

Slate River Working Group: Meeting 6

Meeting Minutes

October 10, 2018

Crested Butte Depot

Stakeholders Present: Michael Yerman (Town of Crested Butte), Mel Yemma (Town of Crested Butte), Hedda Peterson (CB Land Trust), Noel Durant (CB Land Trust), Elijah Waters (BLM), Kristi Murphy (BLM), Courtney Burton (CB SUP), Braden Burton (CB SUP), Chris Parmeter (CPW), Tom Barry (Gunnison Valley Paddlers), Rachel Sabbato (Gunnison County), Travis Tucker (Irwin Guides), Billy Rankin (Irwin Guides), Tim Tszurgot (Wildbird Homeowners Association), Julie Nania (HCCA), Illene Roggensack (Facilitator)

Welcome, Recap, Intent of Management Plan

Hedda gave an overview of the public meeting and public comments received to the email. No changes have been made to the draft management plan since we last met.

Noel gave a reminder to the group about the goal of the management plan: to come up with a community solution (not to get into a legal battle about right to float, navigability, etc.). The overall goal is to come up with community solutions to protect the resource in the scope of the plan.

Public Comment Review

Illene gave an overview of the public comments received and asked for folks who were at the public meeting to share their experience.

Tom thought that there was a lack of willingness from many people to step towards the middle. There was a large contingency representing one issue (the voluntary closure). This has become the more polarizing issue. Tom said that moving towards compromise has been a hard sell for him to the paddling community. The wildlife advocate contingency seemed unwilling to compromise as well.

Billy said that there wasn't equal representation at the meeting, which he sees as being typical from being a town council member in the past. The younger, working class community are not as engaged in public process.

Tom clarified that the bigger voice in the room is the wildlife advocates wanting to shut the river down or extend the voluntary closure to August 1st.

Tom said that the word on the street that he's been hearing from paddlers is that they don't feel threatened as the closure is voluntary and people can still put-in at Oh-Be-Joyful. Tom overall thought that American Whitewater's letter seemed unwilling to compromise as well.

Julie said that she had also heard from a lot of paddlers who intended to comment but had a change of heart, and don't want to float that section anymore.

Rachel asked to clarify if the August 1st voluntary closure date came from Pat's study. Hedda clarified that this was Pat's ultimate recommendation based on the data he has.

Braden expressed concerned in the comments from privilege of homeowners along the stretch of river. He sees this small group as trying to capture this area of the river as their own private area.

Illene asked if there are other issues or comments that the group should address tonight, outside of the voluntary no-float date and permit process topics from the comments (which are already on the agenda).

Courtney was concerned that a certain commenter was lobbying for people to comment a certain way, and many people were latching on to his letters in the paper. Tom said that to be fair he was doing something similar to the paddling community. Courtney doesn't think that all of the facts were laid out.

Illene reiterated that this isn't a popularity contest. The group can interpret and make decisions from the comments as they see fit.

Braden asked if Larry's data about the Herons is available for review. Hedda said that all of the literature is publically available and offered to send it out to the group.

Kristi thinks the use data from the Oh-Be-Joyful survey in the plan is misleading, because it was a high water year and most of the users who were surveys were in Oh-Be-Joyful. She would like to discuss if we should use this data.

Tom thought that dogs should be discussed more. There was one comment affirming to leave dogs at home and not leave a gray area.

Illene opened this up to discussion. Tom said he heard from some people that they are OK with no dogs when SUPing, but they want to bring their dog kayaking or canoeing. Chris is OK with a full voluntary closure of the upper slate. Courtney clarified that this is about all river users and not just SUPs. Noel clarified that dogs are not permitted to put in or take out at the rec path bridge per the Town's annexation agreement.

Voluntary No-Float Date

Hedda said that 94% of the comments were about the voluntary no-float date. The conveners felt that we would be remiss to not discuss this with the group.

Hedda shared some additional information that Pat had shared with her. There has been concern that this process is ahead of the science and data to make this decision. The Land Trust Lands Committee had a discussion about holding off on the final plan until the study is completed.

