

## **Public Lands Coordination Commission**

Meeting Minutes November 30, 2010

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

Commissioners absent: Rob Yates, Bob Clayton,

4 citizens were also present.

6:40 PM Meeting was called to order.

The Pledge of Allegiance was recited.

Visitors were asked to introduce themselves. Matt Clark, Back Country Director for Trout Unlimited informed the group that Trout Unlimited is a moderate sportsman's conservation group interested in habitat conservation. Matt indicated that he will be working with many groups in the region to protect watersheds and habitat.

Ginger Black was introduced as a potential alternate for the group. Everyone knew the other two.

Chairman Findley invited other suggestions for alternatives & Matt Clark expressed interest.

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

Minutes were approved.

Updates on coordination were given.

It was noted that the appeal was upheld and there was concern over the reasons being that the road densities were too high and over wildlife concerns. Matt Clark reported that the Federal Agencies were leaning away from opening the process back up but rather they may just revisit portions of the plan to address the two points.

Discussion surrounding the appeal points that were upheld was had. Dennis Atwater reported that he went to the Dolores County meeting and that Dolores County was requesting information on the 7<sup>th</sup> appellant. Dennis pointed out that the Rico West Dolores Plan was rejected on the same points (information and analysis) that Dolores County had appealed on but were rejected.

Dennis Atwater also reported that Dolores County Sheriff Jerry Martin had just returned from a trip to Washington DC where he had met with the Department of the Interior and the Department of Agriculture. Representatives from 7 western states were there to discuss the posture of Federal Law Enforcement on public lands. All 7 states shared the same concerns regarding rising conflicts. All of the seven states were discussing coordination. One sheriff presented his plan for coordination. Drew Gordanier asked how his plan compared to the one that we have from Fred Kelley. Dennis reported that we appear to be where we need to be.

Dennis went on to report that a county in Texas was suing the Federal Government over coordination.

Dennis quoted NEPA on the language requiring coordination and an Environmental Impact Statement. Dennis indicated that they should not be able to implement until they do an EA and EIS.

Duane Likes pointed out that the FS did not get a storm water permit from the EPA for the work done around Hay Camp. Every earth disturbing activity over 1 acre is supposed to have permits.

Dennis reported that the FS said they don't know what coordination and asked us to define what it is even though FLPMA defines what it is. All of the federal agencies already know what it is they just won't do it until a letter goes to the Justice Department. Zane Odell pointed out that generally the BOCC would write a letter to the FS asking for coordination and if it doesn't happen then write a letter letting them know that a letter will be sent to the Justice Department.

Matt Clark asked if we were challenging a national policy at the local level. And Duane Findley responded that we were more challenging the process that was followed. Matt Clark asked if despite the flawed process if the FS had to meet a FS rule at national level then how would influence road densities.

Dennis Atwater responded that there are two sets of rules out there but all of the tools are not on the table when the FS meets with the public. Coordination has been slid under the rug.

Dennis reported that the County must demand coordination during the early scoping portion of these projects and that the County holds a higher status than the general public.

It was reported that Dolores County still appears to intend to pursue coordination.

Next steps were discussed. It appears that the only avenue left for appellants if the plan process is not started over is to go to court.

Chris Majors asked why we need a letter demanding coordination anyway. Dennis responds that the language requires coordination and that the FS has to initiate it but that was not done. Chris pointed out that it would not seem that we need a letter demanding coordination if that was the case. It was reported that the Federal Agencies simply have not done it and nobody called them on it. There is always a predetermined agenda. Chris Majors asked if anyone had ever gone back and retroactively demanded coordination. It was reported that yes and successfully.

It was suggested that a follow up letter on coordination.

Dewayne Findley suggested inviting the Forest Service in to the PLCC meetings to begin working out cooperation. Some of the group thought that it was premature and that we need to get our information and strategy figured out better first.

The EPA letter was discussed and it was reported that there has been no response yet. It was suggested that a follow-up letter to the EPA should be sent.

After appeals are over and the FS plans to just move forward it appears that Dolores County is left with going to court. There is talk of building a war chest for legal challenges. It was reported that the counties that go to court are winning pretty regular.

The suggestion was made to maintain a holding pattern until after the BOCC meeting on the 20<sup>th</sup> of December. That meeting should yield how they (FS) are going to address the appeal. Will the FS open the process back up or not.

It was pointed out that getting coordination up and running is the first step. Nothing else can be addressed until we figure out the coordination between all relevant agencies and Montezuma County.

It was suggested to send another letter to the FS asking about the status of the coordination process. It was noted that a BOCC member had pointed out that the tone of the letter could carry a lot of weight and that it may be better to request coordination rather than to demand it. It was also suggested to give the FS a little more time to respond.

Matt Clark Pointed out that these processes take time and many of these efforts take years.

Dennis Atwater suggested that we need to start getting narration done on the LUC. Dewayne pointed out that there will be some resistance to such amendments to the Land Use Code.

Moved recommend sending a follow up letter to the EPA. And to the Forest service

Matt Clark spoke to the need for establishing coordination status because there are so many issues that are detracting from that purpose. The travel management plan, grazing issues, oil and gas etc.

Chris Majors suggested that establishing coordination should really be the whole purpose of the PLCC right now. We keep getting pulled into other issues.

Dennis pointed out that we have made progress and we are not really spinning our wheels since the County has officially declared itself a Coordinating County. Chris responded that he wants to know what the work that needs to be done is.

It was suggested that we resend the first letter to the EPA to the Denver region since they seem to be responsive. It was point out that all Federal Agencies need to follow the same permitting process as everyone else.

There was a motion to send the EPA a letter and a copy of the first letter to Region 9 in Denver. It was seconded and it passed.

Duane Likes gave an update on the RS 2477. Duane presented a comprehensive narrative covering the Lost Canyon Stock Drive. He also had maps from 1882 that indicated the road. Duane felt like there was enough information to make a presentation to the BOCC to see if there was enough information to run with yet.

There was a suggestion to place an ad in the paper asking for the public to submit information on RS 2477 roads.

Dennis Atwater presented a letter from the Sate of Colorado to Gale Norton pointing out that RS 2477 is a grant and there is no land title and therefore it is not necessary to have centerline, meets and bounds etc. in Colorado.

Ginger Black reported that the town of Dolores had not been in discussion over coordination or the Travel Management Plan.

A motion was made and seconded that Ginger Black be named as a recommendation for PLCC alternate. Motion Passed.

Matt Clark expressed interest in being recommended as an alternate. He pointed out that they have trouble getting information from the FS as well and supported coordination. He also acknowledged that there would be some level of disagreement with some of the positions on roads. Matt stressed that TU is a pragmatic organization and does not have an extreme environmental agenda. They are about broad consensus.

Dewayne felt that a TU perspective would be helpful to the group as a whole. He also felt that it would give the PLCC even more credibility.

Zane Odell expressed concern over environmental organizations being on the commission, but he felt that the group would benefit from his participation.

Matt Clark offer help with research and information.

Then next meeting was set for Dec. 21, 2010.

Chris Majors suggested taking about 5 min. to refine the agenda to make the process more efficient.

Meeting was adjourned at 9:00 PM.