

LOWER DOLORES WORKING GROUP
Meeting 5 Summary
April 20, 2009

Present: Ernest Williams, Mike Preston, Amber Clark, Rick Ryan, Doug Stowe, Dale Smith, David Vackar, Bruce Smart, Al Heaton, Rowdy Suckla, Karel Miller, Kara-Lynn Crocker-Bedford, Cole Crocker-Bedford, Meghan Maloney, Leslie Sesler, Steve Beverlin, Don Schwindt, Jody Schwindt, David Graf, Clint Cressler, Ann Oliver, Scott Clow, Andy Logan, Art Goodtimes, Julie Kibel, James Dietrich, and Marsha Porter-Norton.

Note: Presentations, documents, meeting summaries, agendas and other information related to the Lower Dolores Working Group process are posted at <http://ocs.fortlewis.edu/drd/>. There is a button on the left on the home page for the Lower Dolores Working Group.

Meeting summary: The March meeting summary was approved with one change.

General information: Members of the group have been e-mailed a list of river-protection tools put together by the River Protection Workgroup, a similar group that is examining management of different river and stream segments in the San Juan Basin. Not every one of the tools in the handout is applicable to the Lower Dolores. Anyone who knows of a tool that was left off the list should tell facilitator Marsha Porter-Norton.

Shauna Jensen, hydrologist with the Dolores Public Lands Office (“DPLO”), provided a handout on threatened and endangered species in the Lower Dolores River corridor. The ones listed in green are species with potential habitat there. Those with red asterisks are those more likely to be found in the corridor.

Sheets with brief summaries of facts about the Working Group meetings are being prepared and will be placed in key locations throughout the county such as libraries and coffee shops. This will allow the public to have a quick overview of what the group is doing.

The Dolores Public Lands Office (“DPLO”) has prepared a list of management questions that officials would like the Working Group to weigh in on. The group may need to focus on the biggest, most critical questions.

It was noted that the *1990 Dolores River Corridor Management Plan* is available on the Working Group Web site.

Public comment: None

Review of process: Marsha said the Dolores River Dialogue (“DRD”) Technical Committee, which is the steering committee for this effort, would like to know whether members of the Working Group have concerns about the process so far.

Marsha reviewed the process, which is like a funnel, starting with more general information and moving toward a more focused result. The top of the funnel, which includes the group’s activities from December 2008 through May 2009, involves orientation; education; values; issues, opportunities and concerns; and a beginning discussion of Wild and Scenic River (“WSR”) designation and alternatives to that.

From July through October 2009 the group will take field trips, generate management options, discuss the options’ pros and cons, and develop recommendations for management of the Lower Dolores River. At some point in the process there will be public involvement. Although the public is always invited to the meetings of the Working Group, there may be a need for specific public outreach to garner input.

At the end of the process (the bottom of the funnel), a report will be written for the DPLO containing the group’s recommendations, after which the DPLO will initiate a formal environmental assessment and its own public-comment process. The DPLO will make the final decisions about management. Marsha and Gail Binkly will write the report, acting as the group’s scribes. The group will see and approve the report. It will contain the group’s concepts and ideas, and the full range of opinion will be noted.

It was suggested that the group take a vote now on its sentiments about management; however, it was decided that would be premature. The concept of weighted voting was also discussed. This was something that was done during the Upper Dolores Working Group process. Members of that group said policy alternatives were developed and, after listening to their pros and cons, the group had an open, weighted vote. Anything that met a certain threshold stayed on the table. This flushed out some of the options early on and allowed the group to concentrate on the rest. Marsha said the DRD Technical Committee will consider this possibility before the next Working Group meeting.

Rowdy Suckla said he is very concerned about the possible impacts of WSR designation on private landowners. Could such a designation devalue private property? Will his children be able to build a cabin on their land?

