

Public Lands Coordination Commission

September 20, 2011

PLCC Commissioners present: Frank Green, Zane Odell, Dennis Atwater, Slim McWilliams, Matt Clark

Montezuma County Commissioners present: None

Citizens Present: Approximately 15

Federal Agency Representatives:

Forest Service; Tom Rice & Debbie Kill.

BLM/CANM; Marietta Eaton, Heather Musclow & Victoria Atkins

Hovenweep; Corky Hays

7:30 PM Meeting was called to order.

The Pledge of Allegiance was recited & ground rules established.

First Item of business was approval of agenda & minutes. Minutes were approved.

New Business was discussed;

- Dennis Atwater presented a draft letter on coordination. A motion was made to review the letter, forward the letter to the BOCC for approval and have it sent to the Dolores Public lands Office. Dennis requested that the letter be read into the record. The letter was read into the record by Frank Green.

The PLCC Board then discussed the letter. It was noted that a significant area of concern had to do with the level of consistency with local plans. It was recommended that the letter provide more specifics regarding conflicts with the Comprehensive Land Use Plan.

It was pointed out that the Forest Service is currently working on a new alternative to the Blade Boggy Draw Plan and that we don't yet know if the plan will address and respond to some of the concerns being raised by the County.

It was also pointed out that we do not know at this point where the Forest Service seems to be leaning. It was suggested that this is one of the issues that coordination would help to resolve because we need to be a part of the process along the way.

The Forest service was asked if they would be meeting with the County prior to the plan being released to the public and they responded that they would be meeting with the Commissioners prior to the public release and that they had been working with the PLCC all along the way.

There was additional discussion surrounding the lack of coordination.

A second for the motion was called for. The motion was not seconded and the motion died due to lack of a second.

A new motion was made to send the letter with amendments, the motion was seconded. The motion was discussed and it was suggested that it was not the correct time to send the letter because the County needed to see the new alternative first. It was also noted that the letter affirms early notification that the plan should go before the BOCC in advance of its release to the public. The motion was voted on and failed.

Discussion was next focused on a letter to the Forest Service asking for an opportunity to coordinate and reach consistency at the first opportunity prior to public notification. A motion was made to ask the BOCC to write a letter to the Forest Service asking for opportunity to coordinate with the TMP Alt B to reach consistency before being released to the public. The motion was seconded. The motion was then amended to say that the PLCC recommends to the BOCC that they write a letter to the Forest Service requesting the opportunity to coordinate with the TMP Alt B to reach consistency before being released to the public. The amended motion was accepted and the motion passed.

- The Trails Round table was then discussed. Matt Clark explained that a round table was being formed which would include a broad range of interests to work on the Rico West Dolores TMP. The concept would be to develop a citizens based alternative in hopes of avoiding a drawn out appeal process.
- Mrs. Corky Hays, Superintendant for Hovenweep National Monument then presented the newly developed General Management Plan. Mrs. Hays went over the purpose and intent of the GMP. Plans were distributed. PLCC members asked if there were grazing allotments within the National Monument and which Mrs. Hays indicated that there were not. There was some discussion on the funding stream used to support the Monument management. Mrs. Hays described the process used to develop the plan. There was also discussion surrounding coordination with Montezuma County on the plan. It was reported that the plan was developed over a period of years and that much of the process predated Mrs. Hays' tenure. Mrs. Hays explained that this is the first General Management Plan for the Monument and that it was intended to provide consistency and definite direction over a period of years and successive managers. Mrs. Hays also noted that she had met with the BOCC to give them an update on the Plan. Dennis Atwater noted that coordination does not have to be requested by a County. Coordination is mandated by Federal Law, and that the Federal Agencies do a very poor job of schooling their people on what the Federal Mandates are. Coordination needs to happen up front at the scoping and planning stages.
- Marietta Eaton, Manager for Canyons of the Ancients National Monument then gave an update on the implementation process for the CANM RMP TMP. Route closures are being implemented with the help of the Southwest Conservation Youth Corps. About four miles are being closed this fall. The method of closure includes moving rocks obliterating tracks and scattering wood & brush over the tracks to prevent usage and encourage vegetative growth. Mrs. Eaton provided a map that shows all of the routes that will be closed. It will be about 15 miles done

