

## Lower Dolores Working Group Meeting 9 Oct. 19, 2009

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**Note:** Presentations, documents, meeting summaries, agendas and other information related to the Lower Dolores Working Group process are posted at <http://ocs.fortlewis.edu/drd>. There is a button on the left on the home page for the Lower Dolores Working Group.

**Announcements:** Dolores County Commissioner Ernie Williams expressed concern about a bill called the Colorado Wilderness Act of 2009, sponsored by Rep. Diana DeGette, that would include 32,000 acres in the Dolores River Canyon among lands proposed for wilderness designation. He said such a proposal flouts the intent of the whole Working Group process and would render the group's efforts moot.

Facilitator Marsha Porter-Norton said Rep. DeGette and her office made the proposal without consulting with the Dolores River Dialogue ("DRD") or the facilitators of the Working Group. Jeff Widen from the Wilderness Society (who has taken the place of Chuck Wanner at the table), said Rep. DeGette has introduced such legislation every year for the past eight years even though groups such as the San Juan Citizens Alliance ("SJCA") have encouraged her to consult first with local governments and with Rep. John Salazar, who represents the Third Congressional District. Jeff said it is unclear whether she will actually introduce the legislation but unless Rep. Salazar is on board, the chances of it passing are minuscule.

Meghan Maloney and Amber Kelley, both of the SJCA, said this wilderness proposal is not something the SJCA or the Dolores River Coalition have been involved in, and they support the local process.

Ernie said he would like the Working Group to write a letter to Rep. DeGette expressing opposition to outsiders trying to circumvent the local process. It was proposed that Ernie draft the letter and he agreed.

**Public comment:** Jody Schwindt said the group needs to realize the Dolores is a changed river and it may not qualify for Wild and Scenic Rivers ("WSR") status. She said there have been many benefits from McPhee Dam and the river has more water now than it did a hundred years ago, ever since Montezuma Valley Irrigation began diverting it. She would like to see public access maintained as much as possible.

Larry Suckla asked how the members of the DRD Technical Committee are chosen. Mike Preston, who was facilitator for the DRD when the Technical Committee was formed, said the members were people representing agencies or groups with responsibilities related to river hydrology, including the Dolores Water Conservancy District and Colorado Division of Wildlife. The SJCA was involved because that group was instrumental in forming the DRD. Mike said Larry, as one of the largest landowners on the river, would be welcome to join the committee if he is interested.

Cole Crocker-Bedford said he is concerned that the process may decide the results. The Working Group started out with the mission of developing alternatives to WSR designation and providing input on management of the river corridor for the 2007 draft revised San Juan Public Lands Resource Management Plan ("RMP"). If the group

finishes its work too late to provide input into the final RMP, then the draft RMP's recommendation that much of the Lower Dolores is suitable for a WSR will carry forth and the original mission of the Working Group will have been thwarted.

Shauna Jensen of the Dolores Public Lands Office ("DPLO") said the RMP is expected to be finalized by fall of 2010, so there should be time for the group to give input. She said the RMP says that ideally the DRD will be able to provide recommendations prior to the close of the public-comment process for the RMP revision, but this is not hard and fast.

**Meeting schedule:** Marsha presented a revised meeting schedule, which calls for the LDWG to conclude its work by May 3, 2010, except for a public meeting later in May to present its recommendations to a broader audience.

**Meeting summary:** The September meeting summary was approved with no changes.

### **Reaches 3 and 4: Current Management, Status, and Concerns**

Ann Oliver gave a PowerPoint presentation on Reaches 3 and 4, accompanied by a more detailed handout. She said Reach 3 is considered to be from the Dove Creek pumps to Joe Davis Hill, and Reach 4 is from Joe Davis Hill to the Big Gypsum Valley bridge. Rowdy Suckla said the line should be drawn at the Montrose County line instead of the bridge, and Ann concurred. Tony Littlejohn questioned the mileage given for Reach 3, saying it should be longer than 9 miles. Ann said she would double-check that.

