proposal was put on the table at the January 2009 meeting and included Wilderness, a Wild and Scenic River status for the Creek, keeping the road-less area road-less, designation of travel management routes, water shed protection measures, and setting up a Special Management Area.

In subsequent meetings, the list above was then narrowed and summed as follows:

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

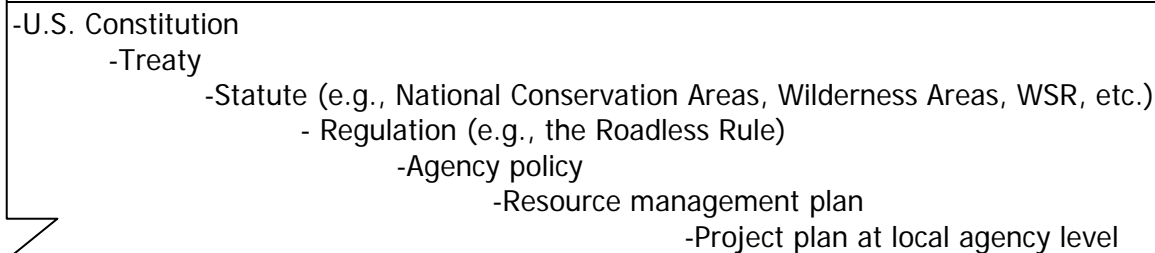
Next, during this phase, dialogue, information-sharing and certainly debate occurred about the merits or perceived problems with the various tools on the list. Speakers were invited to give information including: Roy Smith, from the State BLM office who gave a presentation on WSR; and Linda Bassi who gave a presentation on the State's In-Stream Flow and other programs. Mark Stiles, Forest Supervisor with the SJPLC and Jeff Widen, from the TWS's -Wilderness Support Center gave information on wilderness and other federal protection tools. John Taylor, a member of the HCW, promoted an Advisory Council that would function as a local watershed group. He showcased a model from the Verde Valley in Arizona. Both Steve Fearn and Bruce Whitehead with SWCD gave perspectives from the water management and planning arenas. *These discussions allowed the various tools on the idea list to be vetted and thoroughly understood.*

Further, the HCW group looked at all the various ideas through many different lenses. They received a matrix developed by a member of the RPW Steering Committee which compared each of the tools to this criterion: (note: please find the matrix on the Web site)

- Would apply to all or Part of Hermosa Watershed?
- Public or Private Land?
- Level in Hierarchy (see chart on next page)
- Relative level of Permanency
- Relative level of Local Control
- Relative level of flexibility
- Hermosa Creek Watershed Value Addressed



As the group began to assess various tools for protection, Mark Stiles with the San Juan Public Lands Center (USFS/BLM) offered a chart that showed the hierarchy of federal laws and regulations as follows (lowest level = highest amount of local control):



-U.S. Constitution
-Treaty
-Statute (e.g., National Conservation Areas, Wilderness Areas, WSR, etc.)
- Regulation (e.g., the Roadless Rule)
-Agency policy
-Resource management plan
-Project plan at local agency level

He noted that there is greater permanency but less flexibility and less local control as one moves up the scale from the bottom to the top. Finding a set of tools that supported and bolstered local control and involvement became one theme of the group.

HCW Consensus Recommendations

A working group of this size has great advantages. However, at this juncture, a smaller group that became known as the Hermosa Creek Drafting Committee (hereinafter referred to as "HCDC") was formed to work out details and bring recommendations back to the larger HCW. Those who volunteered to serve on the group include: Steve Fearn, Meghan Maloney, Chuck Wanner, Bruce Whitehead, Mely Whiting, Jeff Widen, and Ed Zink. Thurman Wilson and David Baker advised from the SJPLC and John Whitney, from U.S. Congressman Salazar's office was ex officio. The group decided early on to continue using the HCW facilitator, Marsha Porter-Norton. This Drafting Committee met a total of 13 times from June 2009 to January 2010. A framework the HCDC agreed to operate within is on the Web site. The HCDC worked within a diversity of goals and interests expressed by the larger Workgroup. A particular challenge for the HCDC and the HCW was to develop recommendations that reflected these goals and interests, which may in some cases conflict with each other. Those goals and interests are as follows:

Goals

- Protect the values as defined by the Working Group statement
- Protect the watershed and Hermosa Creek itself
- Preserve the intact nature of the area (e.g., roadless features)
- Allow water development to continue
- Protect existing outstanding water quality (continued)
- Manage for accelerated sedimentation caused by human activity
- Provide for local collaboration and problem solving among stakeholders
- Protect existing uses

Interests

The following list of interests was developed by the HCDC that attempts to capture what people on the HCW care about or their interests (note: this is a listing of input from the meetings and is not presented in any priority order):

Land

- 1) To permanently preserve Hermosa Creek and its watershed because it is a special and unique place; permanently protect the land/watershed; protect the water, land, wildlife and fisheries for future generations
- 2) To protect Hermosa Creek and its watershed with flexibility and local control built into the solutions
- 3) Employing management tools that keep the number of users to a sustainable level and the carrying capacity of the area is not exceeded
- 4) Existing uses should continue including grazing, mining, outfitting, recreational uses, etc.; and they should continue in the places where they currently exist
- 5) To retain the roadless portions of the area as they currently exist
- 6) To prevent unwanted development that would threaten the watershed and water quality
- 7) Respect private property rights
- 8) To find ways for user groups and the public land managers to work out solutions and employ stewardship practices for the land and water (local control); reduce human impacts to the land and water
- 9) To understand the connection between the watershed and how it is managed on private lands adjacent or close to the area

Water

- 1) Need to allow water development to continue; desire for ability to use water from Hermosa Creek for future water needs - basin wide; do not tie up water rights
- 2) Protect Hermosa Creek's hydrograph at current level (or close to it) so watershed is preserved intact; permanently preserve the natural values of Hermosa Creek and its watershed for future generations
- 3) Ensure Hermosa Creek is not dammed
- 4) Ensure water quality stays at current level
- 5) Ensure trout fisheries stay strong
- 6) To reduce human impacts to the water (in general)

Other

- 1) Get something done...“we’ve been talking about this for years”
- 2) To find solutions that work for as many as possible
- 3) To be able to recreate in the way one wishes to (on certain trails; in quiet-use situations; in motorized situations; using equipment that one wishes to; etc., etc.)
- 4) To keep the habitat in the watershed in good condition for wildlife (note: it was recognized by the HCW that the Colorado Division of Wildlife manages this resource)
- 5) To have the USFS manage the area in the best ways possible

Finally, the last step: **The HCW arrived at its conclusions for the future. Here are the group’s specific recommendations:**

✓ ***Legislation***

Move forward and develop “*Hermosa Area Legislation*.” This legislation will include language that protects the values in Hermosa Creek and the watershed itself, and includes goals to maintain Hermosa Creek’s State of Colorado Outstanding Water Quality designation. The legislation will encompass the watershed boundaries and focus on land protection measures at the present time. The “Hermosa Creek Legislation” will establish three areas or “zones” that encompass the entire Hermosa Creek Watershed. Zone 1 is a proposed Wilderness Area; Zone 2 is an un-roaded area(s); and Zone 3 covers a more heavily used area to the north (please refer to the proposed map in Attachment B).

✓ ***Wilderness***

This federal legislation will, if passed, establish a new *Hermosa Creek Wilderness Area*. The boundaries are noted on the map. Water in the wilderness would be addressed by inserting previous language established in 1993 for other Wilderness Areas in Colorado. This language is available on the Web site. The Wilderness Boundary on the east side will go to within ¼ mile of Hermosa Creek.