Pat's three main points were:

- He stands behind his original recommendation. The hatching period is their most vulnerable, but their fledging period is also very sensitive (hence the August 1st date)
- They had limited data on floating disturbance due to a short floating season. However, floaters had 3x the impact on Herons flushing over airplanes and road traffic.
- We shouldn't be overlooking the vulnerability of the Herons during the fledging time, as the time spent finding food is very important and critical.

Tom is wondering how we have this conservation, when folks who are pushing for a full closure aren't at the table.

Illene reminded the group that this was the only issue that the group voted on. She asked how we could manage this conversation this evening. Illene asked about process.

Billy said that we need to remember the perspective that this is a management plan for 2019 for floating the Slate River. He reminded the group that this is a step, not the end. He also wanted to talk about the reality of what goes on paper versus the reality of what goes on land, as there is often a disconnect there. He gave an example of going to the Canyonlands of Utah for 25 years. In the needles and maze districts, there are two relic areas that are permanently closed. Over the years of going there, he's always wanted to go to those closed places. He was drawn to go to these closed places. He doesn't know if a closure is effective. With a forever ban or even a voluntary August 1st closure (which are essentially the same thing), he's worried about people wanting to float more or in spite of the voluntary closure. He could see this happening in this community. He wants the group to keep in mind the reality of compliance with the plan.

Tom is also concerned about people floating the river in spite of the plan, or landowners doing the opposite in spite of the plan. Tom views the stakeholder group as in favor of compromise, which the comments and public response has not.

Billy asked about the how. How do we implement this voluntary closure? Will human presence be there until August 1st, will it be effective?

Julie said that some folks who might be in favor of their right to float, have had a change of heart after reading the plan. She thinks the impact to the birds needs to be front and center, to give people the information about how they are impacting the resource.

Noel asked the group if they can all agree on whether or not river recreation has an impact on this wildlife resource. Should this be put front and center?

Tom said that if he's representing himself, he agrees with this, but representing all paddlers, he doesn't feel comfortable agreeing to that. A lot of people don't agree that that the science demonstrates the impact. Billy said that he has floated that stretch hundreds of times, but he doesn't agree with this blanket statement. He mentioned how there's a huge different between an educated paddler with good river ethic versus a kegger party going down the river.

Tom wants to do more study on the rookery in regards to impacts from noise, and other control factors. He thinks more data can be more effective.

Illene asked the group if we should recommend August 1st as the voluntary no-float closure date. Tom said that the other side of things (date too restrictive) is that paddlers don't feel threatened and will float anyways from Oh-Be-Joyful.

Hedda is not saying that this is the question. Hedda wants the group to have this discussion.

Courtney seconded Billy's opinion, it's all about educating the user, it's not just about the Herons. Courtney said that they would support a June 15th closure and educate their clients about it. The August 1st date will mean no floating, which will cause backlash from the community who will float the stretch in spite of this recommendation.

Illene asked if we could go around the room and hear from everyone on where they stand on this issue.

Kristi said that the BLM does not have a closure and a public process to potentially implement a closure is not on the table. She said there are other options out there besides a closure, for example, a portage around the rookery.

Noel reiterated that his goal is to build an ethic that requires buy-in. As far as a date goes, he brought up another date from Pat (June 21st), which is the end of incubation. This is more science-based, but still leaves the fledgling period unprotected. Personally, he would choose August 1st because he wants to protect the resource, but he's concerned about community buy-in.

Tim said that he's torn. We're at a critical point and he'd like to follow what the scientist says. But he's concerned about people not following this plan. This is overall a symbol of something much larger.

Julie thinks August 1st is the most protection of the resource, and what she would be in favor of. However, to be realistic, she asked if there could be an additional study that happens between June 15th and August 1st which would help educate people and learn more about the impact during this time period. She could agree with the 15th for 2019 but with a clear description about the study that will take place while educating the community.