Ann said Reaches 3 and 4 share the Outstandingly Remarkable Values ("ORVs") of recreation (rafting), archaeology, fish (the roundtail chub), scenery, and geology. Reach 4 has the additional ecological ORVs of the canyon tree frog, New Mexico privet, and Eastwood monkeyflower. The roundtail chub, a native species, is of special concern. A sub-species was found warranted but precluded for listing as an endangered species by the U.S. Fish and Wildlife Service.

Reach 4 is a long, flat warmwater reach. Ann said there is a big difference in the river above Disappointment Creek and below it. Below, there is a lot of very fine sediment that comes in from Disappointment Creek and builds up. Because the reach is so flat, vegetation grows densely on the fine sediment in the channel, and the banks are dominated by willows and sedges. The dense vegetation is narrowing the active channel, and Russian knapweed and tamarisk are competing with the New Mexico privet

The DRD has placed a study site at Big Gypsum, with the cooperation and support of the Suckla family. The site is important because, other than Reach 1, this is the first real alluvial reach where the river is flat and sediments are carried in. This is a reach that is sensitive to flows. It is the first reach below Reach 1 where there is cottonwood recruitment. It has been a long-term fish-monitoring site

Management questions are generally focused on recreation and on the county road that runs along the corridor. Rafting recreation sites in Reach 3 are Box Elder Campground and launch, and Snaggletooth, a Class IV rapid. On Reach 4, there are the Slickrock launch, Little Glen Canyon, and Big Gypsum launch. Cole said the owners of the Slickrock launch site are planning to close it because of ongoing problems with trash,

human waste, and vandalism. Regarding the road, Ann said the desire to keep it open has potential conflicts with maintaining water quality in low-flow years.

**Discussion:** Cole said there are references in *the 1990 Dolores River Corridor Management Plan* to acquiring private lands, but most of these lands did come up for sale in the mid-1990s and they were not purchased, so the plan was not followed.

Leslie Sesler asked whether the No Surface Occupancy (“NSO”) stipulation on mineral leases in much of Reaches 3 and 4 means that energy exploration is prohibited. Ann said NSO is a stipulation on an energy lease, so it would not apply to activities that took place before a lease was issued. Shauna said the DPLO would not allow much disturbance in the corridor.

Regarding the ecological ORVs, Al Heaton said the Eastwood monkeyflower and canyon tree frog should not qualify as ORVs because they are common throughout the Southwest in similar ecological niches. They are not found exclusively in the Lower Dolores River corridor. Shauna said she is not sure why the Interdisciplinary Team listed them as an ORV. She said there is documentation of the process that led to the delineation of the ORVs and she can research that. Marsha said the group has been given a handout on ORVs by reach.

Ernie said rafting is not the only type of recreation in the corridor but is the only one listed as an ORV. Ann said this is because the exceptional rafting opportunities are part of what is driving the classification of WSR suitability. The type of recreation must be of exceptional caliber in order to be an ORV.

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**Small Groups Exercise  
Reaches 3 & 4  
October 19, 2009**

**Group #1 – Chester Anderson, Commissioner Ernie Williams, Al Heaton, Don Schwindt, and Amber Kelley with member of the public: Jody Schwindt.**

**REACH 3:**

1. How should the Dolores Overlook site be managed?

- Keep it open – maintain current management
- Bathrooms need maintenance (Al thinks bears tear down the fence)
- If there are concerns about cattle, fencing could be modified
- Interpretive sign would be fine – of river resources
- Maintain site as it currently is

2. How should the Box Elder Campground site be managed?

- Concern about an old music event being shut down – due to a fee and number of people
- Fees and management should not preclude local historic community gatherings
- Is local government a filter group to help with appropriate use?
- Still needs to be some framework of numbers, but we aren’t sure how to frame it
- See problem with enforcement
- Negligible fees, especially for non-profit events/organizations

- Doesn't make sense to have a boat launch there

### 3. How should the 4x4 road/trail along the river from the pump station to Slickrock be managed?

- From the pumps to the county line is Dolores County road and they don't intend to close
- Confusion about portion in San Miguel County – is it officially abandoned or is it just not maintained?
- Ernie thinks that beyond the closure it should be open to 4x4, but doesn't need to be maintained
- Concern about how the motorized use will impact the sheep lambing period and concern that users are not complying with the closure as is
- Question about the time of the closure – is that the right time – why do sheep need the closure – would through the 15<sup>th</sup> of April be enough?

