

Public Lands Coordination Commission

Meeting Minutes October 12, 2010

Commissioners present: Rob Yates, Scott Williams, Chris Majors, Dewayne Findley, Zane Odell, Drew Gordanier, Darin Goodall, Frank Green, Bob Clayton

Commissioners absent: None

Guests Present: Montezuma County Commissioner Gerald W. Koppenhafer

Approximately 33 citizens were also present.

6:30 PM Meeting was called to order.

PLCC Ground Rules were established.

First Item of business was approval of agenda. Agenda was approved as it stood.

Minutes were approved.

Commissioner Koppenhafer was invited to give clarification on the role of the PLCC. Commissioner Koppenhafer stated that the role of the PLCC was to review federal actions and plans that affect Montezuma County and to give recommendations to the County Commissioners. Commissioner Koppenhafer used the current Public Lands Center Oct. – Dec. Schedule of Proposed Actions (SOPA) as an example of the range of Federal Actions & plans that the Commission should review and forward comments/ recommendations to the BOCC on. Because of the volume of actions in the works the PLCC Commissioners should pick and choose the most relevant projects to Montezuma County. The Commission should also help to identify the agencies that are involved so that comments and recommendations can be directed toward the appropriate agency be it the USDA, BLM, CDOW, CDOT etc.

Commissioner Koppenhafer explained the difficulties in coordination and the problems we have had with appeals in the past. Commissioner Koppenhafer addressed the issue of road closures and directed the group to review all of the remaining roads that are open and develop a plan that will assist in preventing any future road closures. The plan should include RS 2477 research and establish a system of “public roads”. Roads that are going to a destination are the ones we should focus on.

The issue of coordination status of the county was brought up and Commission member Zane Odell recited five coordination directives from FLMPA that gives

direction on how coordination is to be achieved between Federal Agencies and Local Government.

Commissioner Koppenhafer again directed the group to develop a process for coordination that defines what the County expects from the Forest Service regarding Coordination (as per request from the Forest Service) and bring forward to the BOCC.

Commissioner Koppenhafer directed the commission to use the system of roads established by the Travel Management Plans as the base for a county the road & trail plan which would be used to define "public roads". That plan should then be adopted into the L.U.C. as "public roads" so that the County can provide direction and a process to be followed if any of the roads on the adopted map are proposed to be closed. The intention would be for the Forest Service, BLM, State and other agencies to then go through the same process the public goes through when making changes to "public roads". This would necessitate a public hearing and involvement in the process before "public roads" are closed.

Commissioner Koppenhafer also stated that in order to get some teeth into our coordination process that we need have to change some things in our L.U.C. to require an economic analysis and require Public Land Agencies to work with us through our L.U.C. process before closing any more roads.

The question was raised, do we need to go back into the Comprehensive Plan first to make amendments? Commissioner Koppenhafer directed the group to research ways to strengthen our position by using the L.U.C. because the L.U.C. is law. That way Public Land Agency Plans will have to reach consistency with ours.

Commission member Zane Odell stated that the reason we have to demand that the Federal Agencies coordinate with us is that the Federal Agencies have so much to deal with that they maintain it is not their responsibility to do the necessary outreach and so they are not bound to make it happen. However if we demand that they coordinate then they are bound to it.

Commissioner Koppenhafer reiterated that is why we need to let the Forest Service know what is expected of them, and not just follow the five points but to take into consideration the economic impact on the county and to make it work with the L.U.C.

The MOU with the Forest Service was discussed and it was suggested that we drop any language referring to "cooperation" and replace it with "coordination".

Motion was made and seconded to strike the words "cooperate" and insert the words "coordinate".

Commissioner Koppenhafer stated that providing the direction for a process to the Public Lands Agencies should come first.

It was suggested that the direction on the process given to the Public Land Agencies regarding coordination be included in the MOU as well.

Commission member Chris Majors raised the issues of working as a public commission under the scrutiny of the press. The question was asked, would we function better as a “working group” rather than a “commission”?

It was pointed out that discussing issues in front of the press could stifle discussion.

Commissioner Koppenhafer indicated that it may be possible to change the resolution to make this a “working group” but he could not speak for the other commissioners.

A friendly amendment was made to the original motion to “if we send the MOU to only use the work coordination”. The motion carried.

The issue of including public comment/ input as a “working group” rather than a public commission was raised. It was indicated that the issue would be brought before the BOCC.