✓ ***Special Management Area (SMA)***

The legislation will also establish the *Hermosa Creek Special Management Area* that essentially includes lands surrounding the Hermosa Creek Wilderness Area. By law, a management plan specifically for the SMA will have to be developed with broad public comment. In the SMA, and related to it, the following details are recommended:

Boundary: The proposed SMA includes lands as shown on the map in Attachment B. At the current time, the legislation would set up a Special Management Area (SMA). However, if, as the legislation proceeds, another designation is more fitting - such as a National Conservation Area - the designation sought might be changed.

Grazing: The legislation needs to ensure flexibility for grazers. It should allow grazing where it exists now in the proposed Wilderness Area. Grazing in the SMA would be managed under the Forest Plan and management goals. An existing set of Congressional Grazing Guidelines that were established in other legislation should be used for guidance. The legislation should ensure a reasonable level of activity for maintenance of grazing allotments and relocation of grazing facilities.

Motorized: Motorized use in the SMA should be limited to designated routes/trails defined by the SMA management plan (note: motorized equipment is generally not allowed in Wilderness Areas unless for specific, allowed purposes).

Ski Area: The following language will be included in the legislation:

The Durango Mountain Resort Ski Area is managed under current USFS rules, permits and guidelines. There are no recommended changes. More specifically, DMR has a 40 year permit, COL544 expiring January 1, 2049, including an approved Environmental Impact Statement, which governs the activities within the Ski Area. Nothing in this Report or in the proposed special legislation is intended to or shall be interpreted to impact activities pursuant to the Ski Area Permit and its current boundary.

Wildfire: The goal is to establish a natural fire regime. The USFS should be able to do what its expert personnel believe needs done around pre-mitigation and fighting fire. A minimum tool analysis should still be required for Wilderness but mechanized tools should not be prohibited for the Wilderness Area altogether. The intention is to reduce confusion for the USFS/BLM Fire Service personnel and Public Land Managers and to take care of the resource. The current heli-pad sites could be maintained and used in the future (these are areas identified where the USFS' crews could land fire-fighting equipment). Standard Wilderness language around use of equipment in Wilderness Area applies. The intention here is to not prevent the USFS from making decisions their expert staff deem necessary if a catastrophic wildfire breaks out. The intention is to also ensure that the WUI (Wildland Urban Interface) area in the SMA can be mitigated as per USFS wildfire planning.

Logging: Logging may be allowed in previously logged areas, though with restrictions based on impacts to water quality, the State of Colorado's Outstanding Water designation, and other SMA resources.

Recreation: Various types of recreation are allowed as per USFS policies, and overall management and travel management plans that are adopted.

Water: A specific decision was made that water language will not be recommended for inclusion in the SMA legislation because such matters will be discussed under the "circle back" process described below.

Statewide Water Supply Initiative (SWSI) site: The following language has been agreed to:

"Nothing in this Act shall be construed so as to alter existing Federal or State management authority, rule, regulation or law at the time of the enactment of this Act that affects the site for potential water storage in the Hermosa Creek Watershed identified by the State of Colorado in its Statewide Water Supply Initiative (SWSI) Study (reference date, Web site, version of study, etc.)"

For more information on SWSI: go to: <http://cwcb.state.co.us/IWMD/> (then go to the SWSI I and SWSI II).

Minerals: The entire Special Management Area (SMA) would be withdrawn from the mineral entry and leasing, with two exceptions (note: the word “withdrawn” means that the minerals would be extracted). This would allow for limited infill claim filing and development, subject to standards and restrictions of federal and state laws and regulations, as well as the SMA’s management plan. The two exceptions are:

- An area totaling approximately 300-400 acres at the extreme northern boundary of the SMA where current mining activity is being conducted.
- An area of approximately 1000 acres on the southwestern boundary of the SMA, surrounding a number of patented claims.

