



MEMORANDUM

TO: Boards of Directors
FROM: Catherine Hayes, Board Secretary
DATE: January 13, 2016
RE: Joint Special Meeting of January 21, 2016, re Wilderness Policy

This memorandum shall serve as notice of the Special Meeting of the Boards of Directors of the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority:

Thursday, January 21, 2016
11:30 a.m.

Eagle River Water & Sanitation District Office
Walter Kirch Room
846 Forest Road
Vail, CO
81657

Cc:
ERWSD Managers
Carol Dickman

Meeting materials via email:
Caroline Bradford, Independent Consultant
Dan Clayton, Brown & Caldwell
Virginia Egger, town of Avon
Pam Elsner, Beaver Creek Metropolitan District
Louise Funk, EagleVail Metropolitan District
Amy Greer, Stan Bernstein and Associates, Inc.
Jonathan Heroux, Piper Jaffray & Co
Justin Hildreth, town of Avon
Tambi Katieb, Land Planning Collaborative, Inc.
Jim Lamont, Vail Homeowners Association
Jeff Layman, EagleVail Metropolitan District
Dan Leary, Traer Creek Metropolitan District
Lee Leavenworth, Loyal E. Leavenworth PC
Holly Loff, Eagle River Watershed Council
Ken Marchetti, Robertson & Marchetti, PC
Preston Neill, town of Avon

Timm Paxson, Eagle, River Watershed Council
Sarah Smith Hymes, town of Avon
Cliff Thompson, IKS Consulting
Bob Weaver, Leonard Rice Engineers



**BOARD OF DIRECTORS SPECIAL JOINT MEETING
January 21, 2016, 11:30 a.m.**

1. Call to Order
2. Consultant/Guest Introduction
3. Public Comment
4. Wilderness Policy Statement – Glenn Porzak*
5. Adjournment

Attachment 1

Water Counsel Agenda Item

Attachment Name: Policy on Future Wilderness Designations

Attachment Date (if applicable): January 2016

Source Document (if applicable):

Purpose of Agenda Item:

- Background for board meeting discussion (information only)
 - Enter into public record
 - Request board input/direction
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Topic: Wilderness Policy

Summary of Topic: Final policy for board approval and correspondence with Congressman Polis' staff concerning the position statement on HR 2554.



POLICY ON FUTURE WILDERNESS DESIGNATIONS

January 2016

Intent

In keeping with their mission statement, it is the policy of the boards of directors of the Eagle River Water and Sanitation District ("District") and the Upper Eagle Regional Water Authority ("Authority") to support efforts to preserve the pristine nature of area public lands as these lands are the source of high quality water. The preservation of these lands allows the District to meet its obligation to provide a dependable source of high quality water to the Vail and Wolcott areas, and to meet all water quality standards in providing sanitation services to the entire region from Vail to Wolcott. The preservation of such lands allows the Authority to meet its obligations to provide a dependable source of high quality water to the Arrowhead, Avon, Bachelor Gulch, Beaver Creek, Berry Creek, Cordillera, Eagle Vail and Edwards service areas.

Roadless Area and Wilderness Designation Background

This policy recognizes that the preservation of these public lands and its water resources can take a number of different forms. This can range from Forest Service management of the lands as a roadless area, to the congressional designation of the lands as a wilderness area under the Wilderness Act (16 U.S.C. 1131 *et. seq.*), with or without restrictive conditions. Roadless areas and wilderness lands are established under different procedures and managed under different Forest Service rules, regulations and restrictions. Roadless land policies are determined by the Colorado Roadless Rule. In contrast, wilderness areas can only be established by the United States Congress.

Current Designations

There are 61,568 acres of federal land in the Gore Creek watershed. 21,788 of these acres are designated as roadless areas, and 25,768 acres are wilderness areas. Thus, over 77% of the federal lands in the Gore Creek watershed are currently protected under one of these classifications. Areas that are not currently designated as wilderness or roadless in the Gore Creek watershed are located primarily in the upper reaches of Red Sandstone Creek, and within the Vail ski area and upper reaches of Mill Creek.

In the Eagle River basin above Milk Creek, but below Gore Creek, there are 92,942 acres of federal lands. 21,296 acres are designated as roadless areas, and 29,062 acres are wilderness areas. Thus, 54% of the federal lands in the Eagle River basin below Gore Creek and above Milk Creek are currently protected under one of these classifications.

Collectively, 65% of the federal lands in the Gore Creek and Eagle River basin above Milk Creek are currently protected under one of these two designations.