Billy reiterated that his comments tonight have been coming from him personally. As a commercial user, he would like to guide that section, but he sees how commercial use could be limited in this section. Irwin Guides is OK with not floating on that section. He said that education is huge and we need a major educational campaign that instills an ethic in the community. The date will have a place in the educational campaign. August 1st and a full closure are essentially the same thing (which should be made clear). It could maybe lead to a week of floating in a really high year, but that could pose a huge safety issue with massive amounts of people trying to float the river. Billy doesn't think that August 1st will be the most effective. It's managing the birds but not the people. Billy has thought about himself and what he would do or wouldn't do. He asked if we should consider moving the date later as more of a compromise. He knows he's going to float less regardless of the decision. He thinks a compromise date will affect the ethic of our community stronger than an August 1st date/full closure.

Travis said that from the perspective of Irwin Guides, it's not a revenue piece for them but it's an experience piece. They want to be behind the community and want to agree with what the community wants. He personally feels like there isn't enough data, and would like to see more research done.

Courtney supports a mid-June closure. She wants to see more research done.

Braden thinks that everyone here really wants to protect the birds, but he doesn't think there's enough data as well. He thinks there needs to be more management, but he thinks a later closure will affect public sentiment. He's heard that there's plenty of other places to paddle, but the Slate River is really the only river to float in Crested Butte. He doesn't think we're upholding the recreation value by closing the river. He reiterated Tim's written comment that this river is a special place to float and connect with nature, and we shouldn't try to make public land private. He's willing to revisit this in the future with more data.

Rachel would personally side with the recommendation of the scientist. From the County, she doesn't think there will be a magical date. There are always going to be issues with enforcement. She would like to see more study done on the rookery. She would also like to see the final report from Pat, but she doesn't think the date will be the magic bullet. Education and investment from the community will really be key.

Tom is concerned as someone who will be burned at the stake by paddlers if he agrees with a river closure based on a study that's based on six sup groups floating under the rookery. He can't stand by this data. He would like to do much more. He'd like to see Larry's literature review, and he knows of the Aspen scenario, but that seemed to be more of a partying, tubing situation. On the point of there being other places to paddle, selfishly, there's nowhere else in the state where you can SUP on a river with that level of beauty. He clarified that there is no closure on the lower section.

Courtney is concerned about this leading to more people using the lower section, which will have negative effects as well.

Tom said that there have been 3 years of a mega-use on this river and the rookery seems to be thriving. He agrees with a compromise and educating users and doing more studies. He appreciated Michael's comment at the public meeting about making a personal decision to not float that stretch anymore. He thinks we stand a better chance of people formulating these opinions on their own than we would if we had a full closure. He wants to hear more about impacts to Elk, but he doesn't think the floating season impacts the Elk in the area. Tom's biggest concern is despite the plan, a homeowner might decide to string barbed wire across the river on their property. He's personally going to extremely limit his use on that section of limit, and he thinks he can convince other people of this as well.

Chris votes for the best protection of the birds, and he disagrees that there aren't other places to paddle. However, he knows that we need to work towards a compromise and he understands the community backlash that it could cause. He's open to other compromises and/or other ideas to better protect the resource.

Michael personally stands behind August 1st, but he agrees with Billy and Tom and sees how the boater community wouldn't follow this. He thinks we need to be clearer in the plan that this is for 2019 and more study will be done, and management approaches will be adapted. As of right now, he stands by June 15th.

Elijah reiterated that the BLM does not have a dog in this fight. He said that the BLM deals with this kind of stuff all of the time. There are other missing steps in this process, for example, what does a flush mean to the bird? Are there other mitigation measures that could be used, such as timing restrictions? The BLM would never implement a closure without an extensive public process and multiple comprehensive scientific studies.

Mel thinks we need to word the plan better around the intention behind these decisions and how they will be implemented. She has concerns about community buy-in by fully closing that stretch, so she is currently in favor of the compromise decision, but personally would like to do what's best to protect the rookery.

Hedda thinks it's ignorant as humans to think that we don't have an impact on wildlife. Personally, she supports an August 1st date. However, she understands that recreation access is one of the Land Trust's values. With that in mind, she supports a June 21st or June 15th date.

Illene said that most of the group seemed to like Julie's idea about sticking with mid-June, expressing major focus on education and additional studies. Julie thinks this needs to be front and center in the plan.