✓ **Un-Roaded Area**

It is the intention of the Hermosa Creek Workgroup that Zone 2 would not have new roads constructed in it -- if this legislation passes. This means that the current Inventoried Roadless Areas within the SMA, but outside of the wilderness area, would be managed to remain un-roaded, although some motorized use would be allowed. A specific and detailed definition of the word “un-roaded” will be included in the special legislation. It is the intention of the Hermosa Creek Working Group that the concept of “un-roaded” means no new roads that would allow travel by passenger-sized vehicles. New trails would be allowed as per USFS travel management rules and policies.

✓ **Monitoring and Reducing Sedimentation**

The HCW discussed the fact that sedimentation in the Creek, while an issue, is hard to quantify both in terms of the amount and sources. Therefore, the group agreed that:

Standards for roads and/or trails need to be bolstered to reduce sedimentation caused by human activity. The appropriate entity to work on this is the USFS.

✓ **Proposed Land Exchange**

During the HCW process, a proposed land exchange process was occurring that would, if finalized, bring the 160 acres of private lands in the Hermosa Creek watershed into USFS ownership. This was discussed on many occasions. A policy was agreed to by HCW regarding this proposed land exchange (note: the comment period ended 10/30/09):

- support the USFS’ goal to have the watershed be comprised of intact Public Lands;
- it is noted that some HCW members have concerns about the potential development of the private lands in the watershed and the possible impacts;
- it is also noted that these lands are private property and many in the group support private property rights; and
- the HCW chose not to take a position on the current proposed land exchange in the formal EIS public comment period.

✓ **Advisory Council**

The establishment of a community-based Hermosa Creek Advisory Council is recommended to continue to allow many diverse people and organizations to *work together* for the betterment of the Hermosa Creek watershed through education, projects, providing public input to the USFS, and mainly: to promote overall stewardship endeavors. It is recommended that this Advisory Council not be included in the Hermosa Creek Legislation but rather that it be set up through a grassroots structure. It is hoped that the HCW can be the beginning of this group. Model programs such as the Verde Valley Group in Arizona can be studied. One major concern is that this group does not become politicized and partisan nor that it functions as a group that is "meeting just to meet." Finally, it needs to be helpful to, and work in concert with, the Public Land Managers - yet be able to give input where it deems necessary. The Hermosa Creek Advisory Council should be established as a non-governmental model. The concept of the Council as well as its mandate does not have to go into the legislation. The vision is a community based effort such as a Council that would operate under a non-profit or another fiscal agent. The non-profit San Juan Mountains Association was mentioned as a group that might be approached.

✓ **Water**

The RPW was established because of the general contentious nature of water across the West, especially in relation to the WSR designation. So, not surprisingly, current and future water protections were discussed at length in this process. After many weeks of deliberation, the following consensus was reached:

The Hermosa Creek Workgroup and the RPW Steering Committee will "circle back" for discussion of additional water protections for Hermosa Creek, and most especially the Wild and Scenic Rivers designation issues, after four remaining public workgroups are concluded in 2011. These public workgroups will be organized by the RPW for the Animas; Piedra; Vallecito Creek/Pine; and the San Juan – East and West Forks.

This approach became known as "Option 1" in the HCW and HCDC meetings as well as the RPW Steering Committee level. This option was selected so that clear momentum on land protections for Hermosa Creek can be capitalized on now. Yet, in order to get consensus on any additional water protections for Hermosa Creek, it was decided that the context of the entire basin needs to be known and under consideration.

In the HCW meetings, many expressed a desire for additional water protections on the Creek beyond what is there now. For the conservation/environmental community(ies) and some others, a primary concern is impoundment of the water via a major reservoir or structure on Hermosa Creek and its tributaries. Additionally, the presence of the trout fishery and the designation of the Creek as being an "Outstanding Water" make the case, many said, for lasting protections. Still others simply said that this is a very special area and it needs to be "saved." Others said: We do not want this Creek degraded.