### 4. How should camp sites along Reaches 3 & 4 be managed?

- Pack out what's packed in
- Rafters are very clean and respectful in general – implement stricter rules about trash, waste, etc. – most rafters are pretty good about it already
- Boaters feel self-policed
- No need to designate camp sites in these segments
- Be respectful of private property (Reach 4) – do owners want coordination with BLM for signage? – boaters should know where boundaries are – maybe BLM can help

## **REACH 4:**

### 1. How should BLM/FS interact with private land owners to manage the Slickrock boat launch?

- Semi's and oil trucks are a bigger problem than rafters, but they sell water to trucks
- Responsibility for BLM to address private landowner's concerns – maybe money to manage
- Maybe BLM pays for signage
- Accommodate landowner concerns, but try to keep it open
- Many people think it's a "rest area" and think that CDOT owns it – maybe they need to be involved as well

### 2. How should BLM/FS interact with private landowners to protect private property values?

- All private property rights should be respected
- BLM should rule with landowners regarding rafting
- Concern that W & S can take away rights of private property owners – condemnation clause, property value
- Al has concern that mining and resource values should be managed some way other than W & S – he doesn't think that Reach 4 to the first private land is eligible – but if not W & S then what? – long-term protection is important
- Ernie – if we don't come up with our own plan then we will be handed a plan
- Ernie – Reach 4 managed for recreation
- We don't have agreement

### 3. Overall, what protection tools might be recommended in these reaches?

- If W & S is not the tool then what is? – need to have a tool that still protects ORVs
- Don suggested a spectrum of tools along the whole river
- Amber concerned that management should be consistent
- Legislation specifically crafted for the river could be palatable to the group – look to current management plan – if something was put in place that was similar, then not a bad idea
- We see a need to specifically tailor special legislation to this area

**Groups #2 & #3 Combined: Meghan Maloney, Commissioner Joan May, Bill Kees, Andy Logan, Leslie Selser, Jim Fisher and Rick Gersch.**

#### **REACH 3:**

##### 1. How should the Dolores Overlook site be managed?

- Consensus that it is well managed
- A geologic interpretation would be nice – could be used by school groups for service projects such as minor cleanup, etc.

##### 2. How should the Box Elder Campground site be managed?

- It is well used
- No fee is good
- Bathrooms are good

##### 3. How should the 4x4 road/trail along the river from the pump station to Slickrock be managed?

- Use of road, especially if it is maintained for full-size vehicle use, may be detrimental to river corridor
- Road is a piece of infrastructure that should be kept – OHV community likes to use this road
- Seasonal closure – no change
- Great fall color drive that can't be accessed by boaters
- Might need to monitor current level of use to see if damage is occurring – close road if ecological damage is occurring – science first

##### 4. How should camp sites along Reaches 3 & 4 be managed?

- Signage at put-in for river etiquette
- Not that much control over how people camp
- Signs at campsites are not good – ranger/BLM gives out better information

#### **REACH 4:**

##### 1. How should BLM/FS interact with private landowners to manage the Slickrock boat launch?

- Put launch site on BLM land, either upstream or downstream
- Purchase land or land swap
- Launch at boat ramp, but move parking somewhere to BLM
- Restraint area could be an alternative launch – different landowner

2. How should BLM/FS interact with private landowners to protect private property values?

- Access – private property owners should have access to their property, however, access is a travel management plan issue
- BLM should have authority to enforce rules to prevent impacts such as human waste management
- More information at boat launches about where private land is – stay on river through private land

3. Overall, what protection tools might be recommended in these reaches?

- Maintain current levels of protection at least
- Some support for improvement of current ecosystem
- Keep travel management in travel management
- Don't mess with private property
- Consensus: better management of flows to improve ecological system
- Permanent protection of river
- Consensus: Tamarisk removal is getting positive results – continue efforts
- This is the opportunity for local people to craft a plan for the best management of the river

