

Public Lands Coordination Commission

Meeting Minutes November 16, 2010

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

Commissioners absent: Scott Williams, Bob Clayton,

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.

Drew Gordanier gave a report on the Coordination Process presentation to the BOCC. Drew noted that the letter and protocol was well received by the BOCC and the only change had to do with executive sessions which Montezuma County does not approve of. The BOCC feels strongly that all meetings should be open public meetings.

The question of changing the PLCC from a "commission" to a "work group" was discussed with the BOCC. The BOCC reiterated that the PLCC must stay a "commission" and hold open public meetings.

The BOCC did agree to amend the resolution creating the PLCC and change the quorum from three to five.

The BOCC also agreed to assign 3 alternates for the PLCC.

The PLCC then discussed possible alternates. Chris Majors pointed out that the PLCC currently lacks representation from City Government and Water interests. The City of Cortez, Dolores and MVIC were both suggested as holding potential for recruitments.

It was decided to come up with a few names at the next meeting and forward those suggestions to the BOCC.

Dennis Atwater briefed the PLCC on the meeting between the FS and Dolores County. The SOPAS were discussed and several of them were related to Montezuma County. In particular there are three grazing allotments up for review.

It was pointed out that Montezuma County has a no net loss of AUM's policy. It appears that the policy has been reasonably effective in the past however if the ground is not meeting Forest Standards there could still be cuts. It was stated that with coordination the County could still bring the FS to the table to show us the data that proves cuts are required. Coordination at least provides transparency when used that way. Then if they can justify a cut the County can then lean on the Comprehensive Plan that says you need find some place where AUM's can be added.

Bringing everyone to the table is really important to discuss rational. A case in point was during the Dolores County Meeting it was asked why the Indian Creek Road was gated at both ends. The FS responded that wildlife habitat was the reason. The Dolores County BOCC requested the documentation but the documentation could not be produced and the data is not apparently on file. It appears as though one FS specialist opinion was all that was used to close that road down. The Data Quality Act requires more than just looking at the land and saying this looks like good elk habitat it requires proof.

The Dolores County BOCC also pointed out that a new well had been drilled before approval from the FS. (Coordination works for the Feds as well)

Duane Likes Reported that he had been doing a fair amount of research on the RS 2477 roads and felt like he could move forward within a few weeks. The Montezuma County BOCC affirmed that they would help as much as possible if the evidence can be gathered.

Dennis Atwater felt that it is critical to codify the RS 2477 into the L.U.C. Dennis felt that the RS 2477 could be codified before the roads were ground truthed.

Dennis Atwater also reported that Dolores County Sheriff, Jerry Martin was making a trip back to Washington DC to meet with The Department of Interior and the Department of Agriculture to discuss the issue of road closures across the 13 western states. Part of his presentation is focused on how law enforcement takes place amongst the Federal Agencies. The concern is over how aggressive the attitude is amongst Federal Officers and how there could be potential for someone to get hurt when Federal attitudes are too aggressive.

Dennis Atwater briefed the PLCC on the Final Travel Rule and pointed out that the rule makes room for designating areas for motorized recreation and designations of roads and trails and areas for motorized vehicle use should be made locally with full involvement of Local, State and Tribal Governments.

The travel rule also says "it is entirely appropriate for different areas of the National Forest to provide different opportunities for recreation" It was pointed out that the language of the Travel Rule appears to be different that what the FS has

been saying to the counties. Question: why are the rules not put out on the table for everyone to see before these projects are undertaken?

Chris Majors pointed out that having some economic data of our own would be helpful if the decision is overturned. Having some data to refute the FS findings would be very helpful, especially if the FS is not able to produce any of their own. We need good data to negotiate with the FS on. Just disagreeing is not good enough.

It was suggested that the two Counties hire someone to do economic analysis to support our position. We need something more concrete to make a good argument. It was pointed out that Region 9 does this kind of work but that the studies would be costly.

Dennis Atwater pointed out that the FS did not follow NEPA adequately which requires that the FS follow the Regulatory Flexibility Act, and the Data Quality Act, and that for counties of less than 70 k people you cannot have burdensome economic legislation. The FS was asked about that and they responded that they were not funded to do economic analysis. Question: How does the FS enact the rule then? Chris Majors stated that they simply fall back on the next best available data. However this appears to be in conflict with the requirements of the data quality act, which specifically requires scientific evidence.

Dennis Atwater pointed out that RS2477 defines a “public right of way” and that the FS cannot just take away a ROW that has been granted. It was pointed out that the FS has not gone through due process within the County before taking roads out of “public right of way”.

For the 1st coordination meeting the BOCC should lay the whole thing out for the FS. They have a flawed process they haven’t followed it and if any public ROW roads are proposed being closed that the FS follow due process within the County before closing those roads.

With regard to next steps Drew Gordanier pointed out that they group needs to be thinking ahead to looking at the grazing allotments etc.

Dewayne Findley pointed out that the language dealing with coordination and RS2477 needs to be in the LUC for us to reference it. It can’t be in process it needs to be in place.

Meeting adjourned at 8:40 PM.

