

DWRF Stakeholder's Meeting

Wednesday, July 12, 1:30-3:30pm

Hybrid Meeting *In person*: Dolores Water Conservancy District *Virtual* via Zoom

Participants:

Ken Curtis (Dolores Water Conservancy District); Lon Varnis; Logan Davis (Division of Fire Prevention and Control); Josh Braun (Colorado State Forest Service); Bruce Short (Short Forestry, LLC); Doug Muscanell (retired mill operator); Tara Harris (Mancos Conservation District); Ryan Cox (CSFS); Bryce Powell (CSFS); Ronnie Curley (Mancos Conservation District); Justin Shoopman (forester); Jim Broderick (Triple JR Log LLC); Dani Gregory (Southwest Colorado Cycling Association); James Dietrich (Montezuma County); Danny Margoles (DWRF Coordinator); Jimbo Buickerood; Robert Meyer; Nick Olson (National Forest Foundation); Molly Pitts (National Wild Turkey Federation); Anthony Culpepper (Mountain Studies Institute); Bob Milford (Pagosa Area Trails Council); Alex Handloff (Mountain Studies Institute); Steve Garchar (Dolores County Commissioner); Julia Ledford (Mountain Studies Institute); Tyler Corbin (BLM); Mike Wight (San Juan Mtns Association); David Sitton (Aspen Wall Wood); Bill Baker (Retired Ecologist); Mark Loveall (CSFS); Ryan Joyner (Tres Rios BLM)

- USFS not participating in today's meeting or CFLRP meetings for the time being due to the ongoing litigation
- Agenda
 - Meeting largely focused on Salter EA and the litigation.
 - DWRF has had extensive and ongoing involvement with Salter EA and multi-party monitoring connected to Salter EA
- Reviewed DWRF Stakeholder Responsibilities/Expectations, Ground Rules/Meeting Agreements
- Question posed to group: *Why are you engaged with DWRF and has it lived up to expectations?*
 - **Ken:** Helped start DWRF as a water management agency in response to large-scale fires and their impacts. Pursued forest health work to help protect our watershed and the water supplied to the community.
 - **Lon:** Conservation oriented farmer and manages woodlot to be healthy, fire-tolerant. Wants to hear people's ideas about what the lawsuit is about.
 - **Logan:** Agency has long been involved and wants to provide personal and organizational knowledge regarding fire resiliency and mitigation.
 - **Josh:** CSFS involved via Good Neighbor Authority and wants to hear other perspectives of collaborative members.
 - **Bruce:** Worked in forest management since 1970's. Believe in good, active forest management. Planted some of the plantations where FS is now working. Like to stay involved in the science of forestry.
 - **Doug:** Community member since 80's with a forestry background. Initially not a lot of active management, but see improvement and turnaround in forest health since projects started
 - **Tara:** Appreciate the space for community members to come together and discuss conservation projects

- **Ryan:** Agency works with a number of private landholders, SUIT, USFS and good conduit or connecting with regional partners
- **Bryce:** See areas of intersecting values and gain insight from range of expertise
- **Ronnie:** Hear to learn and participate in meetings like this as an intern
- **Justin:** multi-faceted interest – boots on the ground with 416 and Plateau fires. See devastation resulting from improper management. Believe in active forest management. Small business owner assisting with Wood for Life and other projects on the San Juan
- **Jim Broderick:** business owner working in the forest (wood for life, etc.) and wants to understand issues affecting in-woods work and his ability to provide for his business and family.
- **Dani Gregory:** a recreation stakeholder and lives near Boggy Draw. Wants it to stay healthy and desirable place to live
- **James:** working on wildfire mitigation primarily on private lands since 1999. County has interest in protecting its water source and interested in the economic side of forest work, recreation, grazing
- **Danny:** coordinate the collaborative. Believe in collaborative solution to problems and the potential to develop a shared approach. Allow entities to work together that normally wouldn't and develop solutions together.
- **Jimbo:** live in Hermosa and been in the area for about 40 years. Worked with the SJCA until recently. Extensively involved in NEPA processes over the decades. Find solutions to support and restore watersheds so that they are ecologically functioning and have resilient forests. Best way is to get all parts of community together (social, economical, ecological). Does not represent SJCA, but can help shed some light on the litigation and other potentially relevant litigation.
- **Robert:** Educator in the 1990's and became aware of the issues in the area. All the infrastructure is in place for forest restoration, but lacking industry and will. Saw impacts of Missionary Ridge. Live in the WUI. Seen 25 years of good small scale and 1 bad large sale. Concerned with trust.
- **Nick:**
- **Anthony:** MSI – echoes Danny (believes in collaboration). MSI's mission is underpinned by collaboration for over 20 years now and has been a player in DWRF since the beginning. Helped with designing desired conditions and monitoring.
- **Bob** – here to learn and involved with San Juan Headwaters. Appreciate tours and collaboratives to keep communication open
- **Steve** – 3rd gen Dolores county resident. Know the resources they provide for the benefits of everyone. Know the economic needs of the forest. Know the importance of the water and the multiple uses of our landscape.
- **Molly** – Joined as a rep of industry, which is absolutely necessary for getting work done in the woods. Collaboration can be hard and occasionally has speed bumps, but is important for getting work done.
- **Mark** – Was a sup for the Durango Field Office and still involved with many projects in new roles.
- **Julia** – Very involved with other two place-based collaboratives. Here to learn.

