

**Piedra River Protection Workgroup
Meeting #7 April 17, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. Forest map presented showing Wild and Scenic status on Piedra.
 2. Update on new SJNF land use plan
 3. Impacts of Wild and Scenic designation.
 4. Questions answered from last meeting.
 5. Threats to Piedra River
- website: ocs.fortlewis.edu/riverprotection

Next meetings:

May 8, 5:30 p.m.
June 19, 5:30 p.m.
All meetings at Ross Aragon Community Center, Pagosa Springs.

Facilitator Tami Graham explained that the group is working towards the end of Phase II of the process: identifying Piedra watershed values, discussing the protections already in place, and identifying any perceived threats on values for the river. 20 people attended.

During this meeting, a map presented by the San Juan National Forest showing three separate alternatives for potential Wild and Scenic areas was introduced; Piedra River flows were discussed; proposed major dam locations were identified; Williams Reservoir management plan explained; available water rights and tribal rights were discussed; and the topic of threats to the river and whether current protection tools were adequate for the area of focus were discussed.

Updated map

At the March 13 meeting, a request was made for a San Juan National Forest map showing the different reaches of the Piedra that were first deemed “eligible” for Wild and Scenic status and the sections that were next evaluated to be “preliminarily suitable” for Wild and Scenic.

“Preliminarily suitable” status of a river is a required pre-cursor for proposed Wild and Scenic legislation.

Ivan of the Forest Service introduced a map with that information and more, and it was scrutinized by the group. He explained the various alternatives that the Forest Service is considering for its final plan, due out late this year or early 2013.

The map shows sections of the Piedra considered “eligible” and “preliminary suitable” for Wild and Scenic as contemplated in 1979. It also identifies the status of certain sections of the river for W&S suitability under various alternatives for the new San Juan National Forest Land Plan.

Under the current Forest Plan, the Piedra River, from the Highway 160 bridge to the Weminuche Wilderness boundary, is managed as “preliminarily suitable” for Wild and Scenic status.

Wild and Scenic status is a protection measure issued for unpolluted, primitive streams with distinct wilderness characteristics. The special designation preserves the waterway by restricting use, such as major dams, industrial projects and other heavy development.

W&S can only be designated by an act of the U.S. Congress, or by the U.S. Secretary of Interior in certain cases where there is state government support to protect the river. There is only one Wild and Scenic River designation in Colorado; it is located on a stretch of the Poudre River.

Alternative B is the preferred alternative for the pending Forest Land Plan, although no decision has been made yet. Under Alternative B, the East Fork of the Piedra River, up to the Wilderness boundary, is dropped as being preliminarily suitable for W&S designation because of the high density of private property there. John observed that archeology should also be added as a value. Pre-historic sites are mostly located below Highway 160, and are included as a value in Alternative C of the proposed Forest Plan.

There was some puzzlement of exactly how much private property was situated along the Piedra main stem, from Highway 160 to the confluence of the Middle and East Fork. It was thought that no private property existed along the Middle Fork.

Forest officials noted that streams designated Wild and Scenic include a buffer zone of ¼ mile of land along both banks.

Piedra process overlaps SJNF plan

Mark, a local outfitter, noted that the public comment period on the proposed San Juan Forest Land Plan is over, and he questioned whether the Piedra Working Group’s input regarding Wild and Scenic issues would be included in the decision making process for the new forest plan. It was suggested at the meeting that it would be helpful for the group to review public comments submitted to the Forest Plan regarding Wild and Scenic suitability on the Piedra.

Ivan agreed that there is overlap between the Piedra Working group process and the forthcoming, revised San Juan National Forest Land Use Plan. The community input and conclusions of the Piedra Working Group process are expected to be included in the final plan, and the groups’ actions are being closely monitored by SJNF officials.

If the revised Forest Plan is finalized before the end of the Piedra Working Group process, then it could be amended to include the river groups conclusions and input.

Mark added that it would benefit the group if they knew “which way the wind was blowing” regarding preferred alternatives outlined in the Forest Plan in order to be more fully informed. He said it is critical that the Forest plan accommodates local users because once the government has made a decision is it hard to amend it.

Ivan said the final negotiation process becomes a more private matter between top Forest Service officials once it is out of the public process, but that so far Alternative B is the preferred choice.

Often forest officials will incorporate parts of different alternatives and combine them into the final plan. The group was reminded that community support for additional protections is strongly considered when land-use decisions are made by forest officials.

Wild and Scenic impacts

Tripp, a landowner with a conservation easement, wondered what effect Wild and Scenic designation would have on nearby private land, and whether a W&S status would force people to shut off flows diverted from the river.

