

**Piedra River Protection Workgroup
Meeting #14 December 11, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

- *Status of motorized snow travel was clarified.
- *Discussion on whether values for Williams Creek and East Fork were adequately protected.
- * Discussion of a proposal that would expand the Piedra Area in exchange for dropping Wild and Scenic suitability.
- * Discussion of forest health, fire and beetle kill.
- * Discussion of a water lease program to help augment low flows at certain times.
- * **CONSENSUS:** The group agreed that it was worthwhile to negotiate ways to avoid the dewatering of stream segments from irrigation.

Website: ocs.fortlewis.edu/riverprotection

Next meetings:

Jan. 15, 5:30 p.m.

Feb. 12, 5:30 p.m.

All meetings at Ross Aragon Community Center, Pagosa Springs, Colo.

Facilitator Tami Graham reminded the group of the progress to date and the current status of the working group. There was no November meeting so the group picked up where it left off from the October session.

Attending this meeting were John and Jeane Taylor, Bev, Steve Fearn, SWCD; Jimbo Buickerood, San Juan Citizens Alliance; Tripp, a landowner; CPW Officer Mike Reid; Chuck Wanner of TU; Mely, TU; Wanda Cason, Sen. Mark Udall's office; Kevin and Ivan, Forest Service staff; Mark Stiles, Forest Service supervisor.

Working way through the river segment sheet looking at identified values current protections and having a conversation on whether the current protections are adequate to protect the values. Gathering opinions and assessing new tools if there is a sense that there are values not protected adequately.

New information: Working group members were e-mailed an updated map of the Colorado Roadless Area.

Up to this meeting, the group had analyzed whether values are adequately protected on the Piedra main stem and Weminuche creek. This meeting featured analyzing Williams Creek and East Fork values.

Questions were answered from the last meeting.

What are the rules for motorized winter travel using snowcats, ATV's retrofitted with tracks, and snowmobiles?

Evolving technology for cross-country snow travel, such as ATV's fitted with tracks for crossing snow, has created new questions of what is allowed and what is not.

Answer: Kevin of the forest service explained the rules for cross-country snow travel. The areas open for snowmobile use are depicted on the forest visitor map. The Wilderness Area and the Piedra Area are closed to snowmobile use.

Other areas are either open or closed and are referred to on the forest service map.

In general, the forest service currently only authorizes snowmobiles for motorized travel over snow. The exception is commercially licensed and permitted snow-cat operations for skiing and touring. ATV's fitted with tracks and snowcats are not authorized for cross-country travel over snow.

Forest service defines a snowmobile as a motorized vehicle that you straddle, is operated by one tread and steered by two skis. So ATV's outfitted with tracks are not officially authorized, neither are snowcats.

The new forest plan due out next year has some evolving language that may or may not change those authorizations regarding motorized snow travel.

In response to whether snowmobiling was allowed in roadless areas, Kevin stated that there was no "automatic prohibition" and would depend on specific map areas that allow for their use.

Regarding use of snowmobiles in Research Natural Areas, it was stated that more often than not, their use would be prohibited or restricted.

Lynx discussion

John asked if there are restrictions to snowmobile use along the Middle Fork due to the presence of the lynx species in the region. Kevin said lynx require a certain snow criteria and snow compaction caused by snowmobiles injures their habitat conditions.

Forest supervisor Mark Stiles said groomed trails are a concern for lynx habitat because they allow other predators, like coyotes, to access areas and over-compete for prey relied on by the lynx. The small wildcat, reintroduced in 1997 into the San Juans, has adapted huge paws to efficiently travel on top of deep, powdery snow. The elusive lynx uses this advantage to hunt small animals, especially the snowshoe hare, in deep snow areas that other predators cannot generally access well.

Alternatives to Wild and Scenic

Portions of the Piedra River and tributaries have been tagged by the forest service for potential Wild and Scenic status, a special designation with increased protections from development that usually must be designated by Congress. Wild and Scenic is a controversial designation due to its restrictions, so the group has proposed alternatives to W&S that offer increased protection for the river, but also allow flexibility for future use and current uses.

One consensus of the group is no major impoundments (dams and reservoirs). As an alternative to W&S, which prohibits major dams, Trout Unlimited suggested expanding the current Piedra Area across the Piedra main stem into adjacent Colorado Roadless

Area as another way to prevent major dams in the future. The Piedra Area is a special designation that is treated like a Wilderness Area and prohibits major impoundments.

According to the preliminary idea, the suitability status of the Piedra for Wild and Scenic status could be dropped by the forest service in exchange for expanding the Piedra Area across the river.