Billy said that we need a major education and outreach campaign. He knows this could be a lot, but it's possible. There needs to be human presence at Gunsight Bridge every day and a person who goes through a training program who knows how to communicate effectively. It needs to be on the radio, newspapers, non-profits, etc. and we need to spread the ethic.

Tom agrees but he's worried about money, do we have the funds to do a study? Do we have the funds to do a massive education campaign? Is there a hybrid formula where guiding companies could contribute to this?

Hedda said this is also a large concern of hers. It's already intimidating to figure out how this human presence could work. The study this year cost \$8,000. There's grant opportunities, but it's not a sustainable funnel of funds into this operating budget. She thinks we need to be practical.

Rachel asked if this is a good time to bring up the permit process consideration and if that could potentially be a revenue stream.

Kristi asked how the voluntary closure would impact the study (if people aren't floating). Tom thinks we could get respectful paddlers to join in on the study to be an example.

Tom reminded the group that we will never succeed in this plan if we don't build this ethic. Courtney agrees but is worried that it will turn into a major floating scene on June 16th, we need to continue to educate users.

Kristi reiterated that there are still opportunities to float on BLM, and maybe there's a way to take out before the rookery. Tom asked if BLM could sign for the voluntary closure downstream at OBJ. Kristi there are discussions on signage, but they couldn't have a sign about the voluntary closure at this time.

Courtney has heard from people calling her shop who want to float this section because of how unique the rookery is.

Hedda asked if we're giving enough weight right now to the comments received and Pat's recommendation. Billy thinks the 15th was a dart on the board, but the 21st is more related to the study.

Chris reminded the group that it's a voluntary closure, no one's going to stop anyone except for their conscience.

Julie thinks we keep getting hung up on the date, it's more about managing the people. She thinks there's enough studies out there, but if we need more study for the community to buy-in, then we should go there.

Elijah asked what is conclusive about the research. Chris said that the conclusion is that enough disturbance would lead to abandonment of the rookery. Elijah asked at what level. If it's so sensitive why are they still here?

Tom said this is why it's hard for him to buy-into the current data, and he knows the paddling community would need more data to stand behind this.

Illene asked if we need to read the data available before making this decision. Hedda personally doesn't, she stands behind that humans floating under this rookery have an impact on the birds. Illene asked if were comfortable moving forward with this compromise for 2019.

Elijah said he would abstain from voting, but if he didn't abstain he wouldn't feel comfortable with this decision.

The group tried to hone in on a mid-June date. Billy thinks the June 21st date is more linked to the science. Tom is OK with June 21st. Mel is concerned about changing the date based on this season alone, but the plan is for 2019 and the date could change.

Hedda asked the group to take the time to leave this room with one voice and educate the community on why this decision was made. Billy agreed but asked for specific talking points. Tom asked if the group could all sign onto a letter that indicates how the group made this decision.

Rachel reiterated that the large majority of comments need to be taken into more consideration, even if it might be one louder voice.

Noel said that we need to educate that voice with the complexity of this scenario, and how this decision was decided. Billy reiterated that these comments asked for a hard closure. A voluntary closure in general wouldn't appease any of that crowd.

Illene gave an overview of what consensus was reached:

- June 21st voluntary closure for 2019
- Education is key (on site people, etc.)
- Research + Response
- Can we finance this?
- Practical
- Promote the ethic

The group reached consensus on this plan.

Permit Process Consideration

Tom asked about the potential of a permit process. Elijah said that even if it was possible, it would only be on public land. Elijah said there are some rivers permitted by BLM in Colorado, but not in Gunnison.

Travis is concerned about a floating frenzy right after June 15th or June 21st. Could part of the recommendation be no more than ten people float the Slate River per day, with a white board tally at Gunsight Bridge or on Facebook. It's not a permit system but in the spirit of this voluntary effort.

Hedda said that the possibility of a permit process was brought up at the public forum. She honestly said that this would be nearly impossible for the Land Trust to implement in the near future. Some folks have suggested the possibility of BLM permitting.