**Group #4 - Jeff Widen, Cole Crocker-Bedford, James Dietrich, David Vackar, Bruce Smart, Ann Oliver, Commissioner Doug Stowe, and Karl Miller.**

**REACH 3:**

1. How should the Dolores Overlook site be managed?

- 6 out of 9 group members have visited this site
- Not very visited
- Signage to overlook through the County Roads is not very good or clear – needs to be improved
- Might need restrooms, once you are out there
- Interpretation would be good

2. How should the Box Elder Campground site be managed?

- A lower-use site
- Used a lot seasonally (bluegrass festival in July)
- Good site: not very impacted
- Nice composting toilets – they are a definite improvement
- Pretty clean
- Good self-policing by users
- There was a campsite begun to be developed some time ago downstream – what is the status of that site?
- Group did not feel that the Box Elder Campground reached full capacity very often
- Consensus: signage to get there is good
- Consensus: fees not appropriate now, but donation box could be placed
- Some suggested that special designation could bring additional management dollars – some disagree, having observed fees being implemented as a result of special designations in Arizona

3. How should the 4x4 road/trail along the river from the pump station to Slickrock be managed?

- Maintain road along river as it is now
- Dolores County maintains to 1 mile below Snaggletooth
- San Miguel does not maintain
- Dolores County would like the road to be maintained all the way through
- Crosses river 3-4 times
- Getting really bad in some places
- Some people ride horses down there and Al Heaton brings guests down
- Lots of mountain bike riding
- Consensus: seasonal closure is a positive thing – used to be controversial with locals, but they have settled into it
- Road represents some economic potential for Dove Creek
- Concern about closing to motorized
- Non-motorized has more opposition than motorized
- Should be some motorized
- Consensus: keep motorized to point it is today – do not improve the road
- Some suggested that it could be shut down by Scenic Eligibility classification if San Miguel doesn't want the road
- Others pointed out and felt that it is not incompatible with rafting and the scenic values in the reach, as you cannot see it from the river

4. How should the camp sites along reaches 3 and 4 be managed?

- Continue to manage as primitive campsites
- Manage as demanded by use – when level of use justifies, when conditions warrant a change, adjust management
- Watch for thresholds laid out in the 1990 plan
- Manage the people, rather than closing the land off with Wild and Scenic
- Some feel that Wild and Scenic will bring in so many people that you will then need a permit system
- One member observed that the number of campers at Bradfield Bridge increased hugely after the last round of Wild and Scenic hearings
- Need to find middle ground in order to maintain values
- Permit system would make it locals only, because of lack of predictability of flows
- Is designation a good way to go – doesn't it suggest that BLM is not doing a good enough job at managing – it would be better to stay off the radar screen as long as possible
- Currently, the only thing protecting archaeological sites is the lack of visitors to those sites (member cited the Grand Canyon analogy)
- Put more people on the river to help patrol (more support for Ranger Rick, who is just 1 person)
- Cross-train staff to do their jobs AND patrol the river when they are out there

**REACH 4:**

1. How should the BLM/FS interact with private landowners to manage the Slickrock boat launch?

- Landowners are threatening to shut down – they are “sick and tired” of managing it
- BLM should actively look at leasing or buying the put-in site

- BLM should offer fair market price
- Acquire at fair market value – could include language to this effect in any legislation for special designation
- Impacts to the site are coming from motorists – maybe CDOT should manage the site
- BLM should investigate a joint lease with CDOT
- Consensus: BLM should actively pursue a permanent access point with willing landowner or on BLM land – BLM should help ensure that waste, etc. is managed appropriately
- One member recalled that the 1990 plan specified that BLM (or BOR) should acquire the site

2. How should the BLM/FS interact with private landowners to protect private property values?

- Cole Crocker Bedford, who is a private landowner along the river below Slickrock, presented the group with a written list of suggestions in response to this question. (The handout is available from Cole.) He noted it covers many concerns he sees as impacting both his own property and other properties in the corridor.

