

**Public Lands Coordination Commission**  
Meeting Minutes March 1, 2011

Commissioners present: Drew Gordanier, Frank Green, Zane Odell, Dennis Atwater, Rob Yates, Matt Clark,

Commissioners present: none

Approximately 4 citizens, and Steve Beverlin and Tom Rice from the Forest Service were also present.

6:35 PM Meeting was called to order.

The Pledge of Allegiance was recited & ground rules established.

First Item of business was approval of agenda & minutes. Agenda & Minutes were approved with the addition of Matt Clark's name and revision of page 3 to strike the words Dennis's road and change the wording to read Dolores / Norwood Road name.

Old Business was reviewed,

James Dietrich was not able to attend the BOCC meeting on Feb. 28<sup>th</sup> and the BOCC did not meet the prior Monday because of President's day. Therefore the PLCC recommendations for new members and the SOPA letter did not go before the BOCC and no action was taken.

RS 2477 was reviewed

Duane Likes asked if there were any new developments on the Wagon Road or Stock Drive. It was reported that there had been no new developments as of yet.

Duane Like then reported that they had been doing research on the Boggy Glade area and had identified the Navajo Trail on 1881 maps. Duane report that it spurred off at Mud Creek and went up across Summit Ridge past Pruett Reservoir across Lost Canyon down Carver Canyon up the hill and back up near Beaver where it hit the Dolores Norwood Road near the Compressor Station. Again 1881 maps are approximations.

Duane plotted the route on a Forest Service Map and he reviewed the map with the PLCC and Forest Service.

Frank Green asked if the route followed the Dolores Norwood Road and it was explained that it did not until it got to the compressor station.

Duane also explained that they researched all of the old deeds that had been registered in every section within the FS boundaries in the Boggy Draw area. (in Montezuma County) He explained that they indicated how many acres and when filed and came with a plat. He furthered that each of these in holdings had a road that went to them and those roads would be RS 2477. All research was done to a date prior to 1906. Duane

recommended that the Committee address those roads with the Forest Service prior to decommissioning.

Duane further recommended to the Committee that during the last joint BOCC / Forest Service meeting that the Forest Service said they had overlay maps of all of the old historic roads. Duane asked the Committee to ask the Forest Service to meet and review the maps.

Rob Yates noted that the Navajo Trail follows the existing pipeline pretty close.

Duane recommended that this committee or the County Commissioners set up a meeting with the FS.

Duane asked Steve Beverlin about the roads layers and Steve responded... Yes we have a layer of roads and trails that we can overlay over the top of that to see if any matchup. He noted that access may have changed over time with the way technology increased. For example you could put a road in this way with a cut and it is a lot shorter than having to go clear back around, so this is a preferred access now versus historical access... but yes we can sit down and go over it.

Duane responded that it would save many hours of research to do this.

Zane Odell asked if that map work could be done in the PLCC meeting or do we need something special?

Steve Beverlin responded that if he knows where the routes were they could do pre-work and overlay our information over yours.

There was discussion surrounding homesteads that had reverted back to FS property and the routes that used to access those parcels. Steve Beverlin asked if there was a map that showed those routes. The concern as I understand it is the routes that lead to the homesteads you are concerned about and unless we have a map of the routes to the homesteads to be able to compare to the routes that are currently on the forest we can't compare an existing route to one that used to be there.

Duane responded that, what we would ask of you is to show us what you have.

Steve added that you can't compare current routes to historic routes unless you have a map showing where the historic routes were. \

Duane asked if the Forest Service had a map of where the historic routes were.

Steve responded... not one that shows what you are talking about. We have a map of what our archeologists have determined to be the lost Canyon Stock Driveway and we have a GIS layer of stuff like that but nothing that shows this probably.

Duane asked if they had a map of the Navajo Trail and Steve responded that he would have to look.

Rob Yates furthered that they probably do because the pipeline work would have needed it.

Steve Beverlin responded that the Forest Service would certainly share and show you what we have, all of our layers.

Rob Yates added that we want to overlay what you have with this information just to see what kind of roads may be in there that we can talk about.

Duane Likes asked if the Forest Service went in and surveyed all of this before it was taken over.

Steve Beverlin responded that yes they generally did. Generally the boundary would be surveyed, not the in holdings.

Duane Likes added that it would save a ton of leg work if the Forest Service would share the information that they do have.

Steve Beverlin responded that Yes we will show you the routes we have but it will be difficult to determine access to private land that is now Forest Service Land when we don't know where the access were to compare to present day roads.

