

**Piedra River Protection Workgroup
Meeting #11 August 21, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. Review of process and progress of the workgroup.
 2. Discussion of ISF methodology and flushing flows.
 3. Began evaluating, one by one, established values on the Piedra and whether they are adequately protected.
 4. Scheduled a new tour for Sept. 17.
- Website: ocs.fortlewis.edu/riverprotection

Next meetings:

- Sept. 18, 5:30 p.m.
- Oct. 16, 5:30 p.m.
- Nov. 13, 5:30 p.m.
- Tour: Sept. 17

All meetings at Ross
Aragon Community Center,
Pagosa Springs

Eighteen people attended this meeting. This work session focused on reviewing the river segment sheet and identifying whether current protections are adequate to preserve stated values.

Facilitator Tami Graham reviewed what the group has accomplished over the last year. 1. Agreed to proceed with the working group process as outlined by Piedra River Workgroup guidelines. 2. Review project principles, ground rules. 3. Created a values statement that was agreed upon by the group. 4. Reached consensus as a group to take a watershed approach when looking at protections for the Piedra River. 5. Created an information sheet with detailed data on multiple issues and attributes of the Piedra River's Main stem, Middle Fork and East Fork. 6. Heard a Water 101 presentation by the Southwest Water Conservation District. 7. Heard a presentation of ungulate habitat within the Piedra Focus area by a wildlife biologist. 8. Established data on the amount of acreage of conservation easements within the Focus Area. 9. Created a Piedra River segment sheet identifying different sections of the river, its values, threats, current protections and ideas for protection. 10. Hydrograph data on the Piedra watershed was gathered and presented to the group. 11. The group reached consensus of no new major impoundments (dams and reservoirs) on the Piedra.

It was asked where do we go from here? Tami said the plan is to continue exploring and categorizing the issues and concerns on the Piedra; and to switch direction from focusing on threats to the Piedra to identifying whether values are being adequately protected under current policies. She said the goal is to have the group put together proposals and recommendations into a final report for protecting the Piedra this Fall that reflect a wide variety of stakeholder interests.

Tami said recommendations may range from status quo, to specific ideas. She cited as an example a TU suggestion to expand the Piedra Area to both sides of the river to prevent major dam structures.

It was noted that other river working groups in the area created drafting committees made up of group members and officials to come up with proposals. It was stated that the overall goal is to get as much consensus as possible for the recommendations and to compile the years' work into a final report that will be then distributed and reviewed by the community, public land officials, special interests groups and lawmakers.

Minutes were approved with a few changes. On page two, it was stated that the U.S. Sec. of Interior could pursue a Wild and Scenic designation. The phrase "upon Governor's recommendation and approval of state legislator" was to be added. Under 'Boating discussion' there was a question of whether the Piedra is considered "navigable" under Colorado water law, and SWCD answer of 'no' is to be added.

River flow discussion

Ivan, of the Forest Service explained the flow regime on the Piedra based on the gage at Arboles. The fishery requires a minimum of 20-40 cfs. Boating the Lower Box canyon in a kayak generally requires 400 cfs, and for rafts, 800 cfs. Boating the Upper Box canyon generally requires 500 cfs for kayaks and 900 cfs for rafts. He noted that the boating community will boat at lower levels. Also, what the Arboles gage reads does not reflect what boating flows are on the upper reaches of the boating run. He said boaters know this and are good at calculating the flow rates on the upper stretches.

Mely, of TU, said fish habitat overall has to be considered when considering minimum flows for the Piedra. She said flushing flows to move sediment build-up are an important aspect of a natural hydrograph and fishery health. Ivan said he was unaware of studies regarding sufficient flushing flows on the Piedra in regards to fish habitat. Mely stated that if flows are inadequate, areas needed for fish spawning are degraded, leading to diminished populations. When the sediment builds up, the fish don't spawn as well, she said, adding that fish habitat needs to be considered on a more qualitative basis.

John Taylor responded that flushing flows do happen on the Piedra from snow runoff, rains and irrigation return flows. He expressed concern for protecting irrigation rights, and feared if they weren't adequately secured, development would occur.

Flow methodology discussion

There is debate on the methodology used to establish minimum flows for a healthy fishery. The standard is known as R2Cross, a methodology established in the 1970s and still used today by the CWCB and Forest Service to calculate minimum flow requirements for rivers and streams.

Bruce, of SWCD, said the R2Cross system is an accepted methodology for establishing minimum flows. He said the flow range is accepted by the National Forest and CWCB.

Mely disagreed that the methodology was sufficient for a healthy fishery. She said R2Cross didn't take into consideration the importance of maintaining flushing flows, and was lacking modern ecological science. Chuck, of TU, noted that R2Cross was outdated and could be reanalyzed using more current studies and data.

John Taylor disagreed that there were not sufficient flushing flows for fish. He said there is only one impoundment, Williams Reservoir, and limited diversion structures. He said multiple tributaries, such as Weminuche Creek, provide significant flushing flows that continue for miles below the highway bridge.

