

## **Public Lands Coordination Commission**

Meeting Minutes December 21, 2010

Commissioners present: Dewayne Findley, Drew Gordanier, Frank Green, Chris Majors, Scott Williams

Commissioners absent: Darin Goodall, Bob Clayton, Rob Yates Zane Odell

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.

Chris Majors stated that he still struggles with what the purpose of the group is. What are we really advising the commissioners on? We keep going around and around the travel management issue.

Dewayne Findley stated that the travel management issue was outside the PLCC ability to influence.

Chris Majors added that he did not see any direct request from the BOCC as to what the PLCC should be looking at.

Drew Gordanier stated that he felt like the PLCC should be bringing information/items to the commissioners for them to consider. Drew added that he had visited with two permittees that indicated that they may come to the meetings but have not yet shown up. It is hard to make recommendation when they don't come to explain their problem.

Chris Majors expressed concern that the PLCC was taking emphasis off of the stewardship committee that should be picking this stuff up. That's why we need to define what this PLCC is supposed to be doing. The Stewardship Committee is supposed to be looking at grazing issues, work through a set of issues as per request from a permittee or the county and then presumably come to this group but I don't know that's why I am struggling.

Dewayne Findley commented that if the PLCC picks up grazing issues it would appear to be redundant and it seems that either the Stewardship Committee or the PLCC is unnecessary.

Chris Majors added that he is 100 % comfortable with the stewardship committee and what it is supposed to do as it is very well defined. But with the PLCC I don't know what to do. I know we are supposed to be a committee advising the BOCC on coordination projects but I don't see enough involvement from the BOCC, any requests I don't know where the BOCC is at with things.

Drew Gordanier stated that he felt like the BOCC was waiting on the LCC to bring them something forward to act on. Chris asked what are we bringing? Drew responded that the two permittees were a case in point where they need to bring a problem forward for review.

Dewayne Findley asked if they were grazing renewals? And if they were in the SOPA Document?

Chris Majors asked if it was more efficient to have clones of the Stewardship Committee for other specific interests such as travel or oil and gas recreation etc.

Dennis Atwater stated that the PLCC should be reviewing the SOPAs determining which issues were important and then working on them by assigning a sub-committee.

Chris Majors responded that that made sense but that it felt like we were spending a lot of time but not getting anywhere.

Dennis furthered that the SOPA needed to be looked at and determinations should be made as to which issues that needed a response on. If it is a grazing issue the folks with experience and interest should be going to the Stewardship Committee or others to gather information to study the issue.

Chris Majors stated that he agreed with that but that we had been so consumed by the travel management that it was difficult to move forward. But where do we go from here.

Dennis Atwater stated that the travel management plan was such an over reaching decision with impacts on such a wide range of things that it was a great source of frustrations. Most issues have a beginning point but we are at such opposite ends of the spectrum that we can't get any momentum towards finding a balance and that is frustrating. Even when one of the Commissioners brought up the mandate to coordinate not being followed we were ignored. The FS responded that they announced public meeting in the paper but that is public input not coordination. Coordination is separate.

Chris Majors stated that this a case in point right there. We are at an impasse now it is on the BOCC table. We advised them and the BOCC sought coordination but beyond that what else can we do? From now on the BOCC has it. When do we wean ourselves from a project and move on.

Dennis added that we sent the recommendation to coordination to the BOCC and that is all we can do on that. We now can ask the BOCC to send coordination notification letters out to the addresses as we name them, and we can recommend that they get an injunction prepared because we have legal basis and then we contact congressmen and the justice department and bring them together.

Dewayne Findley asked if it appeared that the BOCC would be willing to go the next level? Dennis Atwater indicated that it was difficult to tell. But some good points were made.

Dennis Atwater stated that the answer on the appeal was a joke if you look at what the appeal was up held on as compared to the other issues that the Counties brought up. The root of the appeal is the lack of coordination and both counties have legal standing to stop this thing and start the whole process over because they did not coordinate. My issue is that we need to take that to the BOCC again and take it to the Congressmen and then move on. There are plenty of other issues to deal with. RS 2477 is a big one to keep working on.