Jim Siscoe director of the Montezuma Valley Irrigation Company (“MVIC”) and co-coordinator of the DRD Science Committee, suggested that one opportunity would be to examine the Dolores River according to its different reaches so the group can understand how varied the river is. Eight unique reaches have been identified from McPhee to the confluence with the Colorado River; six of those are within the scope of the Working Group’s study. The reaches have different

outstandingly remarkable values. There may be an opportunity within those unique reaches to develop different alternatives to WSR designation.

Marsha said she will discuss the concept of breaking the river into different reaches with the DRD Technical Committee.

Jim said he will prepare a map overlaying the reaches with the “wild”, “scenic” and “recreational” portions of the river as recommended in the 2007 draft San Juan Public Lands resource management plan. He will also show the private lands.

Dolores County Commissioner Ernie Williams said he hopes there is not a mindset that the group has to change management if things are working well. What we recognize as being “wild and scenic” has been in place many years. The group is supposed to look and see how things are working, not necessarily to change the management that is in place.

Marsha agreed that one alternative is the “null alternative”, meaning the status quo. She said nothing has been decided ahead of time.

Amber Clark of the San Juan Citizens Alliance noted that the draft San Juan Public Lands management plan found portions of the Lower Dolores River “suitable” for WSR designation. She said if the Working Group does not come up with its own recommendations, then the suitability recommendation contained in the plan will move forward. The Working Group process means the group can come up with something of its own that it will be happier with and that will address as many diverse viewpoints as possible.

Don Schwindt of the Dolores Water Conservancy District said concerns need to be recorded as they are raised rather than waiting till the group is farther along in the process. Marsha said a comprehensive list of issues, opportunities and concerns will be prepared and presented soon.

Jim Siscoe said water is a huge private property right. The water running through the creek is a private property right and has the potential to be harmed by this process if there is not good dialogue. It was also noted that mineral rights are private property rights.

Review of Tool Kit for Protection of Land and Water

Marsha gave a PowerPoint presentation on potential management tools. Tools can be implemented at the federal, state, or local level and by a number of entities. Some require legislation.

State tools:

- The Colorado instream flow program. This is a voluntary program by which water rights can be purchased or leased to protect values in a stream. The water is then administered by the Colorado Water Conservation Board. This primarily protects stream flows.
- State laws and intergovernmental agreements. The latter are developed on a case-by-case basis.
- Gold-medal waters, which are administered by the Colorado Division of Wildlife. These are the highest-quality coldwater fisheries and must contain at least 60 pounds per acre of trout.
- Outstanding waters. This is a Colorado Water Quality Control Act classification and is the most protective designation for water.
- Recreational In-Channel Diversions. These are available through a relatively new and somewhat controversial program that provides a minimum water right for recreational uses between two points.

Federal tools:

- U.S. Forest Service and Bureau of Land Management resource management plans. These establish broad guidance for project and activity decision-making.
- Wild and Scenic River designation.
- Wilderness areas.
- Special designations (e.g., National Conservation Area, Research Natural Area, Area of Critical Environmental Concern). These require legislation.
- Other special legislation targeted to a specific area (e.g., the Rio Grande Natural Area, South Platte Protection Plan, Rio Chama Management Plan).

County and local tools:

- Conservation easements on private land.
- Local work projects (tamarisk removal, riverbank stabilization, cultural-site stewardship programs).
- Land stewardship programs.
- County land-use policies.
- Local contractual agreements.
- Buying land (acquisition) from willing sellers.

San Miguel County Commissioner Art Goodtimes said his county has a wetlands protection program. Under that program, you generally have to build structures a certain distance from the riparian areas, but if your only building site is within wetlands, the plan is flexible enough to allow you to build.

Steve Beverlin, DPLO manager, said the Land and Water Conservation Fund was cut to about 15 percent of its former level under the Bush administration but was fully funded this time for the first time in a decade or more, so there may be an opportunity to obtain monies to purchase conservation easements. It was

noted that there is a difference between outright acquisition of land, donation of conservation easements for tax credits, and conservation easements that are compensated with money.

