

**Piedra River Protection Workgroup
Meeting #9 June 19, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. New handouts were made available including two color maps and a hydrograph.
2. An update was given on the Little Sand Creek wildfire.
3. July 12 tour was cancelled due to fire hazards.
4. Senior/junior status of federally reserved water right discussion.
5. A presentation was given by Aran Johnson on deer migration patterns in the region.
6. Discussion of segment analysis and threats to the Piedra River.

Website: ocs.fortlewis.edu/riverprotection

Next meetings:

July 17, 5:30 p.m.

August 21, 5:30 p.m.

Sept. 18, 5:30 p.m.

All meetings at Ross
Aragon Community
Center, Pagosa Springs

24 people attended the meeting. New handouts were made available. Copies of two colored Forest Service maps of the Piedra Focus Area were offered to meeting participants: one showing the Wild and Scenic designation by alternative and the other showing the Piedra River riparian vegetation and private lands.

Hydrograph data was also provided to the group showing monthly mean flows on the Piedra River at the Highway 160 bridge.

Forest officials gave an update on the Little Sand Fire burning north of the Piedra River since May 13. By June 18 the fire had grown to 13,000 acres. The fire was moving northward and northwest and backing down into the Weminuche Valley and into Trail Creek.

Officials said 160 firefighters were battling the blaze with support from helicopters and engine crews. The goal was to keep the fire north of the Piedra River. The fire was 30 percent contained. As a precaution, the Weminuche Valley Ranch was evacuated. The forest is still open for use, however the Poison Park Road (FR 641) is closed due to the fire. Also the portion of the Piedra Road that leads to Poma Ranch is closed. For more information residents can call (970) 444-2201.

Ray asked how the fire affected waterways. Ivan of the Forest Service reported that there had not been significant erosion yet although that is always a concern after a fire. He said there are crews that specialize in erosion control and would be working to minimize the impact.

Tour cancelled

Due to the dangerous fire conditions, the July 12 tour of the Piedra Main stem was cancelled until further notice. Potential for rock roll and ember showers made the area a risk for a tour right now.

Previous meeting questions:

Kevin of the Forest Service discussed an old study of the Piedra Road and the amount of usage. It was done as part of an old proposal to pave portions of the road. Traffic counters installed on the road recorded 196 hits for some days during the busy summer months. The study was made available to anyone interested and will be posted on the website.

Regarding whether there would be any changes in forest management within the Piedra Focus Area in the new National Forest plan, the answer was little to no changes. Ivan of the Forest Service said there would be no substantial changes and that the areas would be managed as they were under the old plan for the most part.

Next Steps

Facilitator Tami Graham reviewed the Piedra Working Group process to date. The public meeting process began after the 2007 draft San Juan National Forest management plan determined 50.12 miles of the Piedra River main stem, East Fork and Middle Fork as preliminarily suitable for Wild and Scenic river protection based on free flowing values and high water quality. Wild and Scenic is a federal designation designed to protect the Outstandingly Remarkable Values (ORV's) of the stretch of river found to be suitable for designation. It is typically authorized through a bill voted on in Congress but can be designated by the Sec. of Interior in certain circumstances. The Piedra working group was formed as a grassroots effort to determine if the Piedra River is adequately protected or requires increased protection.

The group is in Phase II of the meeting process, focusing on discussion of values, gathering of facts, listening to speakers, generating opinions, understanding protection tools and discussion of options.

During the May 8 meeting a plan to discuss whether values of the Piedra Focus area were being adequately protected was dropped in favor of determining which threats, if any, required additional attention. The group was charged with reaching a consensus on which threats are imminent, whether current protection tools were adequate or if additional protections are warranted to preserve the group's identified values in the focus area, which includes the upper Piedra watershed (above highway 160).

Minutes clarification

It was stated in the May 8 minutes that federally reserved water rights associated with a Wild and Scenic river would be junior to senior water right holders, and therefore presumably preserve currently held water rights. It was brought up that this is not necessarily the case and a group discussion was held on that topic.

Steve Fearn, of Southwest Water Conservation District, feels that the federal reserved water right is a threat to modify or move existing developed upstream water rights and generally will not recognize upstream conditional water rights. He stated that this is why SWCD generally would not be supportive of a Wild and Scenic river designation in the lower Piedra Canyon.

It was explained that that a federally reserved water right could represent a problem for existing water rights because the U.S. government would be in a position to challenge water rights in court under certain conditions, for instance, if the point of diversion or use was changed, or if the rights were conditional.