The group is considering forming a subcommittee to tackle the idea of expanding the Piedra Area in exchange for dropping suitability status. One facet of the plan was to somehow limit federal funding for major impoundments on the Piedra and that was also to be analyzed in the proposed subcommittee.

Another subcommittee being considered is one that would be made of local forest stakeholders and help advise the forest service regarding local land and water use. However, as of the December meeting, no formal organization was presented for the two proposed subcommittees.

Williams Creek

The group then turned to the job of analyzing whether the values of Williams Creek are adequately protected. Williams Creek is not considered suitable for Wild and Scenic status under the forest plan, however the group is taking a watershed approach for studying protections in the area.

Value: Excellent fishery

Mike Reid, Parks and Wildlife, was again called on to explain to the group the status of fish and wildlife, and the group expressed their appreciation for his regular input and attendance.

Regarding fish, Mike reported on the recent fish kill in Williams Reservoir due to the drought. He said the conditions of low dissolved oxygen levels and abnormally high water temperatures that caused the fish kill in August are getting better but still need improvement. Mostly kokanee salmon did not survive the harsh conditions. The deadly conditions were attributed to a lack of natural mixing and flushing of the lake which usually occurs with normal weather events like rain and runoff flows.

He added that this is the first fish kill at the Williams Creek reservoir since it was filled in 1961.

Regarding pure strains of fish, Mike noted that there is a conservation population of pure strain trout above the falls on Cimarrona Creek which flows into Williams Creek Reservoir.

The reservoir is classified as a recreation type lake not a draw-down reservoir.

Williams Creek below the dam is influenced by the reservoir in that it is a top-spill type dam, so water that flows in flows out and tends to be warmer.

He said it is not like the system below Navajo reservoir where they control the dam releases and temperatures in a manner to grow large fish.

John Taylor mentioned that there is a trans-mountain diversion on Williams Creek that flows into Squaw Creek and over to the Rio Grande River side of the Continental Divide.

Who owns that diversion was unclear and it was to be looked into.

Value: Instream Flows

According to the information sheet, Williams Creek holds 14 cfs per year in instream flows from the confluence of Indian Creek to the confluence of the Piedra River.

Steve Fearn noted that the transmountain diversion on Williams Creek is prior to the instream flow program, so it could impact the amount that is available for instream flows.

Mely, of TU, described ISF's as minimum base-flows and she said flushing flows are also important for a healthy fishery. For example they are needed for mixing of water layers at Williams reservoir. A lack of mixing at the lake contributed to the recent fish kill.

Also it was mentioned there is a potential of expansion of water use at diversion points and that would also impact flows into the reservoir and lower Williams creek.

Grazing allotments

John Taylor noted there are allotments above the lake and below almost to the mouth. He thought they were pretty well protected. There is considerable fencing. The cattle only get down into the river in the fall depending on rotation schedules.

Forest service said there are very little vacant allotments in the Pagosa District, which makes it difficult to move permittees. Also there is a lack infrastructure, such as fences, on some vacant allotments, plus transportation costs to move permittees is high.

Sheep grazing is not allowed in the upper allotments of the Pagosa District (including within the Weminuche Wilderness) due to a lack of demand and the risk of passing domestic diseases to bighorn sheep in the region.

It was concluded that grazing allotments continuation was not in danger.

Abundant wildlife

Protected by Colorado Parks and Wildlife Management plan and other public-land agencies.

It was asked if activities in the forest are restricted, such as oil and gas development or recreation, in order to protect species of particular concern. Mike explained that any land changes or development being considered by the forest service is part of the equation when determining what is best for various wildlife. He noted that riparian areas are probably the most important habitat type because of the large number of species that use it. Riparian areas and their waterways, connect habitats and are a major thoroughfare for wildlife movements. Different species occupy and rely on a wide variety of habitats, and when there is a project proposal, potential impacts are studied for each habitat area and species.

Forest Supervisor Mark Stiles said that information from Parks and Wildlife is then given to the forest service for further review.

A working group member summarized that the process provides protection by informing land managers of conflicts with critical habitat and wildlife when there is a proposed development/project.

It was asked whether damaged trees from the fire and beetle kill would effect elk habitat and populations. Mike said it will be different, with one advantage being more feed for elk because fewer trees mean more sun on the ground for growing forage. But it also means less cover and less thermal cover. What will happen when the trees fall down

is a concern. Areas with downed trees from beetle kill have fewer elk moving through, so they have to adjust travel routes.