For those who are concerned with planning for future water and water development, the main concerns are about implementing any tools that would limit options for water planning; development and use in the future; quantification – in terms of being asked to specifically state how much water will be needed for what, when and where; and the potential of a Federally Reserved Water Right that comes with a WSR designation. This constituency also noted several times that the land protections agreed to also serve as protections for water - namely Wilderness, the Roadless Area and the SMA.

Therefore, it was determined at an important juncture during the summer of 2009 that recommendations regarding potential additional water protections for Hermosa Creek are tied to the other four river/streams under consideration by the RPW project. Launching and concluding public workgroups, very similar to the HCW, will give everyone a broader understanding of where trade-offs may occur, where future additional water protections might be agreed to, and where future water development might happen. This compromise, while not entirely popular with everyone, was reached over the course of three months and involved many discussions and some caucusing on the part of groups involved.

The “circling back” action step does not mean that water issues for Hermosa Creek are being placed on the shelf indefinitely, nor does it mean the WSR designation is no longer an option. It should be strongly noted that the “circling back” for discussion of water issues for Hermosa Creek will happen, and sooner than originally planned. A new goal was established to finish the remaining public workgroup by 2011, earlier than the original target date of 2013.

By agreeing to this approach, the RPW Steering Committee reiterated their ongoing support to not only fund and conclude the public workgroups across the basin but to set up a structure by which regional negotiations can occur on key water issues, including ideas, issues and protection tools raised in the HCW meetings. In sum, discussions on additional water protections on Hermosa Creek are “to be continued” but the land protections, the Advisory Council and other recommendations should move forward now.



Next Steps

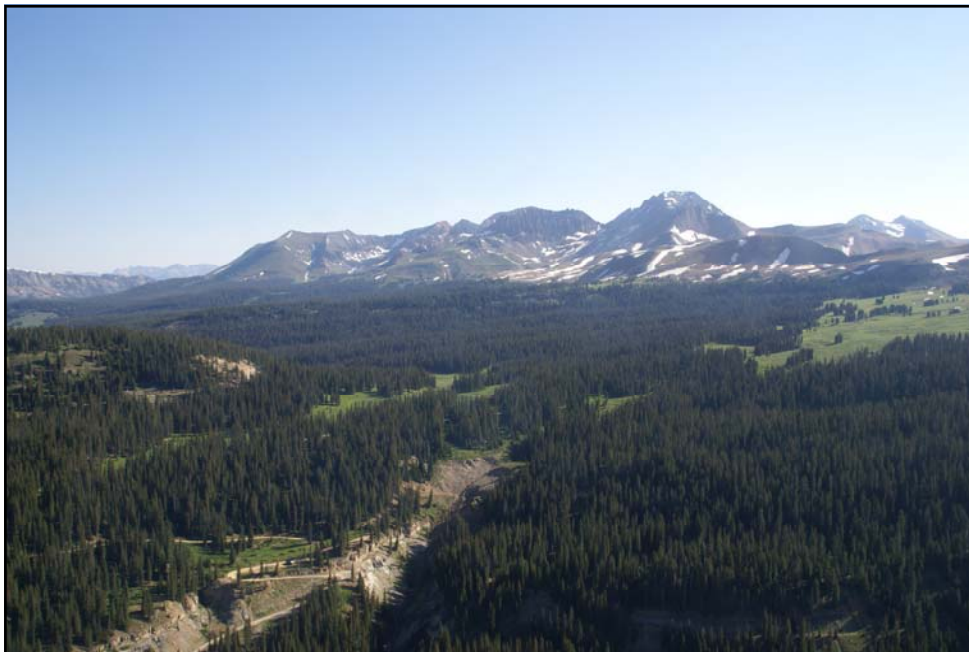
In January, 2010 following a meeting of the HCW, at which time the final consensus recommendations were agreed to, a letter was sent to U.S. Congressman John Salazar's office. This letter requested that the Congressman take on this legislation; that his staff be directed to begin drafting the legislation working with the Legislative Council; and that the local staff continue to work with the Hermosa Creek Drafting Committee and Hermosa Creek Workgroup to work out specific details on remaining issues.