- **Alex** – San Juan Headwaters. Many of our problems are people problems. Chance to engage with people and work and through that
- **David Sitton** – AWW participating since DWRP inception. Incredibly dependent on SJNF for success of business. Without industry, none of the forest health work can happen. These lawsuits are a risk to the company.
- **Ryan** – representing Derek Padilla and the Tres Rios BLM
- **Bill** – abstained
- **Tyler** – Representative of BLM fire and fuels
- **Mike Wight** – Believe in the power of working together to find solutions that work for multiple goals. Sporadic participator in DWRP meetings. Reflection of the success of DWRP is the number of people in this room.
- DWRP has been involved with Salter since Jan 2020
 - Includes pre-scoping meetings
 - Desired conditions development
 - AAR after last year's treatments and multi-party monitoring plan development
 - Danny has been in a little communication with SJCA. They are currently holding off on public meetings because of the active litigation
- **Contents/status/explanation of recently filed complaint – JIMBO BUICKEROOD**
 - **JIMBO:** resigned from SJCA because he was uncomfortable with their interactions with the SJNF
 - Rico West Dolores travel mgmt. has litigation for last 5 years
 - RWD went through EA and EIS
 - Some individuals were unhappy with outcome
 - Litigation filed by TAP and SJ Trail Riders
 - Pulled back entire decision as a result
 - SMA, Wild Earth Guardians, SJCA filed litigation to maintain travel mgmt. plan accept for one element affecting elk habitat
 - No way forward through settlement talks
 - During this litigation, Jimbo was not prohibited from having conversations with USFS, even some related to travel mgmt.
 - Expects that USFS general counsel is advising no comment until a response formal USFS response is provided
 - Salter response could be any number of outcomes including the possibility of settlement options or ending in court (e.g. 416 litigation)
 - Some very similar elements in the Village of Wolf Creek lawsuit
 - Have not been specific suitable site analysis of the possible impact of activities on the locale
 - Complaint is that there has not been sufficient level of detail in the analysis of road placement, types of treatments, etc.
 - SJCA filed a FOIA request having to do with timber sales on the SJNF
 - Emails indicated that there was an overwhelming interest in moving contracts along and meeting deadlines
 - First time that SJCA has ever filed litigation with an attorney on staff
 - This limits some of the ability of the litigant to be able to communicate openly