Mely said it is important to record in the minutes that there are different points of view on how fishery needs are quantified. She said there are a range of opinions on R2Cross and TU's perspective is that the methodology being used is not adequate for the Wild and Scenic qualities that have been identified on the Piedra. The Piedra has been identified as preliminarily suitable for consideration as a Wild and Scenic river.

Bruce said that R2Cross is a proven methodology for establishing ISF's, but it does not mean there are not other methods to determine sufficient fishery flows. He said the current system is the accepted process by the Forest Service and CWCB.

John worried that efforts to establish more flows threatens current water rights and would have negative consequences for the Piedra community. He said the upper Piedra community as a whole should be added under values on the segment spreadsheet, adding that human recreation and use was the river's greatest threat.

Chuck said since R2Cross was established, there has been 40 years of new science on fish habitat needs and threats. He feels there is adequate water within the Piedra to consider increasing ISF for certain sections. Regarding Wild and Scenic river designation, Chuck said it does not necessarily have to carry a federally reserved water right, a major concern for local irrigators. He said he was not convinced that a Wild and Scenic designation would directly cause too much visitation.

Mely agreed that protecting irrigation and current water rights was important and that protecting the diversity of the river's many values is the goal. The status quo on land use should be maintained so there is enough water for ranchers to continue to be viable.

John wanted to know whether the forest service can use prescribed burns in the Piedra Area or Wilderness Areas in order to prevent build up of fuels that contribute to major wildfires. The specifics of fire suppression and management within these areas has been recently discussed at the state and federal level, and that information was to be gathered and presented to the group. Steve said that during the Hermosa negotiations for additional protections, specific areas were left out of revised land-management areas in order to allow for fire mitigation, such as areas near homes.

Piedra Main Stem

Adequate protections for values

Facilitator Tami Graham, redirected the group towards the segment sheet for the Piedra Main stem. Each value was discussed and then the group tried to determine if the value was adequately protected.

Value: Recreation

Discussion/Protected?

Jimbo, of SJCA, asked for qualification on John's statement that recreation use was the greatest threat to the river. He said recreation is a non-consumptive use, and is managed and controlled by the Forest Service to prevent overuse.

John responded that additional recognition of the area could draw thousands of more visitors fishing and hiking, which would hurt the environment. He pointed out that all the trails lead into the main canyon, and if it is overrun with users it will destroy what the group is trying to protect.

Darlene asked what changes he thought were most detrimental. John said he has observed more visitation over the years on trails and increased traffic on the Piedra Road, a main public access for forest and river recreation. He said the use is not detrimental yet, but it would be in 20-30 years if it keeps up at the current pace. Some effects he has seen are increased user trails and more people, cars, campers and litter.

It was asked if there were recreational use studies for the region, but the forest service said the data was limited and incomplete, mostly consisting of voluntary sign-up sheets and commercial outfitter reports. It was recommended that the group obtain what studies there are on current use on the forest, compared to past years.

Ivan discussed the problems of limiting public access to public lands and the issues it brings. He said increased usage is inevitable to some degree, and that initiating permit systems is not popular because it blocks locals from accessing their public lands. John said he does not like the permit system, but that it is the only way the Forest Service can control who goes where.

Mely said the Vail Pass area is a perfect example of overuse and the resulting increased regulations. There is a permit system there and it costs \$15 just to park. She suggested that the group try and determine what the carrying capacity is for the Piedra region in order to protect current uses and the environment long term.

Tami said the group needs to consider whether Forest Service regulations are adequate to prevent overuse. Steve agreed that the group may want to recommend in its final report that overuse is a concern and discuss ways to manage that. Carrying capacity studies for the region would be helpful to determine future management.

John said recreation values are protected now, but won't be for the future due to overuse. He feels that the area's remoteness and the Piedra's Wild and Scenic qualities mean 'I can go and not see a lot of people, fish a hole and not be crowded out.' He said over fishing will deplete fish faster than low flows. Bev, a long-time local, agreed that too many fishermen makes the quality go down. She said a good exercise is trying to envision new recreation trends, like rock climbing or para-sailing, and adopt management plans accordingly.

Mely said that overuse is an issue, but quality of fishery is also a value that needs protection, including adequate flows and a natural hydrograph.

Tami noted that the suitability status of the Piedra for Wild and Scenic designation is a type of protection because regardless of whether it ever garners the official status, it must be managed to protect those pristine values. In that sense, suitability status for Wild and Scenic (W&S) is similar to Wilderness Study Areas, the precursor to Wilderness Areas, except W&S suitability can be dropped administratively with a new forest plan, while Wilderness Study Areas require an act of Congress to be dropped.

It was asked to what degree the Piedra is stocked, and the answer was to be found.

Tripp, a landowner, wondered if a Wild and Scenic designation would somehow block or limit habitat improvements on private land. It was thought that if the improvements

included federal funding then there would be guidelines, but the specifics were to be looked into.

