

Hermosa Creek Workgroup
Meeting #17 Summary
Nov. 3, 2009

Meeting summary: The September meeting summary was approved with no changes.

Update on the work of the Drafting Committee: Facilitator Marsha Porter-Norton said the nine-member Drafting Committee has so far met seven or eight times. The Drafting Committee has prepared a second draft of the Hermosa Creek Workgroup Final Report, which was presented to the group. Marsha invited anyone with photos of the Hermosa Creek Area to e-mail them to her to be included in a collage that will show how the watershed is used.

Review of second draft of Final Report: Marsha reviewed the second draft of the Final Report. As discussed previously, consensus recommendations include moving forward with Hermosa Creek Legislation to establish a Hermosa Creek Wilderness Area and a larger Hermosa Creek Special Management Area (“SMA”), while agreeing to “circle back” to the issue of possible additional water protection. The circling back would be done after the other workgroups operating under the River Protection Workgroup (“RPW”) have completed their study of the remaining four rivers/streams under consideration by the RPW project.

Marsha said there are three contentious issues still being worked on by the Drafting Committee:

- Where to place the boundary of the Hermosa Creek Wilderness Area in relation to the creek;
- What to do about future management of “mineraled” areas on the north and south areas of the watershed (will new infill mining claims/development be allowed?);
- What to do in regards to the SWSI (Statewide Water Supply Initiative) site (Hermosa Park Reservoir at Cross Creek).

Marsha noted that the Drafting Committee had developed a recommendation regarding the advisory council for the Hermosa Creek area. The recommendation is to keep the council at the community level rather than making it a formal advisory council whose makeup would be spelled out in the legislation. The feeling was that the latter option could result in the council becoming politicized, depending on who is in power at any given time.

Discussion: It was suggested that horseback riding and outfitting be added to the list of recreational uses on Page 7.

Mark Smith of Trails 2000 said several trail connection points between the

Colorado Trail and Hermosa Creek Trail will be lost if wilderness status is granted to the area where it is proposed. Trails 2000 does not object but would like a trail connection to be created at the watershed's southern boundary. This new connecting trail would not be within the wilderness and thus would allow mountain-biking as well as hiking.

State Sen. Bruce Whitehead said the proposed trail would be in the same area where there are concerns about access for fire protection, and such a trail might help address those concerns.

Wilderness boundary: Bruce reiterated that the question regarding this boundary is how close it should be to the creek. There was general agreement among the Drafting Committee that a specific distance would be delineated, but that distance is undetermined. The water community would like to see the distance set at one-quarter-mile from the creek on either side. This would allow for some water development below the SWSI site. Bruce said many sorts of development could be feasible, from stock ponds to a hydroelectric plant or a 5,000-acre-foot reservoir. He also said projections are for the state's population to double by 2030, creating much more demand for water.

SWSI site: The SWSI study was a basin-by-basin look at state water supply and demands with the purpose of identifying gaps where demand would likely outpace supply. The study listed the Hermosa Park Reservoir-Cross Creek site for potential development of a 75,883-acre-foot storage facility. Marsha said the issue is access to the site if a dam were built there, as the SWSI site lies in an inventoried roadless area within the SMA but not within the proposed wilderness. Buck Skillen of Trout Unlimited suggested just "carving out" a corridor to the SWSI site and leaving the remainder roadless.

Ted Kowalski of the Colorado Water Conservation Board ("CWCB") said the SWSI study, which was commissioned by the CWCB, was not a regulatory document and has no enforcement authority. He said the group could set the SWSI issue aside until the circling-back process, as the issue is directly related to what happens to the other streams/rivers. If this part of the state has additional demands and no other way to meet those demands, then there may be a need to utilize this site.

Bruce and Jeff Widen of the Wilderness Society said that, in order to move forward on land protections for the Hermosa watershed, it is necessary to have some uncertainty on where water development might go, until the group circles back. The group needs to leave open some opportunity to develop water in the Hermosa Creek Area. The disagreement is over how much room is needed. The wilderness community believes a quarter-mile is too much. However, the wilderness advocates do agree that a wilderness boundary can be set that will both protect land and leave flexibility for water decisions.