Chris Majors stated if you move to RS 2477 roads we have agreed that the County should pursue RS 2477 status on whatever roads they can. That is our advice. So then were do we go there with the committee?

Duane Likes responded ADA until something bigger comes in.

Chris Majors stated that that seemed like the BOCC and the attorney's job.

Dewayne Findley expressed that he felt frustration over spinning our wheels. And that we are not accomplishing anything. If our recommendations are not moved upon then we are not accomplishing anything.

Frank Greene pointed out that we have accomplished some things already. The coordination letter and protocol was good progress.

Dennis shared a letter in response to the BOCC from Mark Stiles that he got from Dolores County and wondered why the BOCC did not seem to have a copy yet. The letter was read.

Dennis furthered that Dolores County had asked for a list of the roads that were proposed to be closed for seasonal closures etc. The list and rules were from 2000 and defined the rules for the closures etc.

Dewayne Findley Expressed concern that the PLCC has not seemed to make any inroads yet and it sometimes seemed like the PLCC was formed just

appease 50 or so people that keep pushing on the travel management issue. How much buy in do we have from the BOCC?

Chris Majors pointed out that the grazing permittees may be afraid to come to the PLCC because it could lead to reprisals since we have now created a very adversarial situation with the FS. How can we address any issue without creating a problem for the public. It seems like this committee is a hotbed of animosity.

Drew Pointed out that the coordination process had been in the works since June. That was before the Travel management plan created this stir. So the timing was not good because it looks like the BOCC created the group just to relive pressure from the community but the process had already been started. We had already asked to start bringing people together to work on things. We didn't anticipate this PLCC but we were in the process.

Dewayne Findley expressed concern that the PLCC is on the frontlines and that the battle right now is coordination and that the FS has made it clear that they will fight it tooth and nail because if they accept it they will have to change the way they do business.

Dennis Atwater state that the FS know they are going to lose. All we need is the Justice Department to look at the mandates.

Matt Clarke from Trout Unlimited observed the BOCC would have to be the ones to initiate it.

Chris Majors stated that the coordination status was the whole reason for the PLCC existence. Once the BOCC establishes coordination then our mission is clear. When someone comes in with an issue we can tell the BOCC these are the issues we have with the topic. My discomfort is that we don't have the coordination issue resolved yet but we are here meeting. So prior to working with the local government or the agency we have become a lightning rod committee when there was nothing really to discuss yet. That is why we have three hour meetings is because the reason for us to exist has not yet occurred. It is out of our hands until we have coordination status.

Dennis added that to be effective we have to continue to work on the issue because we are working within the guidelines of the law and the agencies are not. When they are ordered to coordinate they are going to have a lot of work on the table.

Dewayne Findley responded that he did not have the same comfort level with how this could play out as Mr. Atwater. And was convinced Montezuma County wanted to go to court to get it resolved.

Denis added that when any citizen can go online and read what the mandates say the agencies are breaking the Law. So the flip side of things are that the FS

bring a lot of their difficulties on themselves. There is a portion the Management Rule that says the rule in and of itself cannot undermine the implementation of the rule. The implementation of the rules is what is undermining itself. It is too over reaching.

Frank Green observed that we have two issues at hand before the PLCC the first one is to develop coordination. The FS has responded and our job is to get the BOCC behind the coordination. Maybe we need to go to the Justice Department. And we just need to keep chipping away on it.

Chris Majors stated that we need to wait until we get a response before we go to the JD. This is a hot button issues to nearly all of Dolores County but to Montezuma County it is not nearly as unanimous. But until there is a coordination process in place we are burning ammunition discussing things that are going nowhere.

Frank Green added that we can still pursue the RS 2477. And that is the only two issues.

Chris Majors asked if the Stock Drive had been presented to the BOCC yet and Duane responded that they had decided to wait until after the first of the year because of the Holidays.