Frank Green added that that is the whole idea of looking at your map to determine if any access on your map that might match up to those old in holdings.

Steve Beverlin asked how would we know if that was in fact the access?

Rob Yates asked Duane ... Even if we get the overlay of the roads and we get all of the access to these properties. How do we prove those were the original access routes.

Duane responded that somebody can go in and search all of that. It is my understanding that when they filed for that they had to put access to that property.

Dennis Atwater added that it should be in the original filings.

Rob asked if the PLCC would like to appoint someone to go to the meeting with the Forest Service?

Zane asked to clarify that the purpose was to see if any of the present day roads appear to lead to these old parcels that do not exist anymore.

Duane Like added that his concern is that any potential questions regarding these roads be addressed before decommissioning.

Zane Odell directed that Frank and Rob would accompany Duane Likes as representatives from the PLCC.

Duane Likes added that he would like to see a motion made and invite the BOCC.

Zane Odell responded that we need to go find out what there is first and then take it to the BOCC. Let's do the ground work first.

The 21<sup>st</sup> was selected to meet with the Forest Service to review maps at 8:00 am at the public lands center.

Tom Rice asked if what you want is existing infrastructure and Frank Green responded yes and any historic overlays as well.

Tom added that historic information would probably be minimal. And Frank responded what ever you have we would like to look at.

Zane Odell noted that there were no public present to provide input.

Zane went on to ask for recommendations for comments on the new Forest Planning Rule.

It was noted that we had until May 14<sup>th</sup> to make comments.

Matt Clark added that on March 10<sup>th</sup> there is a webcast where there is a discussion scheduled.

Zane asked if anyone had a plan on how to respond.

Dennis asked the Forest Service Representatives to answer a question on it if possible. Under the decision memo 219.62 “a concise written record of the responsible officials decision to implement an action that is categorically exclude from further analysis and documentation in an EIS or an EA where the action is one of the category of action which do not individually or cumulatively have a significant effect o the human environment and does not give rise to extraordinary circumstances in which a normally excluded action may have a significant environmental effect.” What does that mean?

Steve Beverlin explained that Categorical exclusion is the lowest level of NEPA. For example it is like performing a monitoring study on a range allotment. It is categorically excluded from a more in depth analysis an EA or an EIS. Categorically excluded actions are linked to an existing EA or an EIS.

Matt Clark added that the way it is written looks like it is defining the term “decision memo”.

Steve Beverlin added that in the Federal Register there are a whole host of activities for all programs that are categorically excluded. That means that they are already covered by all kinds of other analysis and you don’t have to do anymore, all we have to do is document the Decision Memo which says for example; I District Ranger Jim Smith say we are going to do this action which is categorically exclude so we are going to proceed.

Matt Clark furthered that at first glance the new Forest Planning Rule seems to have some good things. They are trying to streamline a lot of good as they are trying to streamline many of the planning processes and make them and make them a little less cumbersome.

Dennis Atwater added that what we all should look for as we read through it is to see if it feels to you like there is an emphasis on less multiple-use. Dennis added that we need to figure out what is changing.

The Forest Planning Rule was then tabled for the time being.

Wild Lands Secretarial Order was then discussed.

Rob Yates expressed confusion over how this was going to be applied.

Dennis Atwater responded that the purpose of the order was pretty clear and furthered that The Secretary of the Interior was in violation of two court orders, the ethics of his office and he has to answer to Congress because he is usurping their authority.

Rob Yates asked if it appear that the order ay be rescinded and Dennis responded that They are working on it. The order had gone out on Christmas Eve to slide it in under every ones nose and then picked up by over 48 house members that signed a letter in opposition.

Zane Odell asked if there were some place to direct a letter form our commissioners if that were to be a recommendation.

Dennis responded that would be the single best thing we could do at this point is to contact our legislators and say to them that they have to get involved in this issue. If there is going to be this type of a ruling come down to the federal agencies around the country it should come from congress.

Zane asked for a motion to write a letter to our congressional representatives.

Matt Clark interjected that for a little background on this issue... That there was some concern that without this... because what it did was restore authority...There is a passage in FLPMA that says they have an obligation to preserve and protect certain public lands in their natural condition. So this restores that authority. What I am getting at is that there are two sides to that legal question.

Slim McWilliams asked if this would be subject to coordination. Slim furthered that if the Forest Service changes a regulation then it is subject to coordination. But if the Secretary of the Interior issues an order is it subject to the coordination as well?

Dennis Atwater added that his is the fires Secretarial Order we have ever seen. He is just dreaming this up.