- Jimbo is committed to the bigger picture of the people and land to want to speak openly about the litigation
- Does not see the Salter project as too intertwined with SW CO CFLRP
- Does believe that the litigation has merits
- Saw the Salter EA as one of the most flawed and hurried NEPA processes he's observed
- Many issues in process and scoping that the FS never responded to
- Hired external consultants to push NEPA through
- If you look at objections (timber industry, ecological interests, municipalities), intent of this group is to resolve objections before moving forward. Did not see the FS adequately address objections and reasonably attempt to resolve them.
- **Robert Meyer:** Jimbo is specifically named. Where does fall in this litigation given he's resigned from SJCA and listed as a co-litigant?
 - **Jimbo:** Serious concerns about how SJNF interacted with this group and its stakeholders. Still have concern about the process and the fact that FS couldn't sit down and address Town of Dolores, SWICA, and Montrose Forest Products
 - **Robert:** Goal was to resolve issues beforehand and avoid objections.
 - **(Danny:** confirmed that the goal was articulated that DWRF stakeholders would not feel compelled to file an objection)
 - **Robert:** FS was not forthright in scope (more miles of new road – 117 – than was outlined in scope).
 - **Danny:** DWRF did discuss roads but did not invest as much time in roads as other issues. A question – what was DWRF's expectations and process for discussing the Salter EA?
 - **Robert:** Issue of trust given that the agency was not fully clear about what EA would include.
 - **Lon Varnis:** 1. Assume that the FS was aware of objections to Salter plan but did not adequately address them.
 - **Jimbo:** Objections were brought up in scoping or in response to draft EA.
 - Collaborative tried to discuss many concerns through tours, meetings, etc..
 - FS Should not have had any surprises in objections (they had all been communicated)
 - **Lon:** Litigation notes concern about transient mess following treatments
 - **Jimbo:** not a major component of lawsuit, but some concerns with treatments' impacts on recreation
 - **James Dietrich:** Litigation seems that there's a major concern of the commercial aspect of Salter
 - **Jimbo:** doesn't see an issue of commercial aspect of Salter, just concern with how it might be implemented. It's in a suitable timber base, sees a need to reduce the timber volume, just wants objections related to the "how-to" addressed
 - Dr. Baker and Center for Biological Diversity had very specific comments related to the research and how these treatments might play out on the landscape

- Was missing elements that you would expect to see in scoping (exact locations of new roads, treatment types, etc.)
 - **James:** industry is a very important element – every bit as important as recreation – and need to maintain all parts of the pie.
 - **Dani G.:** Organizational objection was driven by impacts of implementation. Not against implementation – but wanted to maintain balance of Boggy Draw recreation component and its value with the anticipated impacts of Salter EA. Cost of Boggy Draw trails was hundreds of thousands (largely in volunteer hours). Believed that these values were overlooked in the Salter EA.
 - **Jim Broderick:** USFS and in-woods operators are able to do work in areas with heavy recreation and leave area better for it. Saul’s creek is an example where Jim is working.
 - **Danny:** portions of trail built on de-commissioned parts of roads. Wanted permission to re-route the trails if/where those roads are re-opened.
 - **Jim:** trying to understand objective of litigation to keep areas from burning down. Need to sit down and find resolution or it will burn. The time that this litigation delays work increases the risk of catastrophic fire
 - **Ken Curtis:** See comments like Jim’s often in newspaper levels of communication. These objections have a lot to do with collaborative trust with the agency more so than the collective goals shared in the collaborative.
 - **Dani G.:** FS did come to the table with SWICA and Town of Dolores and resolved their objections. FS did re-route some trails and a wider corridor in some areas where shade is a recreation value. SWICA is not a part of the lawsuit.
 - **Ken:** That’s a silver lining. And while maybe it should have not reached the level of needing a formal objection (should have been considered ahead of time), they were able to resolve those objections.
 - **Jimbo:** Have seen other occurrences with SJCA and FS where enough resolution was reached that a lawsuit was not needed (Lone pine and the timeline of landing/road closures following treatments)
 - **Molly Pitts:** Why so long after the decision? We’ve lost valuable time with CFLRP, etc. This litigation would have been easier if filed sooner.
 - **Jimbo:** Since Jimbo went to full-time to part-time a year ago, he has not been as involved in decision making around that.
 - Believes that the attorney’s have been trying to determine if litigation was a necessary next step.
 - The FOIA shed some light and informed some of the decision to litigate. Emails showed that Kara Chadwick was not interested in resolving it.
 - With the anticipation of a new forest supervisor, SJCA wanted to see if there was a way forward with new Forest Supervisor and change at the Regional Office without litigation.
 - SJCA works hard not to litigate. Probably has litigation once every 5 years. Litigation is not taken lightly. Took time to assess all the information and options before moving forward with litigation.
 - **Molly:** Looks back on conversations with CFLRP and need to use pot of funding on timeline. An injunction on Salter can impact the ability to execute. How can

we avoid this in the future? Understands that people didn't like the Salter outcome, but will they be more upset if this isn't resolved in a timely manner without majorly disrupting implementation?