Big horn sheep are expanding. The animal used to be always west of Williams Creek, but in last 10 years they have moved to territory above Palisade Lakes and above East Fork. They had to go through thick timber to get there.

Developed Campgrounds

Group felt they were adequately protected. The Williams Reservoir campground is closed due to the potential for falling trees killed by beetles.

Beetle kill discussion

Mark Stiles said studies are showing that historically there have been regular, large scale beetle kills more than large-scale fires in the region's prehistory. This changes the age group of the forest and the forest landscape causing less of a micro-climate of spruce/fir that helps retain the ground moisture. The result of more grasses changes the fuel dynamics for fire as well, an area being studied to help manage the forest in the future.

It was noted by forest service staff that a beetle-killed forest will initially result in an increase in water yield for the watershed because the trees are not using moisture anymore (transpiration). But as the forest progresses over time, new plant species use relatively more water so the anticipation is that water yields and base flows could diminish.

Williams Reservoir

The digging propensity of marmots and muskrats are a threat to the earthen dam, and they are controlled each year to prevent damage.

It was noted that developed campgrounds are a direct result of the reservoir. There used to be a lot of dispersed camping along meadows near the road. Overuse led to those areas being closed to dispersed camping and the meadows are in the process of recovering.

Research Natural Area

It is a protection in itself. Has a nice stand of White Fir. No grazing allowed. Established in 1982. Located between East Fork and Middle Fork. Area may be a key entry point for fire into the high country historically. Management is to not aggressively suppress fire in the white fir stands of the RNA apparently to allow natural burns to take hold in higher forest elevations that have grown too thick.

John noted there was some logging in the area.

Commercial outfitting

It is a management issue, and is protected in that sense.

Timber harvest

One timber sale west of Williams Creek and hazard trees also being harvested some around the reservoir. It is a useful tool, and is a management issue.

Overall facilitator Graham said it seemed the group felt that in general the values are protected on Williams Creek.

Mely, of TU, responded that there needed to more discussion on the real and potential threats to Williams Creek. She does not have a strong sense of what type of development is possible in the Williams Creek area and therefore is unsure if current protections are adequate or not.

Chuck, of TU, asked what percentage of private lands on Williams Creek were in conservation easements. It was thought there were none on Williams creek, as there is not a lot of private land there.

There is some protection for the area under Colorado Roadless Area, Weminuche Wilderness and on forest service land.

Break

Piedra Area expansion discussion

The group discussed forming a sub-group to analyze the idea of legislation that would expand the Piedra Area eastward across the Piedra main stem in exchange for dropping the suitability status for Wild and Scenic.

Forest Supervisor Stiles reminded the group that the suitability status of the river is form of protection and that taking it away is a potential loss of a valuable conservation tool. He asked if there was a way to keep suitability there, but make it a “soft” suitability status where it would not be acted on.

Stiles referred to the working group protection efforts on the lower Dolores River. That group asserts that securing legislation for long-term protections would make the members more agreeable to a “hard release” of suitability. In other words take suitability off the table, but put something else in place legislatively. It is a trade off, but Stiles cautioned taking suitability off the table before you have something on the other side that achieves the protections that the group wants.

Mely agreed that any *quid pro quo* deal involving suitability coming off the table must be accompanied by alternative protective legislation that actually passes and becomes law.

A question that arose is would legislation expanding the Piedra Area be part of a single bill or be attached to other bills?

Forest supervisor Stiles explained that the 1993 Colorado Wilderness Act is what established the Piedra Area, which is managed similar to a wilderness area. Congress ruled that it has wilderness values and the agency does not have to continue to assess if it does or doesn't have wilderness values. Regarding legislation proposed by the group to expand the Piedra Area across the Piedra river, Stiles said a benefit is that the river has already been established as having wilderness values, and as long as it is protected from large impoundments it would not require further study.

Chuck added that people need to have a sense of certainty in going forward with the idea, so that some people know there will be no dam and other people will know irrigation and water rights won't be affected.

Forest plan update: The group was given an update on the new San Juan Forest plan, now expected to come out in spring/summer 2013. Various alternatives of the plan have implications for the Piedra River and differ on what sections of the main stem and tributaries will be deemed suitable for Wild and Scenic.

Stiles said the forest service's new plan will "honor" the efforts made by the river working groups, but the plan has to fall within legal frameworks. He said there is no question that some people are at the table now because of the specter of Wild and Scenic designation, for and against.

It was stated that prohibition of major impoundments on each one of the river segments should be added to the segment list.

East Fork

East Fork has significant private property and was therefore suitability was removed below the wilderness boundary in one alternative in the proposed new forest plan.

