

Gunnison Basin Wild and Scenic Stakeholder Group
Bill Heddles Recreation Center
February 24, 2011, 7:00 – 9:00 p.m.
DRAFT NOTES

SUMMARY

The meeting featured presentations by Katie Stevens and Roy Smith of the BLM on the value of stakeholder vs. individual input, details on the impacts of Wild & Scenic eligibility, suitability and designation and particular features of the NCA.

Those present then reaffirmed their commitment to continue the process and set the following meeting dates, with all meetings to begin at 6:30pm and continue to 9:00pm:

- March 9 ▪ April 13
- March 23 ▪ April 27

DETAILS

The meeting began with introductions and the approval of meeting expectations and the agenda before moving on the financial update and BLM presentations.

Financial Update

Chris Treese of the Colorado River District, fiscal sponsor for the stakeholder group, presented an updated financial picture for the group (see below) and noted that contributions are still welcome and necessary.

Wild & Scenic contributions and bills

Date	entity	credits	debits	Cr less Dr
11/09/10	Delta Co. Farm Bureau	\$ 300.00		
12/08/10	MKA AG Corp	\$ 500.00		
12/10/10	Callie Hendrickson		\$4,812.00	
12/12/10	CRWCD	\$ 2,000.00		
12/23/10	New Leaf Fruit, LLC	\$ 100.00		
01/06/11	Tri-County WCD	\$ 1,000.00		
01/09/11	Callie Hendrickson		\$3,978.00	
01/31/11	Delta County	\$ 2,000.00		
02/04/11	Clarke Livestock	\$ 250.00		
02/07/11	Betty Oglesby	\$25.00		
02/07/11	Dick Steele	\$100.00		
02/07/11	Roger Bentley	\$40.00		
		\$	\$	
	total	6,315.00	8,790.00	(2,475.00)
01/13/11	CWCB #714	\$ 8,790.00		outstanding
02/15/11	Wilderness Society	\$ 200.00		outstanding

Following his presentation, it was announced that the Montrose - Ouray Farm Bureau had agreed to pledge \$250 to the process.

Katie Stevens – Dominguez-Escalante National Conservation Area Manager, BLM

Katie Stevens, Manager of the Dominguez-Escalante NCA, provided her perspective on the usefulness of stakeholder input compared to individual input. Key points she made are outlined below.

- BLM makes the Wild & Scenic suitability assessment. Stakeholder groups can help with:
 - providing information.
 - identifying more creative solutions than BLM managers may come up with on their own.
- Voting “pro” or “con” on suitability doesn’t count much more than individual comments; successful groups have found ways to answer each other, responding to each others’ concerns.
- Eligible Outstandingly Remarkable Values (ORV’s) have to be protected regardless of suitability determination.
 - Stakeholders may have ideas BLM doesn’t.
 - Steps to protect ORV’s need to be durable.
 - Groups with diverse perspectives are successful.
 - This group “didn’t quite get there” on recommendations to protect ORV’s on the non-NCA segments.

Discussion

Following Katie’s presentation, several questions were raised and answered by Katie. These are summarized below:

- Should Grand Junction Field Office stakeholders be informed of this process, now that we will be discussing segments within the GJFO territory?
 - There was general agreement that this was a good idea; Chris Treese said he would contact the Mesa County representatives.
- What role will the NCA’s Resource Advisory Council play in the Wild & Scenic suitability decision?
 - It’s a different kind of group than this stakeholder group, set up by the legislation establishing the NCA.
 - The RAC is interested in Wild & Scenic issues, but also has other issues to consider as part of the overall planning process.
 - After this stakeholder meeting, the RAC will decide how to approach the Wild & Scenic questions.
- What is the relationship of the NCA planning process to Grand Junction and Uncompahgre Field office planning processes?
 - The NCA will have its own separate Resource Management Plan; Katie Stevens is the local “go to” person on the plan.
 - The NCA was designated in 2009 with specific purposes in the Congressional legislation that formed it; the plan will have to serve those purposes.
 - Draft plan expected out in Fall of 2012.
 - Grand Junction and Uncompahgre Field Offices are not addressing Wild & Scenic suitability in the NCA.
- What if the group decides an ORV doesn’t exist?
 - If an ORV doesn’t really exist, don’t spend time discussing how to protect it; BLM will figure out what to do with it.
 - Stakeholders’ role in verifying the accuracy of ORV’s in eligibility report is valuable.
- How does BLM balance comments from local people vs. people from outside?