Elijah spoke to this. For BLM to consider limiting river use, they would have to see unacceptable resource impacts, and they aren't seeing this right now, meaning they are nowhere close to this. When they do limit users, they start with limiting commercial users, but rarely do they limit public use. By definition, Oh-Be-Joyful campground is a high density use area, and we would be many years off of implementing anything close to a permit system.

Tom clarified if BLM could permit/restrict access to a resource impact happening downstream from their put-in but that has different land ownership.

Elijah said that BLM permits are exclusively for public land. It's up for the permittee to get permission for other land downstream (for example, CB Land Trust), but they don't ask for proof. However, if the CB Land Trust were to complain, then this could be discussed more.

Billy thinks we need to think outside of the box when it comes to permitting.

Kristi gave an example of BLM permitted rivers, such as Ruby Horsethief. In this scenario, it's only a camping permit. There's different scenarios for different rivers and this scenario doesn't fit any of those scenarios.

Billy gave an example of why we need to be creative. What about a voluntary check-out to run the river, such as a 5-minute briefing and a tag on your boat so a private land owner could feel as ease as that floater was educated. Billy doesn't think this is the silver bullet, but it's a piece of this larger program.

Julie brought up the idea of junior ranger badges for educational talks at national parks. She agrees that we could think outside of the box.

Elijah reiterated that fee systems are different from permit/quota systems.

Illene asked if this would be a short-term or a long-term solution. Hedda thinks the reality is that this couldn't happen next year.

Travis said not to focus too much on the BLM, most people put in at Gunsight Bridge so we should do something there.

Michael said that the reason most people put in at Gunsight Bridge, is because the bridge was a hazard in the past, but with the new bridge, do we want to encourage people to put in at OBJ because they have the facilities (parking, toilet)?

Tim said that because we can't educate this as much at OBJ, then we need to do this at Gunsight Bridge.

Kristi said this isn't true, BLM can educate etiquette, but not a closure.

Back to permitting, Tom is in favor of a voluntary fee system from outfitters, guide services, and the public. Billy said that looking ahead, we're talking about several meetings in regards to implementation of the plan, but for the sake of time tonight, we need to focus on messaging.

Julie thinks there should be an explanation of this discussion in the plan, about how it should be considered as a long-term solution.

Kristi suggested that this discussion could be folded into the STOR committee's scope.

Rachel agrees.

Hedda would like to have BOCC buy-in on this, but it would still come back to the same players around this table.

Kristi thinks that fees for access would be a more blanket item across the whole valley, not specific for river use.

Noel agrees that there's a place for buy-in from STOR when it comes to grant funding, etc.

Braden thinks that we could do something like the Washington Gulch free registration sticker for snowmobiles next year, and it could help with education.

Chris favors permits over fees as a permit will educate someone, whereas someone could pay a fee and still act like an idiot on the river.

The group would overall like to include in the plan that they would like to consider a future voluntary permit or fee system.

Tim is concerned about people not knowing about the voluntary closure and putting in at OBJ without any information or signage.

Hedda said this needs to be worked out. There would definitely be signage at Gunsight Bridge.

Courtney reiterated that we need to utilize other outreach options such as Travel Crested Butte. She said that 95% of tourists she interacts with references that website.

Review of Next Steps

Hedda gave an overview of next steps. The next iteration of the plan will be going to the Town Council on October 15th. Michael said that if there are any additional comments or edits to the plan, they need to be sent on Thursday morning. The reason the plan is on the next council agenda is for budgetary reasons. The Town isn't going to fund everything, but the council needs to discuss what to consider. The intent of the presentation is for the council to talk through implementation.

Hedda said the next step after that is implementation. She said that there definitely still are things that need to be sorted out, such as how to manage on different parcels of land, etc.

Kristi reiterated that the BLM cannot close access to the river, as they allow public access to public land. Billy thinks that this helps out message.

Billy asked how to handle messaging of this plan and suggests coming up with talking points.

Hedda will put together talking points and share it with the group.

Michael reminded the group to be proud of this process. We'll always take flack for decisions made, but at the end of the day, we came to a compromise and are dedicated to revisiting and adapting this management plan.

Tom and Rachel asked to change the title of this plan, to make it clear that the plan is for 2019 and isn't set in stone.