Steve Beverlin added that there have been numerous Secretarial Orders in the past.

Dennis added that those were within their parameters of their autonomy. They don't have autonomy over this Congress does.

Tom Rice added that the autonomy that congress has to declare a wilderness area is a congressional move vs. guidance that has been initiated through this Secretarial order to take a look at the land you have and look at the characteristics of that land. It doesn't necessarily preclude grazing, or mechanized access.

Matt Clark added that it is changeable it is not an organic act like wilderness is it is a management designation.

Steve Beverlin added that it is not a designation it is an inventory of characteristics. Then it depends on... once that is determined... how it is managed.

Tom Rice noted that the FS already has a great deal of data on this.

Rob Yates added that we are gun shy because we just went through this a few years ago with Babbitt and Clinton. This kind of seems like is just the first step. The next step is for Obama to make a designation.

Zane Odell added that he will not designate a wilderness but he can designate a Monument and he would not be required to coordinate and we would be out.

Rob Yates added that is exactly what I am talking about. If we allow this to go forward all of these wild lands under study will eventually be grabbed by executive order...because the leg work is already done...then that is an over reach of power I believe because they have gone around congress on both steps.

Zane asked if we were to write a letter to recommend that our BOCC sign and pass on stating that we are a Coordinating County would that be a recommendation?

Duane Likes added that this action is why we need to designate all RS 2477 roads.

Dennis Atwater furthered that that is why the Monument was stopped at the Utah State Line because they used RS 2477. That's what stopped it.

Duane Likes added that all of the roads out there were made by seismo-graphing back in the 50's. Before FLPMA. Babbitt stated that they should ignore all RS 2477 roads.

Dennis Atwater State that he had the letter where Babbitt told the agencies to ignore RS 2477. It was also recommended by congress to rescind the order. And he did. But he then said he will tell tem verbally to ignore them and he did.

Dennis added that there is 104 thousand square miles in the State of Colorado and there are 167 thousand Square miles of designated wilderness in the USA right now. That is equal to the size of Colorado and Wisconsin combined. When you start designating more wildernesses it completely locks out multiple uses. And most of these lands are in the West. 38 % of our county is public land.

Dennis Atwater made a motion to make a recommendation to our BOCC to send a letter to our legislators on the subject of the Salazar Wild lands Issue.

The motion was seconded and the motion passed with Matt Clark abstaining.

Zane and Drew offered to help Dennis draft the letter.

Wolverine reintroduction was then discussed.

Zane noted that will not involve the Forest Service but with the DOW.

It was noted that the majority of the area the DOW was looking at was in San Juan County Colorado.

Zane Odell noted that regardless of whether the Wolverine was coming to Montezuma County what we need is some teeth in the LUC to stop this sort of thing.

Dennis Atwater added that it appeared to him as well that it will not impact Montezuma County directly at first run but that there are a lot of other things they could better spend money on.

Zane asked to shore up our position do we make recommendations to Planning and Zoning or send it with Drew?

It was added that the PLC should ask the BOCC to get the Planning Commission involved. And they can give direction to the Planning Commission as an assignment.

Zane was nominated to write a memo to the BOCC asking to get the Planning Commission involved.

US waters was then discussed.

It was noted that the BOCC commented about a year ago on this.

Zane asked if it were possible to use the LUC to designate waters as navigable waters.

Matt noted that the document in question was supposed to clarify the act that was defeated last year but that we haven't seen it yet. Right now it is in OMB and then it will be released.

Dennis noted that it is hard to get any information on this issue.

Matt noted that this issue has been litigated many times over the years and what this direction is supposed to do is provide clarification to reduce the litigation. But according to his research it does not look like it will reduce litigation until congress decides to make some definitive laws about it.

Zane added that if it did happen in the future then having some wording in the LUC to protect ourselves it would maybe help us.

Dennis Atwater added that we need to work on our local governing bodies on water because right now the State and Local authorities on water haven't even been to the table yet. I think it would be a good idea to sit down with them and have them analyze how it could impact them, and do the what ifs? We almost need to do that before we could approach the LUC. The Sate Resource Board also needs to look at it.

Rob Yates added that the local water boards need to look at this first and let them draft a letter to P&Z instead of coming through us.

Dennis added that the BOCC needs to contact the local water authorities and invite them to come visit with them.

There was a motion to ask the BOCC to meet with the water authorities to ask them how they think they should proceed. James Dietrich was asked to write a memo to the BOCC on it asking the water authorities to research it and bring information to the BOCC on it.

Meeting adjourned at 8:30.