In February, the Hermosa Creek Workgroup report will be disseminated via the Web site, to the Hermosa Creek Workgroup and copies will be made available at SWCD office (West Building on 2nd Avenue in Durango).

The Hermosa Creek Drafting Committee, along with anyone from the larger Hermosa Creek Workgroup who wishes to be involved, will develop and implement community education and outreach strategies beginning in February 2010. Contact Meghan Maloney to get involved: meghan@sanjuancitizens.org or 970-247-3583.

If the legislation passes, there will be a management plan established for the Special Management Area. It is recommended that the public be highly involved in shaping the plan.

Lastly, if the legislation passes, it is recommended that the United States Congress allocate adequate resources to manage a new Wilderness Area and Special Management Area so the watershed and values identified by the HCW can be protected.



Guide to the Attachments

A - Hermosa Creek Information Sheet

B - Proposed Map

All other documents can be found on the Web site including:

- Meeting minutes
- Meeting handouts
- Other key resource and background documents
- Press and media
- Maps

Note: if you do not have internet or Web access, please contact the facilitator.

Picture Credits: Google Earth; San Juan Public Lands Center (USFS/BLM); San Juan Citizens Alliance; Colorado Division of Wildlife; Gary Wilkinson, San Juan Trail Riders; and Colin Meagher, Trek (via Trails 2000)



River Protection Workgroup



Involving the public in protecting the natural values of selected streams while allowing water development to continue

Attachment A

Hermosa Creek River Protection Workgroup ("RPW") INFORMATION SHEET

Area of Interest for Special Protection ("Area"): The Area includes Hermosa Creek and all its tributaries down to the southeastern (lower) United States Forest Service ("USFS") boundary. Four of those tributaries were not considered to be eligible for Wild & Scenic Rivers ("WSR") designation by the USFS. The Area also includes 160 acres of private land with a decreed water right diverted from the mainstem of Hermosa Creek at the Three Sisters Ditch, for which a land exchange is being considered between USFS and Tamarron Properties.

Values: There are many values in the Hermosa Creek watershed. A values statement for the Hermosa Creek area crafted by the Hermosa Creek Workgroup includes:

The Hermosa Creek Area is exceptional because it is a large intact (unfragmented) natural watershed containing diverse ecosystems, including fish, plants and wildlife, over a broad elevation range, and supports a variety of multiple uses, including recreation and grazing, in the vicinity of a large town.

Terrestrial Wildlife and Wildlife Habit:

- elk
- bear
- deer
- Canada lynx
- snowshoe hare
- blue grouse
- wild turkey
- river otters
- coyote
- beaver
- bobcat

Page Two

Fish Species:

Species in the Hermosa Creek mainstem and many of the tributaries of Hermosa Creek drainage include, but are not limited to: rainbow, brown, brook, hybridized and pure strain Colorado River cutthroat trout, and other wild trout populations.

Other Values:

- presence of a G2 community of white fir - Colorado blue spruce - narrowleaf cottonwood/Rocky Mountain maple, considered globally imperiled, as measured on a scale of G1-G5 by the Colorado Natural Heritage Program
- horseback riding
- Hermosa Creek's natural flow variation
- area's sense of remoteness
- Hermosa Creek was one of the first drainages outside a Wilderness Area or National Park to be designated as "Outstanding Water" by the Colorado Water Quality Control Commission
- grazing
- Hermosa Creek provides water for ditch users in the Animas Valley and it flows into the Animas River
- ATV use
- Hermosa drainage contains almost no private property (it is rare for such a large watershed to be publicly owned)
- there is accessibility to the area and multiple access points
- existence of biodiversity and large blocks of roadless, unfragmented land, providing ecological continuity and integrity; the area represents many major life zones and has large areas of intact old-growth and healthy ponderosa pine forest

Outstandingly Remarkable Values ("ORVs") identified by the USFS:

(1) Recreational use: The Area is subjected to heavy recreational use because of its proximity to Durango. Uses include mountain biking; motorcycle riding; hiking, camping, backpacking, hunting, fishing, snowmobiling on the East Fork, Class IV and V whitewater kayaking, cross-country skiing, and single-track use.

