

RICO TOWN BOARD MINUTES

October 24, 2018

The Special Rico Town Board meeting was called to order at 6:00 p.m. by Mayor Zach McManus.

Members Present. Barbara Betts, Zach McManus, Nicole Pieterse and Genevieve Yellowman. Absent were Sophia Kyriakakis, Keith Lindauer and Stephen Roberts.

Staff Present. Kari Distefano and Linda Yellowman

Citizens Communication. Linda Yellowman advised Barbara Betts and Zach McManus that if they would like to be reappointed to the Rico Board of Trustees that they needed to provide a written statement to the Board. Esteban Roberts also need to provide a statement of interest.

Action Items. Motorized Trail Groups Challenge to the USFS Travel Management Plan. The Trail's Preservation Alliance, the San Juan Trail Riders and the Public Access Preservation Association have filed a complaint in court against the USFS Travel Management Plan. In response, Sheep Mountain Alliance, Dunton and Cindy Farney and other interested parties are going to intervene to defend the Travel Management Plan and file their own complaint against the USFS for allowing five months of motorized use during elk calving season. The Town of Rico supported the USFS Travel Management Plan.

A discussion was held regarding the complaint that was filed in court against the USFS Travel Management Plan and whether or not the Town of Rico should intervene on behalf of the USFS. Zach McManus asked Nicole Pieterse how urgent the matter was and said that it was his understanding that the Rico Board of Trustees was going to write a letter in support of the US Forest Service but not get involved with the lawsuit.

Nicole said that the options were to do nothing or intervene in a suit with the groups challenging the travel management plan. The Town would be intervening to support that Travel Management Plan. Zach asked about a countersuit. Nicole said that the intervention would be separate. Nicole explained that Sheep Mountain Alliance, Dunton and Cindy Farney and other interested parties were supporting the USFS against The Trail's Preservation Alliance, the San Juan Trail Riders and the Public Access Preservation Association but they were also filing suit challenging the piece of the travel management plan that is allowing motorized use during the elk calving season.

Nicole went on to explain that since the Town didn't object to motorized use during the elk calving season the Town was barred from joining that suit. She said that the two suits would probably be combined. She said that the attorney that was taking the case would specify that the Town was just going to intervene on the portion of the suit that was supporting the travel management plan but would not be intervening in the suit regarding allowing motorized use during elk calving season.

She said that another option for the Town would be to find an attorney that would, pro bono, file an amicus (friends of the Court) brief. She said the Court would not read a letter but they would read an amicus brief. Nicole stated that she felt that The Trail's Preservation Alliance, the San Juan Trail Riders and the Public Access Preservation Association had mischaracterized Rico in their lawsuit and that she would like to intervene on behalf of the USFS and support the Travel Management Plan. She went on to say that she believed that the Town should also help with the cost of the suit, which would probably be around \$2000-4000 most of which would be travel costs for the attorney. That cost would be split between the Parties supporting the Travel Management Plan, the Rico Trial's Alliance and the Town. She suggested that we cap the amount that the Town spends. She said that if the Town is going to intervene it should be by the first week in November, around the 9th at the latest.


Nicole pointed out that as long as the suits were out there, the Forest Service was in limbo with respect to spending money on trails. Zach thought that we should put a message on our website that said that we did not take issue with the motorized use groups but we were afraid that as long as the suits were out there, the Forest Service would be reluctant to proceed with trails building and maintenance.

Barbara said that she would like to intervene and cap the Town's spending at a certain level. Zach said that he would support intervention and a cap too. He wanted to cap the Town spending at \$1000.00. He also suggested that we write a letter to the Forest Service that would explain that the extent of Rico's involvement in the lawsuit would be to support the Travel Management Plan and that our goal was to move forward with recreational pursuits. Nicole suggested that we put the letter on the website as well. Genevieve also supported an intervention and a cap.

Nicole Pieterse made a motion to intervene the District Court Action against the Forest Service and enter into a joint representation agreement and cap expenses at \$1,000.00. Zach McManus seconded the motion contingent upon issuing a letter to the Forest Service. He also added that he thought that the motorized users should get a letter too. Nicole said that they should be copied on the letter to the Forest Service and that we should confer with our attorney first regarding the letter. With those additions, the motion passed unanimously.

Town Manager Kari Distefano mentioned that BP would like to have a discussion with the Town and the Colorado Department of Health and Environment in early November and that a work session with the Town Board would be helpful. The Board members present were in favor.

Nicole Pieterse made a motion to adjourn the meeting at 6:30 pm. Zach McManus seconded the motion. The motion passed unanimously.


Linda Yellowman
Rico Town Clerk


Zach McManus
Mayor