

Public Lands Coordination Commission

Meeting Minutes November 9, 2010

Commissioners present: Rob Yates, Dewayne Findley, Drew Gordanier, Frank Green, Zane Odell, Chris Majors

Commissioners absent: Scott Williams, Bob Clayton, Darin Goodall

2 citizens were also present.

6:40 PM Meeting was called to order.

The Pledge of Allegiance was recited.

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

Minutes were approved.

An update on the coordination process was heard. Dennis Atwater was invited to brief the Public Lands Coordination Commission (PLCC) on the meeting in Dolores County (DC) between the DC Board of County Commissioners and the Forest Service (FS). Mr. Atwater explained that the DC Commissioners provided the Forest Service (FS) with their draft protocol and the Forest Service (FS) responded by offering to meet on a monthly basis which the DC Commissioners accepted but asserted that the protocol need to stay on the table as they felt they needed a governing document. They requested that the Forest Service (FS) take the document review it and provide feed back so that they can develop a document that works for both entities. The subject of including other counties was also discussed. And it was pointed out that there is a tri-county meeting that takes place and this meeting could possibly provide venue for discussing federal issues. Dolores County is having their first meeting with the FS on the 15th of Nov. The process would be to take the FS Schedule of Proposed Actions) SOPA and select the items that have the most significant impact or a significant impact and that would go on the agenda for the following months meeting so that the appropriate agencies could be contacted ahead of time. That is "coordination". The FS is supposed to come back on the 15th with feedback. DC is determined to keep protocols in place though it will probably go through significant rewrites as the Forest Service was uncomfortable with some of the terms in the language. Specifically naming the agencies and then repeating them over and over. Many of the proposed changes so far are just "housekeeping" in the document.

Dewayne Findley expressed concern over the Tri County meeting noting that San Miguel County and Montezuma and Dolores Counties may not have agendas that are in alignment. There is a difference in Philosophy.

Dennis Atwater noted that the FS was uncomfortable with “outlining the process to be followed prior to the adoption, enactment, amendment or addition of any policies, procedures, processes, rules or regulations” The FS did not like the “enactment amendment or addition” part which they call pre-scoping. Their comment was “could we just call this pre-scoping for sake of simplicity” Discussion was had and it was decided that that would be ok and the document could still stand as it was.

The DC attorney then asked if the FS would agree to the last paragraph of the protocol document. The FS responded that it was a legal question and that it could take 6 to 8 months to find out. DC gave the FS the document so that they could keep a working order to the process. The FS accepted that and agreed to come back on the 15th.

Dewayne Findley noted that when he and Chris Majors met with the Forest Service that there was a great deal of discussion about “a process”, and that it was mentioned several times. Chris Majors noted that it appears as if the FS will try to do everything it can to escape being in a “process” and will simply suggest that we just go ahead with monthly meetings and then do things the same way they have always been done calling it the “process” but not calling it “coordination”.

Dewayne asked if the FS requested having a “process” in place during the meeting or if it was brought up at all. Dennis responded that yes it was brought up and that they offered to meet every month to discuss things. DC thought that would be great and they accepted that. The FS then asked if the protocol letter developed by DC could be shelved? DC responded that “no we need a working document” that establishes a process to be followed. Dennis noted that one of the sticking points was on what do we do if we come to an issue that can’t be resolved. What happens then? The example of not having an economic study to go along with the TM plan was surfaced. The FS responded that they were not funded for such a study. Dennis noted that two of the laws they are supposed to follow do appear to require an economic study. It was also noted that EPA studies were not completed. Dennis indicated that DC is asking for protocol for coordination which is the process.

It was noted that Montezuma County is pursuing a coordination process and that would be a recommendation to our BOCC. It was further noted that the FS did not have to sign anything it was rather just a notice of what we expect. The concern was raised that the coordination process we are developing is a way to kick out foot back in the door on the Travel Management Plan. Frank Green responded that those are two separate issues and that the TM Plan may simply

be our first issue of coordination. The coordination process is identifying the way to discuss things with the Public Land Managers. Chris Majors felt it was not appropriate to include anything regarding Travel Management so that we do not confuse the issues. Other group members agreed and noted that we need to focus on getting a coordination process in place before we bring up any management issues to discuss.

Drew Gordanier indicated that it was important to have the commissioners go on record as being a coordinating county.

Chris Majors asked why we just refer to FLPMA and it was noted that other language in the draft would cover any other acts that also require coordination.

Rob Yates also asked if all of the other agencies were to be notified and it was explained that the letter was intended to go to all other agencies and that the names and addresses just need to be changed.

Chris Majors noted that the FS had told them during their meeting that they would not sign off on "coordination".

It was noted that the FS doesn't have to sign anything and the draft can simply notice the FS on what we expect coordination to be.

Chris Majors indicated that the group needs to get the letter to the BOCC to determine if they County will support coordination as it is established by the letter and protocol and felt like they should support this issue by resolution.

The issue of having public meetings was raised and it was decided to bring the question back to the BOCC again.

Dewayne Findley noted that we need to begin getting that FS to start attending the PLCC meetings, and that the FS had offered to start attending. Other group members felt that it was premature and that they needed to get the protocol worked out before they presented it to the FS. The pros and cons of having public meetings was discussed and Dewayne noted that the real "disconnect" was that the BOCC and FS had not been meeting regularly. He noted that the meetings were regular and were in a public forum. But now the level of frustration has risen and instead of maintaining discussion everything fell silent and now we are facing prospect of court. That is a failed strategy. It was noted that the Dolores County Group is public as well. Everyone agreed that they want the FS to be present but they also need to be prepared before they are thrown into discussions.