Bruce Whitehead explained that water rights held at the time of a W&S designation should not be affected because they would be senior to any water rights tied to a W&S river. But W&S status could affect ag-related applications for federal programs, because those agencies would have to adhere to W&S regulations and flow requirements.

Wild and Scenic rivers typically include a newly allocated, federally reserved water right to protect riparian and aquatic habitat. But the W&S water right would be junior to all rights already allocated on the river, so water rights at the time of the designation would have priority. Under this prioritized system, an established W&S water right would become senior to any new water rights allocated in the future.

John Taylor added that National Resource Conservation Service (NRCS) and the Army Corp of Engineer activities in the Piedra Focus area would also have to comply with Wild and Scenic regulations, if it were adopted, because the groups receive federal money.

Bruce explained that Wild and Scenic status could impact future claims on new water rights, including potentially for new impoundments or ditches. Chuck said that future water rights restrictions on Wild and Scenic rivers vary on the type designated: Wild, Scenic or Recreational. He said a recreational W&S may allow for new ditches.

Wild and Scenic categories

1. Wild River: areas free of impoundments and generally inaccessible except by trail, very primitive.
2. Scenic River: areas free of impoundments and largely undeveloped but accessible in places by roads.
3. Recreational: river areas typically have roads or railroads nearby, with some development along shorelines, and include diversions or impoundments from the past.

Tripp expressed concern about unintended consequences of a Wild and Scenic designation and that it may create a situation that makes life difficult for neighbors. More people and more rules make people angry, he said, and it would be unfair for a government agency to stop something a landowner has been doing for a hundred years that is not polluting the river.

Ann Oliver added that there is a problem if federal programs negatively affect Outstandingly Remarkable Values (ORV) identified for the Piedra River, which include recreation, scenery, geology and fish. It is those values that allowed Forest Service officials to label the Piedra as “preliminarily suitable” for consideration as Wild and Scenic. Bruce responded that the values are different today than when suitability studies were originally proposed in 1979.

Questions from last meeting:

What are Piedra Water Rights below Highway 160?

- 74 cfs in decreed diversions, including the Southern Ute appropriation.
- 70 cfs as Instream Flow Right

Bruce said that 12 cfs belong to the Southern Ute, but that very little has been diverted.

What are the potential dam sites within the Piedra Watershed?

(Note: Colorado Water Conservation Board listed possible dam sites throughout state, but has not necessarily done feasibility studies on each location.)

Possible dam sites are:

1. First Box Canyon below the confluence with First Fork.
2. Two on Weminuche Creek, one above the confluence with Little Sand Creek and one below that confluence.
3. O'Neal Creek within O'Neal Park.

Chuck, of Trout Unlimited, wanted information on whether water storage rights were obtained for dam sites, how much and by whom. Bruce said O'Neal Park has a decreed right held by the Southwestern Water Conservancy Board.

What is management status of Williams Reservoir?

The campground has been closed due to the safety issue of dead-standing trees from beetle kill. High winds could knock the trees down.

Mike Reid, of Game and Fish, said Williams is managed with a recreation emphasis on hunting and fishing. It was opened in the 1960s to accommodate the public desire for a drive-to fishing spot. It is stocked with cutthroats and rainbows and has a self-sustaining population of Kokanee salmon. It is a non-fluctuating reservoir so all water that comes in goes out. Boating is restricted to trolling speed only, wakeless, no ski boats, or water skiing. The campground is managed by the Forest Service.

Reid said the dam is earthen and the big concern is marmot activity in that area. He said there has been no talk of raising the dam, and noted that the reservoir is already inundating some private land on the upper end. He said one threat to the reservoir is the beetle-killed trees, because less trees means more erosion and runoff into the reservoir stressing the spillway and dam.

Is there hydrograph data on the Piedra?

Ann said the information is difficult to compile because there are only two gages and the one at Highway 160 has not operated since 1973. The one below the highway at Arboles is still operational, but a complete hydrograph would require more research.

How much water is available for appropriation?

Bruce said that the Piedra probably still has some water available for new appropriation. He added that there has never been a call on the river, but low ISF levels could trigger one from the state.

Bruce said ISF requirements have been mostly met although there have been periods where they dropped below what is required. The gage at Arboles shows some monthly averages drop below ISF levels. When that happens, there is a potential for a call on junior water rights upstream by the CWCB, which manages ISF rights. If low levels were persistent, it could limit the development of new water rights. ISF levels are not regularly monitored, he said, so unless there is a way to quantify ISF it is difficult to know if a call is needed or appropriate.