Tripp, a landowner, commented that Wild and Scenic potential is a concern for private property owners with river front because they worry it will limit their ability to do fish habitat improvement.

Low water/lease discussion

Responding to a native fish question on the East Fork, Mike (CPW) explained there is a pure strain Colorado cutthroat population above the waterfall, which is at the wilderness boundary.

John Taylor added that not far below the waterfall are two main diversion ditches and when both are in use they at times dry up the stream for 500-600 yards downstream. At around that point, return flows from Lindners irrigation re-enter into the stream bed.

It was thought that minimizing the drying up of the East Fork during certain times of the year could be discussed in a cooperative way. One idea is to lease extra water from another source to augment stream sections that tend to dry up.

Stiles reported that recent changes to water law allow leasing of water without risking abandonment of water right.

If all parties are in agreement on the lease deal then they have a chance at success. Existing water rights must be respected. There are multiple options, including donating, selling, or leasing the water. Plans can be flexible as well, for example leasing the water three out of ten years when it is needed most.

Consensus: The group agreed that encouraging cooperation with water right holders and water districts to help maintain minimum flows in the stream and avoid dewatering was a worth while effort. That willingness to work together on the goal should be put in the final report.

It was noted that trying to get too specific on such deals is premature because there is discussion at the state level on how to modify water laws to make them more flexible to achieve these sort of options.

Irrigation impacts

Jimbo, of San Juan Citizens Alliance, discussed how irrigation return flows can raise the temperature of the East Fork. Running water through pastures warms it up.

Mike, of Parks and Wildlife, recalled measuring a section of the lower East Fork that went up 6-7 degrees over a ten mile span below Deadmans curve. The trout numbers

were within normal range. When stream temperatures reach 68 degrees managers begin enacting fishing closures to protect fish from excess stress of getting caught and also to prevent diseases.

This summer some of the area's streams reached 67 degrees. The nearby San Juan River spiked at 74 degrees.

Instream flows

The East Fork of the Piedra has 10 cfs of instream flow rights from the confluence of Deadman's creek to the confluence of the Middle Fork and the Piedra.

It was stated that the low amount would in effect protect it from further depletions, new water rights or new diversions.

It was noted that some diversions from the East Fork have return flows that empty into the adjacent Middle Fork. The situation was phrased as an opportunity to manage irrigation differently.

East Fork is private property, interspersed with public lands. It has limited public access, and is rarely boated.

Waterfall on East Fork is becoming very popular and has suffered some overuse. It was suggested that rerouting the trail to redirect it from the water be considered. The trail condition has been improved but still needs work.

Recreation/hunting

Forest management adequately protects

Private property

Well protected with the land-use plans.

Wild and Scenic

Alternative B has suitability from the headwaters to the falls at the wilderness boundary. In alternative B, which is the preferred alternative, the section below the falls to the confluence was dropped from suitability. Other alternatives include the section through private property on the East Fork as suitable.

It was commented that the transmountain diversion point and water rights at the headwaters of Williams could be an issue in relation to a Wild and Scenic designation.

Tami asked if there was interest in Wild and Scenic on the East Fork.

Chuck, of TU, commented that it is part of the bigger picture and is worth a discussion.

Mely observed that a lot of values listed in the segment sheet were voiced for some stream sections but not others even though the values apply to all the stream segments the group is studying.

Stiles said the outstandingly remarkable values identified for the Wild and Scenic on the Piedra River are scenery, recreation, cutthroat fish and geology. Geology and scenery extends into the private lands. The cutthroat are upstream of the falls on East Fork. Recreation is limited on the East Fork because of the private lands. Stiles said the most outstanding of the values is the Colorado cutthroat fishery, because it is a pure strain.

It was stated that Colorado Parks and Wildlife own water rights on the East Fork.

In closing, forest supervisor Stiles suggested working with private landowners on the East Fork in securing funding for river protection measures that benefit them. Federal assistance could be used as positive incentive to partner with private landowners, for example a cost-share program for improving irrigation efficiency that protects water rights while also improving water quality and the fishery.

Meeting adjourned 8:45 p.m.

Next meeting is Jan 15.

Questions from this meeting.

1. Who owns and operates the transmountain diversion at the headwaters of Williams Creek? What are its water rights?

A. The group requested clarification on what the instream flows are for Williams Creek. The information sheet shows 14 cfs.

2. What impact does the transmountain diversion on Williams Creek have on instream flows?

Visit the River Protection Working group website for documents, meeting minutes, maps and more information.

ocs.fortlewis.edu/riverprotection

(Find the Piedra Workgroup on the left buttons.)