this year. The criteria for closures was clear, it started with duplicate roads and unauthorized spurs. Private landowners were consulted to determine the access that they needed and they are now being worked with to get formal R.O.W. for those accesses. Duplicate accesses were eliminated where possible. The overall need to preserve the integrity and remoteness of the monument were the remaining part of the criteria. Heather Musclow noted that when the monument was established back in 2000 it stated in the proclamation that there would be no cross country travel. The original inventory of motorized routes included 178 miles and after the plan RMP process the plan allows for 147 miles to remain. That is 83% of the roads which are still open to motorized traffic. The Monument also has a great deal of access from County Roads. With the exception of the Sand Canyon area horse and foot travel is allowed Monument wide. Zane Odell noted that there was a road not indicated on the map that used to access an area. Denis Atwater pointed out that by Law those roads have to follow due process. Dennis furthered that FLPMA states that nothing in this act shall have the effect of terminating any R.O.W. or right of use. These roads are RS 2477 R.O.W. and the Federal Government gives that jurisdiction to the State. Marietta responded that the door is always open to discussion on those routes. Marietta also noted that the plan was developed under a very strict RMP process. Dennis responded that State Law declares all RS 2477 roads to be Public Highways. Marietta asked if the plan was not due process? Dennis responded that by State Law there has to be a public hearing. It has to go to the BOCC and there has to be a public hearing, and a decision by the county as to decommissioning of the highway. Heather Musclow offered that she was here during the planning process, and there were extensive discussions with the county on roads and that to date, there have been no claims on RS 2477.

- The meeting was then opened to public comment.
- Debbie Boyd commented that the public is being pushed together and condensed by closing public roads that we are used to using. It alters our way of living. Concentrating use creates more damage than dispersing use. It makes the experience un-enjoyable and is not in the best interest of the land.
- Ken Todd reported that he feels that the Government see us as the enemy. This country is no longer for the people by the people and of the people. We have developed a system that is of the Government by the government and for the Government.
- Bud Gardner reported that we have heard from three different agencies that have said "this is what we are going to do". The Law is not complicated. It is simple. It is only complicated when you asks a lawyer. The laws that are applicable have never been challenged in court therefore they stand. If we enforce them. Go ask the Forest Service if they have permits to close the roads. They don't have them. They Break the Law everyday. It is your responsibility as this commission to identify those violations of law and report them to the BOCC. And require. Don't ask these agencies...you tell these agencies you will be here at such and such a time to answer these charges. They work for us they have specific laws that they violate hold them accountable. That's all you need to do. For this lady to come into this coordinating committee we are going to close these roads explain that in the context of coordination to me.

- Marietta Eaton responded that the BLM has coordinated through an 8 year planning process and that the BLM has talked to the public and the Commissioners.
- Mike Williams reported that we need to be careful we don't get caught up in the emotion of this and that we need to recognize the law.
- Bob Tolls added that coordination is important and that Plan B did not have coordination.
- Raymond Boyd added that he had been attending meetings for a year and a half and we have not progressed one inch. I've attended meetings in Dove Creek and all over. The Haycamp Plan was not coordinated. It is time that somebody stands up and follows the Law.
- Debbie Kill reported that the forest Service was trying to respond to the concerns raised by the county through an after action review which modified the ways that some of the roads are being closed and that the Boggy Glade Plan will reflect that.
- RS 2477 on CANM was discussed. Since some of the implementation is planned in October Dennis Atwater volunteered to take the map to the subcommittee to try and identify roads. The information on the proposed road closures had already gone through an 8 year planning process and was fully vetted during that period. It was further noted that all of the work being proposed was simply hand work to close the roads. The only restrictions on horse and foot travel are in the Sand Canyon areas.
- Additional Public comment was taken.
- Debbie Boyd asked why the ATVs are discriminated against ? She pointed out that ATV distribute weight and cause less damage than Horses and cattle.
- Bud Gardner stated that the President had no authority to eliminate cross country travel in the proclamation. But even if the process approximated coordination the roads that are going to be abandoned regardless of the distance, a road that provides access to public property including federal property. Assuming we are in the stage of abandoning those roads you must come and apply for permits and a public hearing before the road is closed.
- Debbie Kill suggested that a timeline could be reconstructed to determine what process has been undertaken in the RMP process for CANM.

The Next meeting date was selected for October 4th.

Meeting Adjourned at 10:00 PM