(2) Cutthroat conservation use: This ORV is a result of the naturally isolated Hermosa Creek tributaries. These tributaries provide excellent habitat for existing Colorado River cutthroat trout and opportunities for restoration. An outcrop of limestone occurs at the terminus of many Hermosa Creek tributaries, providing a natural fish migration barrier. A pure strain of Colorado River cutthroat trout has been stocked in the East Fork of Hermosa Creek, Clear Creek, and North Hope Creek. Clear Creek was stocked from the native cutthroat trout population found in Big Bend Creek. A Colorado Division of Wildlife ("CDOW") Colorado River cutthroat trout restoration project, in cooperation with the USFS, is currently planned for the headwaters of Hermosa Creek, with the long-range goal of linking the East Fork and headwaters cutthroat trout populations.

River Protections Currently in Place:

USFS Management: The Hermosa Creek Area is managed by the USFS. Most of the Area is within the USFS 2001 Roadless Rule boundaries and managed under this rule. The Area contains the largest roadless land block under USFS jurisdiction in Colorado. The west side of Hermosa Creek, because of a lack of disturbance, has an unbroken sequence of various life zones, which can serve as reference areas for other parts of the San Juan National Forest. Under current USFS management, a majority of the area is classified as a Management Area 3 (MA3) which allows for grazing and some management activities that would benefit the resource conditions. The popular Hermosa Creek Trail is motorized and there are motorized trails on both the west and east sides. The San Juan Draft Land Management Plan/Draft Environmental Impact Statement released in December 2007 recommends Alternative B which features: the western portion managed as a MA1; the eastern side managed as a MA3; recommendation of 50,895 acres for Wilderness and 15,469 acres as a Research Natural Area; and a recommendation that 62.4 miles of Hermosa Creek and its tributaries are suitable for Wild and Scenic River designation.

Water Quality: Hermosa Creek has been designated an Outstanding Water of the State of Colorado by the Colorado Water Quality Control Commission, except for the East Fork and its tributaries, which have the next highest water-quality classification. Also, the Colorado Division of Wildlife has fishing regulations in place on the East Fork from the headwaters to Sig Creek, including the use of artificial flies and lures only and a policy of catch and release.

Instream Flows: The Colorado Water Conservation Board (CWCB) holds instream flow water rights on the Hermosa Creek mainstem and a number of tributaries:

Stream Name	Case No.	Amounts (dates) (CFS)	Appropriation Date
Big Bend Creek	7-87CW053	1.5 (4/1-6/30) 0.5 (7/1-3/31)	5/15/1987
Big Lick Creek	7-87CW052	2 (4/1-6/30) 0.75 (7/1-3/31)	5/15/1987
Clear Creek	7-87CW048	5 (4/1-6/30) 1.5 (7/1-3/31)	5/15/1987
Corral Creek	7-84CW277	1.5 (1/1-12/31)	7/13/1984
Deer Creek	7-87CW051	1.5 (4/1-6/30) 0.5 (7/1-3/31)	5/15/1987
Dutch Creek	7-87CW047	4 (4/1-6/30) 2 (7/1-3/31)	5/15/1987