- Katie answered that BLM looks for substance in all comments; local knowledge contributes to substance.
- if locals feel ORV's are already protected, BLM needs the specific information on that.
- What elevates stakeholder group comments over individual comments?
 - Quality and thoughtfulness of stakeholder comments can be better.
 - There is potential for different solutions to be developed and presented.
- Does limited diversity weaken the strength of the group?
 - If quick and easy solutions are offered, the recommendations are less valuable than if the group takes a hard look and negotiates solutions.
- When we get to the step of assessing tools to protect the ORV's, will BLM provide information?
 - Katie can provide information on what BLM can and can't do and how the different tools may work.

Roy Smith, BLM State Office

Roy Smith from the BLM's state office gave a presentation on details of the impact of Wild & Scenic suitability vs. designation and particular features of the NCA that are relevant to Wild & Scenic suitability analysis.

Roy's PowerPoint is available upon request.

Questions & answers raised during the presentation are summarized below.

- Does Wild & Scenic designation affect reaches upstream from the designated segment?
 - Only if the action would degrade the values on the designated segment that the designation is supposed to protect.
- How would designation affect private land?
 - The only impact would be in cases where a federal permit was required.
- How could existing diversion structures be impacted?
 - Existing structures are allowed; in the case of an upgrade requiring a permit, the requirements of suitability or designation would be taken into account.
- What do the "Wild," "Scenic" and "Recreational" classifications mean?
 - They refer to the level of development, with "Wild" reaches having the least development, and "Recreational" segments potentially including highways and railroads within their corridors.
 - The terminology is confusing, because you can also have a "Scenic" or "Recreational" ORV, which then has a different, more literal definition.
 - Congress can designate differently than BLM recommends.
- Is there another way of getting a Wild & Scenic designation other than through Congress?
 - It's rare, but a Governor can request that the Secretary of the Interior designate a segment "Wild & Scenic," and then the Secretary can designate it after assessing it.
- Where is the "do no harm" requirement for eligible and suitable streams in the Wild & Scenic Rivers Act?
 - Roy said he would find the language after the meeting.
- When do "eligible" segments come off the list?
 - As soon as there is a decision that they are "not suitable."
- When is NEPA (National Environmental Policy Act) analysis done?
 - The NEPA analysis is incorporated into the draft Resource Management plan, with its alternatives and public input processes.

- Would recreational prospecting be allowed?
 - Unless it is damaging, it would probably be allowed.
- What if a private landowner who held all the water rights wanted to build a dam and divert the water?
 - If an Army Corps of Engineers permit was required (for wetland impacts), that agency would have to consult with BLM on potential impacts of the project.
 - The requirement to keep the reach “free-flowing” just means to impoundments in the channel; not natural hydrology – so sending the water to an off-channel reservoir could be allowed.
- On suitable segments elsewhere, protection of vegetation ORV’s has required fencing that has effectively impacted grazers despite the fact that they kept their permits. Could that happen here?
 - Stakeholders and managers would have to look at the particular ORV and its relationship to grazing.
- How would a federal reserved water right for a Wild & Scenic stream work on an over-subscribed stream?
 - State water court could deny the application.
- The Act directs BLM to work with EPA on water quality – how would that work?
 - They would coordinate in cases where the segment was either not meeting standards or water quality was harming the ORV.
- How could conditional decrees be affected?
 - development of conditional decrees that would affect water quality in suitable or designated reaches would likely be impacted.
- If a segment is “not suitable,” what protections remain?
 - Wild & Scenic requirements go away.
 - ORV must be protected by other means.

Additional Handouts

Roy distributed and summarized information in additional handouts that included the following information:

- Text of the NCA legislation, with the list of values the BLM is required to protect.
- Details on the in-stream flow (ISF) water rights applied for by the Colorado Water Conservation Board.
 - Segments with ISF applications do not include the Gunnison, but those flows are highly controlled by several other factors:
 - reservoir operations to benefit threatened and endangered fish.
 - Black Canyon water rights upstream.
 - Downstream senior water rights.
 - The flows regulated by these other factors may or may not align with the requirements of the ORV’s identified for the segments.
- Tools available for the protection of ORV’s.

Future of Stakeholder Process

The group discussed if and how to proceed with the stakeholder process. Key points made and discussed included:

- Deadline: May 1 is the deadline for input to BLM on the NCA segments.
- Assessing suitability and other tools:
 - BLM requested input on suitability and, if segment not suitable, other means to protect the ORV’s.
 - Looking at suitability first may be “cart before the horse:” could instead look first at values and ORV’s and then look at how best to preserve them, comparing existing and potential tools.

- We aren't experts in these tools – how can we select the best one?
 - Other stakeholder processes have found ways to protect ORV's without suitability.
 - We can get information on tools from BLM.
 - Is there time for us to get educated?
 - We should weigh in because we have to live with the consequences.
- Evaluation of commitment to the process: the group agreed to continue the process, with no dissent.
- Meeting dates were set, with all scheduled from 6:30pm – 9:00pm:
 - March 9
 - March 23
 - April 13
 - April 27