- **Jimbo:** litigation does create a lot of unknowns. Can be hard for collaboratives.
 - Litigation was brought forth against HDs about 20 years ago. One of the resolutions of that litigation is a quarterly meeting with all stakeholders – something that still occurs today.
 - Not worried about the CFLRP funds. Many places that funding could be applied across the forest.
- **Molly:** Yes, lots of areas that could use funding, but do they have NEPA and staff capacity to execute. Also, how will this precedent affect future relations with the FS? What do we do when collaboration fails?
- **Jimbo:** Worked on Pagosa projects for 15 years, and has never had to object on a project there. So this might say something about the communication related to Salter. Wants to find that solution moving forward with how we better communicate and work to satisfactorily resolve concerns and objections.
- **Danny:** CFLRP does have some complexities and questions on how to meet #'s connected to stated goals if Salter is not available for funding.
- **Jim:** Sounds like there are some personality conflicts that have gone on for a long time leading to this litigation.
- **Danny:** Trust is a core issue and question. How do we know and build trust if there is a way forward? How do we create assurance of good faith if we decide to continue working together moving forward? There has been a lot of time and investment from the collaborative on Salter. The survey had a theme of frustration that this approach wasn't shared in a collaborative space ahead of time and how we move forward with a lack of trust.
- **Bill Baker:** Bottom line of collaboratives is to produce an alternative for the FS to consider – and the gold standard would be to create the preferred alternative. Agency did not share this as a goal. Danny made a good effort, but it just was not possible.
- **Justin:** How do we as collaborative move this out of litigation and into talks because there are programs on the table that will disappear if this litigation is successful (e.g. Wood for Life)? Where is the quick solution?
- **Danny:** It is now in the courts. The scope of DWRF is pretty limited.
- **Jimbo:** One idea – the FS hasn't come out with a public stance yet. They have 60 days to file. What if DWRF wrote to the office of general counsel that we would really prefer some settlement discussions on this issue. What stronger voice than a collaborative with incredibly diverse voices? May even look for some support from our representatives or senators to ask the justice to look at this letter.
 - This is important to this community. It's important that it's resolved. We strongly request settlement discussions.
 - (GENERAL agreement)
- **Ken:** Short term - Need to do this quickly. Copy Forest Sup, Regional staff. Happy to sign on for DWDC. Need quick resolution.

- **Bruce:** Having been on the other side of litigation, the 2 things that scare him are 1. The agency and CBD getting locked into a position very quickly. 2. Supply of wood fiber in this area determine the type and scale of wood industry. Private lands “get what’s leftover” in terms of demand for wood products. Without the industry, we’ll be back to 20 years ago when industry fell apart (and greatly impacted ability to do forest health work). As a consulting forester, believes the ACF would sign on too.
- **David Sitton:** More on the receiving end of consequences of the lawsuit. The FS is less willing to put up timber in areas at risk of litigation. Last year, AWW was down about 400 loads of logs, putting the business in a dilemma. Timber availability is extremely critical and a sensitive topic. This is already impacting funds intended for road work and other elements affecting industry in the area. Road systems in this area are very insufficient and hurts industry. Pressure publicly to accomplish all that we can with funding available. Historically a lack of industry in the area. Whether the litigation has merit or not, there has been historically a good faith effort to do good work on the western side of the forest. If there is any chance of preventing what happened the glade to Boggy Draw, need to act quickly. There is a valid reason for a sense of urgency, even if there may have been a corner or two cut. 2 years ago AWW had a treatment with the Aspen Trail running right through it. There was no mention of it in the contract or scope of project. AWW went to FS to look for solution, but ultimately took it on itself to ensure safety of recreators. AWW doesn’t operate ignorantly in the woods. Lawsuits seem to ignore this. We all sat through these meetings, 3-4 years on this specific project, specifically names Derek who has been gone for a while now, makes the appearance that the suit is more calculating.
 - Part of collaboration is that we don’t always get our way, but if this is the result, then it does not bode well for collaboration or FS trust with this collaborative moving forward. This litigation is a really unfortunate turn. If there is an effort to quickly resolve this, he is supportive. Question value of collaborative if litigation is the end result.
- **Molly:** Letter doesn’t hurt, but given DWRP is not a litigant, not sure how helpful it will be. DWRP does not have standing.
 - One of the major selling points of SW CO CFLRP was the sheer number of acres cleared under NEPA. Would it have been selected if Salter wasn’t included? Can it use the funds on something that isn’t NEPA cleared?
 - **Ken:** Letter should also be sent to SJCA and CBD to try influence the litigant principals to come to the table. Any of the litigants may move forward with the litigation.
 - **Molly:** DWRP as a collaborative was mentioned in the litigation.
 - **Danny:** We would need a very open, inclusive process for drafting letter.
 - Salter has not yet been enjoined.
 - **Ken:** What happens when Salter is enjoined?
 - **Bruce:** Unless there is an injunction, you can move forward until you have an adverse ruling against the agency or an injunction is approved. In the event of an adverse ruling, the FS can appeal, but cannot move forward unless appeal is granted.