Chart continued from the previous page -

East Fork Hermosa Creek	7-84CW278	1.5 (11/1-2/29) 3 (3/1-10/31)	7/13/1984
Elk Creek	7-87CW050	2 (4/1-6/30) 1 (7/1-3/31)	5/15/1987
Grassy Creek	7-83CW086	2 (1/1-12/31)	5/15/1983
Hermosa Cr (Headwaters Reach)	7-84CW276	9 (1/1-12/31)	7/13/1984
Hermosa Cr (Upper Reach)	7-87CW055	7 (10/1-4/30) 13 (5/1-9/30)	5/15/1987
Hermosa Cr (Middle)	7-87CW046	14 (10/1-4/14) 21 (4/15-9/30)	5/15/1987
Hermosa Creek (Lower)	7-84CW281	22 (11/1-2/29) 37 (3/1-10/31)	7/13/1984
Relay Creek	7-84CW280	1 (1/1-12/31)	7/13/1984
Sig Creek	7-84CW279	1 (1/1-12/31)	7/13/1984
South Fork Hermosa Creek	7-87CW049	12 (4/1-6/30) 4 (7/1-3/31)	5/15/1987
West Cross Creek	7-87CW054	0.5 (4/1-6/30) 0.25 (7/1-3/31)	5/15/1987

Water Rights: The following water uses occur above the lower USFS Boundary on Hermosa Creek:

<u>Primary Use/Date</u>	<u>Appropriation Date</u>	<u>CFS Absolute</u>	<u>CFS Conditional¹</u>
Irrigation (12/31/81)	8/28/1981	1.7 ²	
Stock (12/31/1971)	7/1/1906	0.1 ²	
Domestic/Municipal (12/31/1971)	6/10/1971	0.05 ²	3 (Purgatory's Dante's Well)
Commercial (12/31/1971)	6/10/1971	0.135 ²	
Instream Flow	See prior page		

¹ Conditional well rights in the E. Fork Basin: USFS and Durango Mountain Resort ("DMR") are still working on plans for potential test wells. As part of a DMR/USFS/CWCB Agreement, DMR will not pursue its decreed conditional storage water rights.

² Some of these amounts may overlap if a water right is decreed for more than one purpose.

Court Actions: USFS Reserved Rights Application in Case W-1605-76B³. Negotiations to resolve the case have been extremely limited since 2003.

Stream Flow Data: The watershed for the Area is about 172 square miles. A U.S. Geological Survey gauge below the National Forest boundary was in place from October 1920 to October 1980. The average low, mean and high flows in Hermosa Creek during that period were 22 cfs, 135 cfs and 665 cfs respectively. There is a range of flows on Hermosa Creek.

Transportation: There are several roads open to public use within the Area .

Uses Which Require Special Permits: Commercial outfitters, including mountain biking, hunting, skiing and grazing. The number of recreation permits issued by the USFS is capped.

Reasonably Foreseeable Economic Development: This development includes expansion of the Durango Mountain Resort ("DMR") ski area, with a new restaurant proposed at top of DMR Lift #4. The 160 acres of private land could be developed. Hydroelectric development is possible due to steep terrain. Additional outfitter permits are anticipated. There is potential for a past timber sale to be harvested in the future.

Potential Water Diversion and Storage Locations: The State Water Supply Initiative ("SWSI") lists Hermosa Park Reservoir at Cross Creek for potential development for 75,883 acre-feet. SWSI was a basin by basin study conducted by the Colorado Water Conservation Board to examine Colorado's water uses, water supply needs, and future water planning efforts. SWSI focused on using a common technical basis for identifying and quantifying water needs and issues. SWSI catalogued the specific projects, plans, and processes that local water suppliers have identified and are undertaking as components of their own water supply planning efforts to meet the needs they themselves have identified. Also, pursuant to House Bill 1117 and the Water for the 21st Century Act, the Southwest Water Roundtable is reexamining and redefining the consumptive and non-consumptive needs in the basin.

Potential Conflicts: Ongoing agenda item at Hermosa Creek Workgroup meetings.

³ The case involves whether the USFS is entitled to water rights "reserved" as of the date Congress reserved land for the National Forest for fluvial geomorphological (stream channel maintenance) purposes, and, if so, how much water per stream across USFS land.

Attachment B

Final Draft Map