The potential threat to water rights could be negotiated or mitigated in Wild and Scenic legislation, but the uncertainty of what Congress would agree to is a problem for SWCD.

Wendy of San Juan Citizens Alliance countered that what a neighbor may do in the future regarding water rights also creates uncertainty, and that such a potential threat is a matter of degree.

Tripp, a landowner, expressed that outside influence is a problem for him. If a federally reserved water right associated with a W&S is a threat to current water right holders he would be against it. He said he trusts his neighbors to manage local water rights more than the federal government.

There was some debate whether a federally reserved water right would be junior or senior to current water holders.

John Taylor said flooding can knock out irrigation diversion structures and they have to be relocated a short distance away, so this necessity has to be accommodated for water users. It was expressed that points of diversions can be a flexible situation for irrigators.

Mely, of TU, explained that federally reserved water rights can have flexibility and she disagrees that if you move a stone to adjust a diversion the government would be all over you. A change in ownership of water rights could trigger paperwork but still allow for access to water rights. Bruce Whitehead of SWCD said a federally reserved water right would be junior to existing rights if the owner continued to use it at the established point of diversions.

But he said there could be a concern for a water right's senior status over a federally reserved right if the owner went to court to change the point of diversion or use. He added that a federally reserved water right is a "reach" of waterway rather than a particular point of diversion.

Mely continued that a Wild and Scenic designation can be custom crafted to specifically protect water right holders even if those water right are modified in some way.

The Piedra River's suitability status for Wild and Scenic directs land managers to pay special attention to protecting current high natural values in the waterway. Suitability distinction does not come with a federally reserved water right.

It was noted that decreed conditional waters rights are a potential stumbling block and that in some cases it may be advisable for water owners to go to water court and secure adjudicated status for their water rights.

Migration corridors

Aran Johnson, a biologist with the Southern Ute Wildlife Department gave a report on ungulate migration corridors within the Piedra River watershed. During a 10-year project 89 deer were fitted with GPS collars and monitored to determine season ranges and migration patterns. 77 of the collars stayed on and the animals were successfully tracked revealing critical habitat range in the area.

Deer migration is often misinterpreted, Johnson said. Oil and gas industry will claim deer are all gone in dry, early spring when they are really just out of sight and have not

migrated to higher ground yet. In early winter the perception is often that the deer and elk migrated to New Mexico when in reality they are in the same square mile area but just out of sight of roadways. Deer migrations between summer, winter ranges, and calving areas, occurs between May and October.

A threat to deer are highways 184, 160 and 151 which bisects winter and summer ranges leading to fatalities on the road as the animals move back and forth. Deer especially cross Highway 160 between 4 a.m. and 9 a.m. Ten percent of the sample ended up as road kill. CDOW signs along roadways indicate migration periods and warn drivers of increased fines for speeding during those times. Speed limits are lowered during night hours as well.

On May 11 the study showed that 58 deer crossed Highway 160 and 44 crossed the roadway on Oct 13.

The study showed three major, north/south migration crossings along Highway 160: near Bayfield, along the Piedra River corridor and near Pagosa Springs. The Piedra River corridor and tributaries are heavily used by deer and are considered critical habitat, Johnson said. Highway 151 to Arboles is also the scene of multiple deer and other wildlife fatalities because it bisects winter range.

Elk herds are also in the region and their migration habits have changed due to new home development in historic routes. Eight-foot fences also have shown to redirect migration patterns for deer and elk. Minimizing fatalities along Highways 160 and 151 is a priority for wildlife managers. Strategies include public education, newspaper and radio ads, increased signage, specially designed wildlife overpasses, controlled development, slower speeds, increased enforcement and higher fines.

Another tactic being studied is installing rip-rap along roadways instead of fence to dissuade animals from crossing highways where there are limited sight-distances for drivers. Also, wildlife warning signs are noticed less as time passes; moveable signs seem to have more of an impact.

Fishery

Mike of Parks and Wildlife discussed the impacts of fire on fisheries. He said the Missionary Ridge fire caused ash to build up in the Pine River killing off fish. The ongoing Little Sand Fire also puts Weminuche Creek, Sand Creek, Little Sand Creek and Fall Creek at risk for ash deposits.

Once the water has cleared up the creeks are restocked, but it can take a few years, depending on how much ash has contaminated the creek, for full recovery.