A suggestion was made by Commission member Frank Greene that public comment could be take for thirty minutes before the meeting and then the meeting could commence so that public input could be included.

Commission member Chris Majors was concern the PLCC works more like a public scoping tool rather than bringing information to the commissioners for a public meeting. But the need to keep public information in the look was recognized.

Summary of BOCC direction to the PLCC:

1. Define the “process” for the Forest Service (and other agencies) clarifying how we expect coordination to work.
2. Look at ways to amend the L.U.C. to include a “public road” system, economic analysis based on county population, and a coordination process. In addition anything that will firm up our status with the Federal Lands Agencies including grazing, timber, O& G etc.
3. Develop a Road and Trail Plan that identifies “public roads” and includes research on road origins so we can assert RS 2477 status on roads that qualify.

The meeting was then opened for public input for approximately 15 min.

A map was presented by members of the Southwest Landowners Association that showed areas of preservation. The Colorado Landowners Association indicated that they had made a Freedom of Information Act in 2002 and had just received the information. (The information was provided to the Federal Lands Program and will be kept on file for review.)

It was expressed that the Forest Service had already closed two roads that were RS2477 roads, and had received 4.9 million in stimulus money for road closures.

The issue of a lack of an EIS and no EPA permitting was raised.

It was stated that the State of Colorado defines what RS 2477 roads are and that the road closures are in violation of state water laws.

A review of coordination was stated, and the problem of agencies stonewalling on coordination was expressed.

It was stated that despite the lack of appeal status the volume of letters and complaints going were ignored and the failure to coordinate adequately started long before this process because the federal Government does not want to. They stonewall.

The question of who maintains public roads was raised. Clarification was given stating that "public roads" are different than "county roads" and roads are maintained according to the jurisdiction they are in.

The ongoing lack of cooperation on the part of the Federal Land Agencies was pointed out. It was opined that the Federal Agencies are slacking in their duty.

It was suggested that the PLCC not do anything to shut out the community voice and continue to hold public meetings.

Discussion surrounding open or closed meetings was heard. Gerald Koppenhafer stated that he was reluctant to have any kind of closed meetings that the BOCC authorized. He further stated that he hates to cut the public out of any process. It was further stated that the only closed session meeting Montezuma County has had was over an employee matter and it was at the employees request.

In general public generally felt that they would like to have input but seemed ok with having the commission retire to a private work session.

Public input was closed.

The commission then discussed the formation of language regarding the coordination process. It was decided to work on it over the next couple of weeks and bring it to the next meeting. The letter could then be brought to the BOCC.

The question of data requests was discussed. It was pointed out that we need to be careful about what we request because we can be overloaded with information that is superfluous and by the time we sort it out it will be too late.

The question was raised over what portion of the Boggy Glade Travel management plan could be reviewed. Gerald Koppenhafer responded that we should study the whole plan.

The question was raised over coordination with Dolores County regarding what we put together in our coordination process. It was decided that it would be good to touch base with them but that we should have our ideas ironed out first.

RS 2477 was discussed. It was stated that we need to identify absolutely everything we can dig up on the history of the road establishing when the road was created. There was discussion surrounding the establishment of the National Forest and the history of its creation.

It was noted that BLM has a different date and that we need to determine the date for that area as well.

The process for mapping the RS 2477 roads was discussed. It was suggested to use the "Public Roads" map as a base and then create sub-regions within the county where high value roads can be identified through a public process.

Discussion then focused on whether or not to look at BLM roads first or to focus on the Forest Service roads. It was suggested to look at the forest service land first so that we can influence the Forest Plan. It was stated that we have already done some work on CANM already.

It was suggested that the county try to determine a date to do research to and boundaries of the map before the next meeting. It was further suggested that legal council be consulted to help determine that date and the boundaries. This was suggested for both BLM and Forest Service.

A recommendation for a sub-committee was made including Zane Drew and Frank, to begin drafting language on the coordination "process".

Other business was discussed.

The Geographic Area Plans regarding Oil and Gas Development was brought up and it was decided that we should try to gather more information. The next meeting date was set.

The next was set meeting On Oct. 26.

The meeting was opened to public input.

A letter was read from San Juan County regarding coordination.

It was suggested that language regarding assertions be codified into the code right now.

The coordination process was discussed and it was noted that the Public Lands Agencies have not been following the law

The Center Stock Driveway was identified as a RS 2477 road we should do research on.

Additional discussion surrounding Coordination was heard.

Meeting was adjourned at 8:45