The group then began to discuss Cole's concerns and suggestions:

- Cole feels that road access restrictions are a problem because they affect the value of private property. He asserts that for the BLM, topography is not accounted for when it comes to granting "reasonable access".
- Some agreed that BLM should provide reasonable access in a manner that minimizes impacts to ORVs and the landscape. Others noted that they would like to hear from BLM why they wanted otherwise.
- Feds should acquire lands at fair market value.
- One member pointed out that if legislation is sought, you can address these specific issues within the legislation, e.g., you can put "no condemnation" in the legislation.
- Cole pointed out that, if the language is not incorporated into the local BLM plans, the chances of such language staying in any legislation through the "sausage-making" process is very low. Other members acknowledged this point.
- Cole suggests inclusion of "from willing sellers only" language into the Dolores Management Plan, whether or not there is any legislation.
- David pointed out that BLM only makes the plans. It does not draft or dictate legislation.
- Consensus: Group comfortable with language in 1990 plan: "acquire only from willing sellers"
- Cole asserted that a 1976 BLM plan -- and well as their Web site -- (Wild and Scenic Recommendation) suggested that BLM seek county zoning to protect the river.
- Discussion began on this point, but the group ran out of time for further discussion of Cole's proposed ideas in answer to this management question.



**GROUP #5 – Mike Preston, Carolyn Dunmire, Kyle Hemm, Commissioner Larrie Rule, Dale Smith, Rowdy Suckla, Peter Mueller, and member of the public: Larry Suckla and AmeriCorps Member: Brooke Childrey.**

**REACH 3:**

1. How should the Dolores Overlook site be managed?

- Same as it is now – open to off-road vehicles, hunting, recreation – a few signs – people picnic there
- Nasty road when wet
- Consensus: no concern to change management

2. How should Box Elder Campground site be managed?

- Improved parking through area – at campground and put-in
- Access problems, so under-used
- Starting point for 4x4's and rafters, and mobility in the area is difficult

3. How should the 4x4 road/trail along the river from the pump station to Slickrock be managed?

- Partly County Road until you get to San Miguel Road
- Closure past Snaggletooth seasonally – no maintenance at all in S.M County – abandoned
- Section in Dolores County – do they maintain it?
- If it's recommended closed seasonally it should be safeguarded by signage and/or surveillance, especially if the reason for closure is lambing – also should be closed to camping
- Point made about if the road should be able to be used for river emergency
- Counterpoint – road is not needed for rafters
- Low disturbance because of rafters in recent drought, but vehicle access could still be causing disturbance to lambing
- Signage and enforce current closure and add camping
- We can't make a rule we can't enforce
- Rafters need that camping?
- Most rafters do this section in one day
- Summary: seasonal closure split between views; A. all closure for camping, biking, vehicles; B. all motorized traffic

4. How should camp sites along Reaches 3 & 4 be managed?

- Continue current management

**REACH 4:**

1. How should BLM/FS interact with private landowners to manage the Slickrock boat launch?

- Doesn't seem like a concern if the private owners close it
- Encourage BLM to set aside money to compensate landowners, possibility of leasing to BLM (example of similar situation: Access Fund)
- Also idea of moving put-in/take-out to BLM land
- Problem remains if BLM leases or something that if it's not fenced then BLM could encounter some non-rafting season impacts

2. How should BLM/FS interact with private landowners to protect private property values?

- Why should this reach be considered W & S? – because of private property
- This section is deemed recreational
- Proposed that the private land be left out completely of W & S designation
- We want to see what impacts of W & S on public land would have on adjacent private landowners
- Can the language of the designation be customized to protect private land values?

3. Overall, what protection tools might be recommended in these reaches?

- Big Gyp BLM put-in should be kept viable to function as is, but the closure of Slickrock could put a lot of stress on the area
- Sustain the no surface occupancy for mining
- Designate the BLM Little Glen Canyon land as Wilderness River miles 52-55
- Leave private land out of designation – also research how adjacent property will be affected
- Physical protection during seasonal closure (gate) to prohibit motor access and camping
- Recommend that the S.M. County road that has been abandoned and now managed by BLM be closed permanently to all motorized traffic