It was added that a black bear population study is being conducted in the Piedra River area.

Hydrograph

A hydrograph was presented showing monthly flows on the Piedra at Highway I60 between 1939 and 1973. It depicts a rough bell curve with April, May and June at higher flows. Fluctuations at peak flows varies significantly, for example in 1959 the flow gage at Piedra, CO showed a peak of 400 cfs, compared to 1941 when the peak flows were almost 3,000 cfs.

Jimbo, of San Juan Citizens Alliance, felt that the instream flows on the lower Piedra at Highway 160 were low, coming in at 70 cfs between March and August and at 40 cfs

between September and February. Bruce, of SWCD, said that on average the instream flow levels were being met. But he acknowledged that there are times when instream flows are not met due to high demand at diversions. Bruce emphasized that instream flows are bound by statute and are the minimum amount necessary to protect the environment to a reasonable degree. The Piedra is not over appropriated and at times there is water available for development but currently any unallocated water flows into Navajo reservoir.

Mely, of TU, stated it would be helpful to have instream flows plotted on a hydrograph.

Others observed the hydrograph looked cluttered and could be made more understandable if it was graphed on a ten-year average.

Discussion

A discussion was had on various components to a healthy river system. Flows, fish population, invertebrates (bugs) fed on by fish, riffles, pools and riparian health were all mentioned as important for overall river health. Mely feels more of these issues should be considered by the Colorado Water Conservation board when considering instream flow levels.

She said instream flows don't have to be set at the bottom end of the scale, because more flushing flows are an important aspect of river health.

John Taylor said flushing flows occur regularly on the Piedra and return flows from irrigation contribute to healthy river levels as well. He said too much focus is on diversions and the contributions of return flows tend to be overlooked.

Jimbo, of San Juan Citizens, noted that lack of flushing flows over time can lead to a condition known as "armoring" where cobble becomes imbedded in a riverbed, a situation that has negative consequences for river ecology. The lower Mancos river has been suffering from this condition, he said.

Segment analyses

The group focused on the threats for the three river sections under the segment analysis. It was noted there is overlap of development threats on the Piedra main stem, Middle and East Forks. It was suggested development be categorized, for example into recreational, industrial, water and population. Determining which threat best fit into which category was discussed.

John Taylor feels that loss of water rights would change land use patterns by increasing pressure to develop. He said losing water rights for ranching would change the values of the Piedra by forcing landowners to sell to the highest bidder, thereby encouraging subdivisions.

Major impoundments (dams and reservoirs) on the Piedra were listed as a threat to river values.

Perception of what constitutes threat versus values caused a cordial dust up between group members. Sometimes perceived protections are seen as threats (for example a federal reserved water right) and other times a perceived threat (such as increased visitation) is seen as a value for outfitters making a commercial living.

Wendy said that diversion structures can be a threat for boaters to safely negotiate downstream. Bruce responded that boaters then threaten the agricultural lifestyle. Steve noted that diversions on the San Miguel river accommodate for boaters.

Stream-wide diversions such as check dams can cause problems for boaters because they can be hard to see and may have reverse waves that can trap boaters. It was noted that 8 diversions are located on the Piedra main stem.

Bruce said channel-wide diversions are sometimes necessary for irrigators and ranchers to obtain their full water allocations, and that it can result in a channel being drained temporarily.

Wendy felt that working to create a free-flowing, more natural hydrograph on the Piedra River was equally valuable.

Mike, of Colorado Parks, wondered what level of protection the group was seeking for the Piedra. Threats to a pristine Piedra may be different than threats to how the river is used and operates now. He explained that the Williams Creek reservoir has affected the pristine nature of the Piedra River by raising water temperatures below the dam.

Steve observed that there are lots of ideas for threats but not a lot of consensus, adding that anything could be interpreted to be a threat.

Larger, less controllable threats were also mentioned such as climate change and dust on snow, which causes more rapid evaporation, decreasing water supply.

Ray added future water development and lack of local control as threats to the Piedra as well.

Logging is another example that was simultaneously considered a threat (clear cutting) and a value (mitigate fire danger).

The group discussed various categories for threats, ranging from recreation and natural resource to regulatory and industrial. The discussion will continue at the next meeting.

Meeting adjourned 8:30 p.m.

Information requested by group members:

1. A hydrograph showing instream flows for the Piedra watershed.
2. A hydrograph of the Piedra plotted on a ten-year average.

The next meeting is July 17, 2012.

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)