- **David:** Was told that the FS was holding funding for road work in the project area under the suit until further direction was given. There was a bridge and wetland issue and landslide on the road in question.
 - **Bruce:** when the Rio Grande was litigated while he was employed there, he received calls from regional and national leadership about once a week whether they would send allocated funding. Bruce had to regularly remind WA office that they hadn't been enjoined and could keep working.
- **Danny:**
 - One question was whether people want to keep discussing and work together. Answer appears yes.
 - Second question was whether group wants to work together to look for solutions. Answer appears yes.
 - Seems support that DWRP supports crafting a letter advocating for a quick settlement.
 - Any concerns?
- Discussion on the how DWRP was discussed in the suit.
 - Suit says DWRP created a desired conditions with discussion on larger trees and the FS didn't adequately consider that.
- **Molly:** All for compromise, but are we going to achieve what we hope to achieve on the landscape. In support of negotiation, but only to a certain point. Looking at the some of the comments in support of the project, interested in who/what we would be negotiating with.
- **Danny:** A concern that a settlement might adversely affect other interests in the room.
- **Lon:** An arbitrator may help break the logjam
- **Justin:** Broader terms that doesn't plant our feet on one side or the other, but encourages all sides to come to the table.
- **Danny:** Next step is for a small group of people to come to the table to craft the letter.
- **Justin:** Jimbo, how would this perceived?
- **Jimbo:** This hasn't been done before. To Ken and Molly's point, DWRP doesn't have legal standing, but it does have community standing – which is powerful. Needs to be simple and sent within a week. We don't know what conversations may have happened between Dave Neely and SJCA and CBD. Whatever we can do to encourage more conversation is our power. Hearing what Molly says about concerns about what the outcome is, but his experience is that if the FS sits down, they really have to look at the broad spectrum of interests and how they move forward.
- **Ken:** This has to be the next agenda too. Get the letter going, run it by us. However, long term, this could blow up the collaborative, harm CFLRP funding, etc. Short term, try to bring the parties together and resolve the litigation. As a group, we have to deal with the fall out. Most of the Salter EA was done off the main line because many of us don't have time to dive into the weeds. He trusted the others involved to move the Salter EA forward. Need to resolve moving forward how we resolve this issue if the collaborative is to continue.
- **Bill:** This letter might be a bit premature. We don't know that we want them to settle without knowing the details.

- **Molly:** The other things we have to grapple with, the complaint asks the FS to start over and do an EIS. We have to be careful what the letter says. Don't want to start over with an EIS.
- **Danny:** Don't have time to go over ins-and-outs of letter, but need to that soon, likely this week.
 - **Concerns:** If there is a resolution against people's possible interest, don't want to move forward with it.
 - **Volunteers for a letter:** Bruce, Ken, James, David (but not available this week). Doug, Justin (would like to receive draft). Decision to leave Jimbo out for now. a

Action Items

- Short term – Draft a letter to San Juan Citizens Alliance, Center for Biological Diversity, and San Juan National Forest to recommend settlement negotiations
- Longer term – Discuss collaborative expectations about communication, norms, and goals of working with another on project development and beyond