Mark said a half-mile strip in the middle of the area would fly in the face of the

whole idea of a wilderness area and an SMA. He said constructing a very large structure along the creek would affect the character of the entire watershed and could keep the wilderness legislation from being passed.

Bruce said Wild and Scenic Rivers (“WSR”) designations create a corridor one-quarter-mile on each side of a stream, which is where that number came from.

It was noted that the creek is still listed by the Forest Service as suitable for WSR designation and must be managed to protect its Outstandingly Remarkable Values. It was also noted that the creek will be within the SMA and that it already carries some instream-flow (“ISF”) protection.

Marsha said other suggestions regarding the wilderness boundary are to have it conform to the floodplain or the main headwaters mark, both of which are difficult to map and would require modeling. Still other suggestions are to place the boundary at a distance of less than one-quarter mile from the creek, such as 330 or 660 feet.

Joe Griffith questioned the location of the SWSI site, saying a structure there would catch only 10 percent of the drainage and would ruin a beautiful place. He said a dam could be better sited at a narrow place further down Hermosa Creek where it could capture all the water.

Steve Fearn of the Southwestern Water Conservation District agreed that the Upper Hermosa Creek would not generate much water, but this would be a storage site for water that could come from other sources.

Ann Oliver, a volunteer with The Nature Conservancy, said when the group circles back it could apply land protection to the SWSI site through additional legislation.

Bruce said Hermosa Creek still has water available to appropriate and until the discussion of water issues, the water community doesn’t want to tie this up in land protection.

Ted said because of the existing ISF protections, water development can’t occur willy-nilly, and if there were a significant diversion it would be junior to the ISFs.

John Taylor of Hinsdale County suggested 660 feet from the creek as a compromise. Mark said 660 feet is more reasonable than one-quarter-mile.

The issue was raised of whether the Hermosa Workgroup was really making progress. John Whitney, representing U.S. Rep. John Salazar’s office, said from his perspective the group is moving at lightning speed. The issues remaining are not insurmountable. Some legislation gets bogged down for years.

Mely Whiting of Trout Unlimited suggested putting restrictions on what uses can

occur in the corridor along the creek, beyond access for water development. She said it would not be advisable to create a swath that becomes a major corridor for recreation.

Marsha summarized the ideas regarding the wilderness boundary and SWSI site: carve out a road; find another dam site; circle back to the SWSI issue; set the wilderness boundary at 660 feet from the creek; limit the development level in the corridor.

Other issues:

Logging: Marsha said the Drafting Committee's recommendation is to be silent on logging. In an SMA, logging would be under the Forest Service's judgment. In a wilderness area, it would not be allowed.

Mark Stiles of the San Juan Public Lands Center said there is an area north of Hermosa Park and west of Hotel Draw that is one of the most disturbed sections of the Hermosa Creek area. He said this would be a very good place to have further logging because no new roads would have to be built.

Jeff Widen said he is concerned about commercial timber sales and more discussion would be needed.

Minerals: On the far northern portion of the Hermosa watershed, there are a number of unpatented valid mining claims. Steve said any mining would have to be done with Forest Service approval and under the oversight of the state. Any mining would not be allowed to degrade Hermosa Creek because it is one of the state's "outstanding waters" and has protection as such. The minerals involved are likely vanadium and rare earths. This would be hard-rock mining and it would be underground, not strip mining. It would require a small amount of water. There would be no discharge.

Steve suggested allowing development of the mining claims up north and infill staking in the other mineralized portion of the watershed, at the southern end. He said perhaps mining could be allowed in these two small areas while withdrawing the remainder of the watershed from mineral leasing. This would mean excluding the mineralized areas from the proposed wilderness and from the SMA.

Jeff said if boundaries are changed to exclude those areas, then the SMA's boundaries would not be a true watershed. Generally legislation to create SMAs and similar special areas calls for a full mineral withdrawal for new claims. The Drafting Committee is trying to work out a compromise.

Other issues: The Hermosa Workgroup agreed that the sections in the draft report relating to remaining issues such as the ski area, grazing, etc., were acceptable.

Next meeting: If there is a December meeting of the Hermosa Workgroup, it will be Tuesday, Dec. 1, from 6:30 to 9 p.m., at the Durango Recreation Center. If a December meeting is not necessary, the group will skip to a meeting on Jan. 5 at the same time and place.