Frank Green stated that the cover letter should be sent to the BOCC as a recommendation with the protocol coming later as the protocol is simply not finished. Dennis Atwater noted the DC showed the FS their protocol and the FS

immediately want to get rid of it by offering to meet once a month. He felt that it was important to formalize how the process is followed.

Dewayne Findley recommended to the BOCC that they attach the protocol to their cover letter and then send it on to the FS and ask for their review. It was pointed out that we do not have a sign off page and we do not need the FS permission to follow the process. If they don't it means that we have several other avenues we need to pursue. It was noted that a letter should go to the FS supervisor and on to the congressional representatives.

Chris Majors asked how much changes was expected from the DC Protocol Draft? Dennis Atwater responded that there would be a rewrite. Dewayne Findley stated that he was uncomfortable with letting the letter languish for another two weeks as we need to make sure the BOCC sees some progress. Chris Majors recommended that the letter be sent to the BOCC as edited with the protocol to come later. It was pointed out that the FS will need to agree to the protocol even if they don't sign off on anything.

Dewayne Findley stated that what we need tonight is to decide whether we want to send the letter saying we are developing a protocol or do we want to send the developed protocol with the letter. Do we want to leave it opened ended? Discussion went back and forth on whether it was better to send the letter without protocol or to wait to send the letter with a draft protocol.

It was suggested that we send the letter to the BOCC just to get the process going.

Chris Majors moved that we send our final draft of the coordination letter to the Commissioners (BOCC) for their approval for forwarding to the FS upon final development of acceptable protocol for Montezuma County. Frank Green seconded and the motion was passed noting that the letter would be edited and several paragraphs deleted.

Drew & Zane volunteered to bring the letter to the BOCC.

It was suggested that the notion of going to a working group for private meetings be brought up again at the BOCC meeting.

Drew then gave brief on how to get coordination written into the land use code. It was reported that the Planning Commission was not completely behind the process. Drew indicated that the PLCC can make recommendation to for changes in the LUC present them to the Planning Dept. for review. The recommendation will then be presented to the BOCC, they will go to public hearing and then they will go back to Planning for edits and then they will be presented to the BOCC for approval. It was noted that any member of the Public can propose changes to the LUC.

RS 2477 was then discussed.

Dennis Atwater presented Teller County's language for integrating RS 2477 into the LUC.

Frank Green showed the group the map that he overlaid the Travel Management map on. Discussion surrounded which roads were to be closed and which left open. The discussion further surrounded who knows the country best and who would be able to determine the critical roads. It was noted that many numbered roads were to be closed not just the non system roads. Dennis Atwater noted that at the Dolores County Meeting DC had requested that the FS bring a map showing all of the roads that they proposed closing but they did not bring any maps. So they asked about specific roads that were being gated the FS noted 514, 521, 518 which are the roads going up to the Glade and the Bench Mark Road and they also gated the road going from the bridge back to the dam. The FS said the roads were gated because they were not all weather roads and they don't have the money to maintain them. The DC road superintendant countered that they are all weather roads we built them. One of the DC commissioners asked why the 4.9 million dollars of stimulus money could not be spent to put gravel on the roads. The FS responded that they did not have money in the budget to gravel the roads, the county blades them twice a year. But we can put gates up for \$5000 which is not much money compared to graveling a mile of road. The cottonwood road is now gated on both ends and the Cottonwood road was built to be a paved road. The FS responded that the road was gated to protect other values.

Duane Likes then presented his map of the Mancos area. Duane explained his map and how it relates to the Travel Management Plan. Duane explained that he had tried to plot in the stock drive.

Zane Odell asked how the Travel Rule could be applied without going through the EIS's and EA's. The Forest Service sent a letter to the EPA and they responded that they had concerns, but the Forest Service did not respond to the EPA and they just went and did the work with no approvals.

Duane noted that he had a letter from Sec. of the Interior Bruce Babbit to ignore RS 2477 claims. Discussion regarding the road less rule was had. Duane also had a directive letter from Washington that indicated only that cross country travel be stopped the rest of the road closures were due to local Forest Service decisions. Dewayne Findley added that the "unmanaged recreation" is what prompted all of this.

Density of roads was also brought up and Dennis Atwater noted that DC commissioners asked the FS why all of the rules were not just placed on the

table to start with. Because what we have are two sets of rules. The rules we read in the plan and the rules that the District Ranger has to go by.

It was pointed out that every user group wants their own special trails and then the road density is too great. The non-motorized groups are the ones driving the changes.

The County Mapping process was also presented. The County maps duplicated the Travel Management Plans and identified the roads that were not on the County maps. It was explained that the concept was to rubber stamp the Travel Management Plans onto the County Road map to indicate the roads the County recognizes as being roads that have been used for "public roads".

It was suggested that the roads be reviewed again and then the Travel Management Roads be presented to the BOCC and have those roads adopted into the County Road Plan.

It was noted that in the bigger picture the FS needs to come back to the table and go through the process the right way with coordination. Then there is a real coordination on which roads can be closed. The Boggy –Glade TM needs to be done over.

Meeting was adjourned at 8:35