Policy and Criteria to Evaluate Wilderness Legislative Proposals

Which type of designation, protective language within designation legislation, or whether any of these designations should be supported depends on the following:

- 1) The locations and characteristics of water features within the specific lands proposed for wilderness designation, and the importance of such water features to the water supply and wastewater systems of the District and Authority;
- 2) Whether the designation would conflict with or adversely impact existing or future water facilities of the District and Authority;
- 3) Whether the designation would significantly impact necessary watershed treatment and restoration efforts;
- 4) Whether the designation would prevent a future boundary adjustment of the designated area that would be necessary for a future water facility;
- 5) Whether the designation would significantly reduce the risk of watershed degradation caused by human development and other activities; and
- 6) The specific Forest Service rules and restrictions that would apply to the subject roadless areas and to the proposed wilderness lands.
- 7) Whether the designation would create any reserved water rights, and if so, whether those reserved water right would impact or help protect the water rights of the District and Authority.

Frances DeVore

From: Frances DeVore on behalf of Glenn Porzak
Sent: Wednesday, January 06, 2016 3:43 PM
To: 'George-Nichol, Jennifer'
Cc: Rick Sackbauer; george.gregory@Comcast.net; lbrooks@erwsd.org; Kristin Moseley
Subject: RE: Intro

Dear Jen:

Thank you so much for reaching out to us to discuss Representative Polis' Wilderness Bill. My law partner, Kristin Moseley, and I look forward to working with you on this important issue. When Nissa mentioned your name to us, we realized that you must be the daughter of Gene Nichol and Glenn George. As University of Colorado Law School alumni, we both knew and admired your parents during their time in Boulder. I served as the Chairman of the Board of the University of Colorado Foundation and co-chaired the law school building capital campaign, and Kristin was a law student during your parents' tenure. Small world - please do pass on our best regards to your folks.

As we discussed with Nissa, the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority (the "District and Authority") are both firmly in support of additional wilderness designations. However, as the water service providers for 60,000 plus people in the Vail Valley, the boards of directors of both organizations are highly aware of their paramount duties to ensure that watersheds are protected for water supply purposes. Accordingly, avoiding damage to the watersheds potentially caused by wildfires, mountain pine beetle infestations and flooding are essential. Given the foregoing, the District and Authority support Representative Polis' H.R. 2554, provided that section 2(c) is modified as follows to clarify that the Secretary may coordinate with local and state agencies and take any actions, including operations using aircraft or mechanized equipment, as necessary in order to control fire, insects, flooding and diseases associated with the No Name and Spraddle Creek Wilderness Additions and restore those areas impacted by these natural disasters:

“(c) Wildfire, insect, disease and flooding management.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary for the control of fire, insects, and diseases and to restore areas damaged by fires and flooding events (including, as the Secretary determines appropriate, the coordination of the activities, including operations using aircraft or mechanized equipment, with a State or local agency).”

Similar language has recently been included in another Act of Congress (P.L. 113-291) on December 19, 2014, for the Pine Forest Range Wilderness, Rocky Mountain Front Conservation Management Area and Wilderness Additions and the Wovoka Wilderness. With inclusion of the above revised paragraph 2(c), the District and Authority would also support designating the Spraddle Creek Potential Wilderness as part of the Proposed Spraddle Creek Wilderness Addition (in other words the “Spraddle Creek Potential Wilderness” provisions could be dropped from the bill and that area would instead be made a part of the Proposed Spraddle Creek Wilderness Addition through a map change. The revised Spraddle Creek Wilderness Addition would then be 9,420 acres, instead of its current 7,082 acres).

Please let us know if you would like to schedule a conference call or an in person meeting in order to discuss these matters further. Thank you and we will forward to hearing from you.

Best regards,

Glenn

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From: George-Nichol, Jennifer [<mailto:Jennifer.George-Nichol@mail.house.gov>]
Sent: Wednesday, January 06, 2016 9:19 AM
To: Glenn Porzak
Subject: Intro

Glenn,

My name is Jen George-Nichol – I don't believe we've properly met or yet spoken. I took over for Courtney Krause in Congressman Polis' DC office.

Nissa mentioned to me that you reached out to her. First, I really appreciate you reaching out to us directly. We do very much want to find a compromise that eases any concerns regarding operational rights in Wilderness areas and, at this point, I think direct conversations might be the most appropriate way forward.

Toward that end, I hoped you could send me the most recent language you proposed at last month's Board meeting. I'd love to take a look at it and maybe run it by a couple of key committee staffers to see if we can make it work!

Thanks again and I look forward to working with you.

Jen

Jennifer George-Nichol
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