Art said San Miguel County has a small mill levy for a land heritage program that provides funds to purchase development rights on certain lands, such as ag land moving toward development. The development opportunity is lost but the landowner and county are able to keep the property in agriculture. That is one tool.

Ernie said outright acquisition results in a loss of county property taxes and money for schools.

319 Watershed Study

Chester Anderson, owner/president of BUGS Consulting in Durango, gave a PowerPoint presentation about a watershed planning process for the Dolores River in which BUGS Consulting is engaged. This is a stakeholder process; any individuals or institutions with an interest in how the river is managed are invited to become involved. It is an entirely voluntary, non-regulatory process. Funding is from the federal Clean Water Act through the state's Water Quality Control Division and then through the Dolores River Dialogue and Dolores Water Conservancy District.

The goal is to protect or improve water quality on the Dolores River from McPhee to the Utah state line by identifying sources of non-point pollution, identifying best management practices ("BMPs") to mitigate those sources, and implementing the BMPs after obtaining funds to do so.

Nonpoint source pollution comes from many diffuse sources, including excess fertilizers, herbicides and insecticides; oil, grease and toxic chemicals from urban runoff and energy production; salts from irrigation runoff; and bacteria and nutrients from livestock wastes and improperly functioning septic systems. Rain or snowmelt moving over and through the ground carries away these natural and human-made pollutants and deposits them in bodies of water.

BMPs are methods that prevent or reduce the movement of these pollutants to bodies of water. Chester hopes to see the BMPs incorporated through the 319 Watershed Study process. This will involve using federal funds to take steps such as reseeding, fencing off riparian areas, improving roads to reduce erosion, reclaiming mining-waste sites to reduce runoff of chemicals, and so on.

The study involves researching and compiling information on current land-use practices; identifying potential sources of non-point pollution; reviewing and compiling literature and stakeholder information regarding current water-quality

issues; participating in the ongoing DRD process and the Lower Dolores Working Group process; contacting individuals and organizations with a stake in the outcome of the watershed plan and inviting them to the table; and focusing on downstream areas not covered by the Lower Dolores Working Group process.

Chester would like to get feedback from all over and identify areas of concern. He can be contacted at 970-764-7581 or chester@bugsconsulting.com.

Field trips

The Working Group discussed possibilities for field trips this summer. Some suggestions were:

- Private lands. Cole Crocker-Bedford volunteered his land.
- Bradfield Bridge to the pump station. The best way to see this scenic stretch of the Dolores River is by boat; horseback trips are also a possibility. Boaters will see if they can take interested members of the group some time after Memorial Day if flows allow. That section is just a day trip. It was suggested that people take video cameras if possible to make recordings for those who can't go.
- Mining or oil and gas sites – industrial impacts.
- A site visit just below the dam.
- Slick Rock to Big Gypsum.
- The road between Bedrock and the confluence with the San Miguel River.
- The river overlook in Dolores County outside Dove Creek.

Art said, in answer to a question raised at a previous meeting, that the road through the Dolores River Canyon was abandoned by San Miguel County beyond Snaggletooth. It is left open for emergencies but it is not maintained.

Next meeting: The next meeting will be Monday, May 11, with dinner at 6 and the meeting at 6:30 p.m. This will be the final meeting before the summer break.

Issues, Concerns and Opportunities from Tonight's Meeting

Issues

- Is a change in management really needed?

Concerns

- Effects of a WSR designation on private landowners. They should not be harmed.
- Water in McPhee is a private property right and must not be harmed.
- Mineral interests are private property rights.
- Counties' and citizens' interests must be considered.

- Acquisition of land means a loss of property-tax revenues for counties and schools.

Opportunities

- Provide information to evaluate alternatives to WSR designation.
- Study the Dolores River according to its different reaches and evaluate alternatives to WSR designation for each.
- Write protections for private landowners into any recommendations.
- Make sure all tools are evaluated in detail as to their pros and cons.