The letter from the FS seems like a good step it was at least an acknowledgement. The protocol aspect is good.

A motion was made to accept the meeting minutes and it was seconded.

The Coordination Process was already updated so the RS 2477 was reviewed.

Duane Likes reviewed the RS 2477 process. Maps from 1892 were shown.

Duane Likes stated that the FS seemed to take no interest in any input from citizens that use the Forest for ATVs but took all of the input from those that want to close it. It was a flawed process.

Dennis Atwater stated that the FS rules say that the Forest Manager is responsible to know all of the right of ways before they approve closing any right of way.

Chris Majors added that the Monument was a different deal. To the BLM credit his range guy called him and asked him to come in. He went over my whole allotment and asked if there are any roads I really needed to have. But I never got a call on the Glade Boggy Draw. I have administrative rights but if the general public sees me on an ATV maintaining my investments they don't understand and chew me out.

Duane pointed out that all of the ATV traffic is going to be too concentrated onto just one or two areas. Chris Majors added that on one his allotment they have gone out of their way to protect a little draw and I have to push my cows out daily yet the FS allowed a Mountain Bike trail to be built right down the middle where the water runs even though there is a road on either side. Obviously the erosion concerns are not really valid.

Drew Gordanier stated that he agreed with the Research that has been done and would support it.

Dennis asked if a follow up letter had been sent to the EPA. The draft of the letter was circulated.

Chris Majors expressed concern over going to the EPA and asked if plowing a field required a storm water permit? There was brief discussion over how contractors are supposed to comply with EPA and how it was a matter of fairness for everyone. If the law applies to one then it should apply to all. The Federal Government should have to comply with Federal Law like everyone else.

Dennis Atwater reported that the Dolores County BOCC appeared to be moving towards legal action.

Dennis furthered that the PLCC should give the BOCC some ideas on issues to discuss.

Chris Majors expressed concern that the PLCC could look through the SOPA and come up with concerns but unless affected parties ask for input then it could cause problems if someone had been able to work with the FS on an issue. We don't want to mess things up for anyone.

Dennis Atwater reported that Dolores County had asked about the economic analysis and the regulatory flexibility act but it was completely ignored. Everything is about habitat both animal and biological but no one is working on human habitat. The reason that would bring accountability but that is where the real problem is. A plant has no voice but humans do yet look where there are no studies. NEPA is where we get into the human environment. But the FS does not want accountability.

Dewayne Findley suggested requesting Dennis Atwater as a replacement for Bob Clayton and Matt Clark and Ginger Black as alternates. Dewayne furthered that Matt Clark would add credibility to the group.

Chris Majors observed that the BOCC needs to balance what the county as a whole wants to see happen on the public lands. There is a significant portion of the county that doesn't want to see a bunch of roads. As elected officials that is

how the BOCC has to work it. Therefore the more well rounded this committee is the more footing it gives the BOCC as legal representative of the whole County not just our special interest groups.

Drew Gordainer added that the PLCC was supposed to advise the BOCC on specific areas that we had the most knowledge of rather than just a diverse group.

Chris Majors pointed out that environmental uses are a legitimate multiple use of the forest and we have to recognize that as much as they recognize cows and four wheelers as a legitimate use. The bad thing is we have been able to accept other uses with out excluding people but they tend not to.

Dewayne Findley noted that the BLM resource advisory committee was an extremely diverse group and it is too bad they didn't take any of the recommendations that came out of it.

Chris Majors added that that it was one of the best committees and most productive five year stints of my life. The frustrating thing is that all of the good work was just thrown out. But everyone was able to work through things. I knew our goose was cooked when the plan was done and I asked when we could see it but they said you can see when it is released to the public.

Chris Majors Moved to ask the BOCC to appoint Dennis Atwater as fulltime committee member and Matt and Ginger Black as alternates.

Motion seconded. & Passed.

Meeting adjourned at 9:00