Regarding the question of whether Archuleta County is a right to farm county, it is not. Regarding the specifics of each conservation easement, Tami Graham said it is difficult to obtain and restrictions vary widely and can include limiting the number of home sites, limiting commercial development, etc. Specifics would have to be obtained from county officials and landowners themselves.

Meeting break

The group discussed whether current protections were adequate within the Piedra Focus area, and what tools are available to protect values of river. The group agreed previously that protection is needed to prevent a major dam on the Piedra. John said that the expense of a dam minimizes the threat. Chuck said the probability of a dam is low, but the impact would be high. Bruce said that there is a big difference between a major dam project and stock ponds and diversions.

Ray pointed out that local managers need to plan for the threat of the Front Range acquiring water along the Western Slope for delivery - via tunnels - to cities on the Eastern Slope. Mark agreed that the thirst of growing Front Range cities is a threat to Western Slope water resources.

It was noted that future water needs for the Pagosa Springs area also have to be considered. Municipal water demands are expected to increase. This led to a discussion of the general threat of increased visitation and population to the Piedra area. More visitation leads to increased pollution, increased use, more crowds, more traffic, trespass, vandalism, and a general diminished experience for individuals.

Hunting/recreation update

Mark reported on the outfitter business in the area. He said 2008 was a good year, but 2009 saw a drop in clients, and then 2011 saw improvement. The struggling economy has forced more hunters to go without a guide, and they are more likely to go for a day rather than a week like in the past. Overall people have less disposable income, which has led to a decline in use of guiding services.

Ten years ago, there were 10,000 hunters for three units and last year there were 5,000 hunters. The drop is attributed to a down economy and also a drop in cow tags by 2,000. Currently the elk herd is estimated at 17,400, but wildlife managers would like to see it more towards 21,000.

Ray, of Hinsdale County, observed more day use of visitors compared to previous at local trailheads. More day use increases traffic on the Piedra Road causing deterioration and increased maintenance.

Regarding commercial boating on the Piedra, Ivan said that the commercial permits are at capacity and he does not foresee more permits being issued. No permit is required for private boaters, who are made up of mostly a core group of expert kayakers from Durango.

Other uses, such as increased mountain biking, also should be considered in management plans.

Irrigation discussion

Some thought was given to improving irrigation techniques as a tactic to conserve water, which would in effect protect many identified values. Many ranches and farms use flood irrigation or sprinklers, but it was noted more efficient methods, such as piping and drip irrigation, would help keep the river flowing, especially during drier years. For example, a section of the East Fork has a tendency to dry up completely during dry spells, and improved irrigation techniques could prevent that. State money is available for improved irrigation systems. Bob added that water is returned to the river when flood irrigation is used. Fall Ditch diversion reportedly dries up in a section then re-charges $\frac{1}{4}$ mile later and empties into the creek.

John added that there is not much incentive to conserve excess water under current Colorado water law. He said if he was somehow compensated, he would be more likely to shut off his water than let it run.

Chuck said there needs to be better management solutions to low flows and non-existent flows, such as more incentives to conserve, or improved irrigation techniques.

Bruce responded to the notion that unappropriated water is a threat. He countered that it was not necessarily a threat per se (for ag uses for example), but how it is used could be a potential threat, such as for heavy industrial use.

Threats to the Piedra

Other threats mentioned were wildfires. Mitigation and thinning of overgrown forests would help prevent huge wildfires, decreasing erosion during heavy rains and preventing pollution of the river from silt and sediment.

More people hiking the canyon with dogs threatens water quality and increased traffic on unprotected stream crossings damage the river as well.

Mark noted that local managers need more local control to thin trees, clear deadfall and keep trails clear. More leeway over restrictions, such as in Wilderness Areas, will help reduce wildfires, prevent erosion into waterways and improve public safety.

Requested information items from this meeting:

1. Public comments submitted to San Juan National Forest Plan regarding Piedra River's Wild and Scenic potential.
2. Hydrology study that established instream flow rights on the Williams Creek and Weminuche Creek.
3. What groups proposed reservoirs on the Piedra River? Were storage rights obtained, and if so what are the storage amounts and locations?
4. Ask Roz Wu and or Paul Blackman to come in and speak about recreation stats, carrying capacity, permits, etc.

Meeting adjourned at 8:30 p.m.

Visit the River Protection Workgroup website for documents, meeting minutes and more information.

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(Find the Piedra Workgroup on the left buttons)