Steve mentioned that recreation will change over time and having flexibility in management to accommodate changes is important for public access and enjoyment of the forest. He would rather see keeping opportunities open rather than restricting too much. He is concerned about having regulations that can't be flexible and allow different uses. Jimbo agreed that management flexibility is a key issue, and how to balance public access and overuse is the ultimate goal. Chuck added that the group has to be careful to enact simple regulatory controls that don't micro-manage the forest.

Values: Geology/Mining/Oil and Gas/Geothermal

Discussion/Protected?

John said development of hot springs is a potential concern and could become a problem if not monitored. There is a hot spring on the Piedra that is popular with boaters. It was mentioned that the springs there are very isolated and are unlikely to be developed. Ivan said that often the spring is submerged under the river. Special use permits could be established for hot springs if they become overrun or are being modified or built up by users. The group said it would be a good idea to express a concern for safeguarding hot springs in the area in the final report.

Regarding geothermal energy, Jimbo said there is federal leasing for the resource. Ivan, of the forest service, said he had not heard of any geothermal development proposals within the Focus Area.

A. Mining/oil and gas

John said there is some potential for uranium deposits in the area. Under the 1872 mining laws, there is always a potential for locatable minerals to be accessed on public lands by prospectors. It was noted that there is a mineral withdrawal within the Piedra Area, meaning there can be no mining. It was asked if that included geothermal leases. Ivan was not sure and the matter was to be looked into. Wendy, of SJCA, expressed concern for future mining demands in the region, and also the potential for increased oil and gas exploration/development. Mely noted that suitability status for Wild and Scenic protects against mining impacts to some extent.

Jimbo warned that more and more natural gas is being discovered and that should be considered when thinking about long-term protections for the Piedra. More wells equals more roads and impacts, he said.

Tripp said new directional drilling technology helps to mitigate impacts and limits multiple well heads.

Impacts drilling would have on the scenery was expressed as a concern. An oil and gas lease is not possible within the Piedra Area but might be beyond that section. Oil and gas development was expressed as a potential threat to the region because it negatively impacts the outstanding natural values identified by the Forest Service for the Piedra. Ivan said that preserving natural viewsheds are a part of the analyses for determining oil and gas wells development. Scenic qualities of the Piedra are part of the Outstandingly Remarkable Values (ORV) cited by the Forest Service.

Steep slopes in the region make it a difficult area for oil and gas development and it was thought that significant deposits in the area were unlikely due to the proximity of

pre-Cambrian rock layers. However, Jimbo noted that the group should not underestimate the technology and market motivation for finding new sources of fossil fuels.

Meeting break

Values: Mule deer/wildlife

Discussion/Protected?

John – Now yes, but with tremendous use in area maybe not.

Lynx habitat protected? It depends on its food source, the snowshoe hare, which lives at high altitudes. Wendy questioned how broad an area was being discussed, was it just the Piedra corridor or all the way to the headwaters? John said he thought the corridor was the focus because the Wilderness Area where the upper drainages are has very good protections. Steve said that the watershed overall has impacts on the corridor so looking at the bigger picture was appropriate. He said the lynx is doing well, and will continue to do so as long as the population of rabbits stays strong. A group member added that oil and gas development would negatively impact lynx in the area because it disrupts and fragments critical habitat.

Regarding protections in place, the group said that federal land management offers significant protections, especially for endangered or threatened species, such as the lynx.

Value: Instream Flows (ISF)

Discussion/Protected?

Bruce – They are decreed rights, so the ISF's are protected in that way. Steve said the question that comes up is are the ISF flows adequate?

There was discussion of what water rights existed below the Highway 160, including those of the Southern Ute tribe. Bruce said some of the older rights below the highway are senior to the ISF's upstream. The group requested data on senior water rights below the highway and above Navajo reservoir.

A. Southern Ute tribe water rights.

According to the information sheet: The Southern Ute Tribe has substantial water rights in the basin downstream of the Area of Focus, and supports management actions in the watershed that serve to maintain the water supply for those rights. In addition the tribe has a significant interest in protecting water quality on the Piedra. Senior water rights existing downstream of the Area of Focus act to maintain some flows through the area of focus in years when natural conditions provide sufficient water. The decreed diversions below the Hwy 160 bridge to Navajo Reservoir total approximately 74 cfs. These are direct flow rights; there are no storage rights. Approximately 12 cfs of the 74 cfs belongs to the Southern Ute Indian tribe. According to CDWR records, this water is never diverted from the river. (The previous sentence is questioned by the group and it was asked to be dropped.)

Of the 74 cfs, there are roughly 20 points of diversion. The most junior is a pump site for 1 cfs, adjudicated in 2009. The largest is the Buckskin Nailor diversion for 21.9 cfs, with adjudication dates range from 1902 to 1968. The M E&M Ditch is decreed for 12 cfs with adjudication dates in the 1962-78 range, but they have appropriation dates

ranging back to 1868 to 1945. In addition to the 74 cfs of decreed diversion, there is a CWCB instream flow right for 70 cfs.

It was stated that 2.89 miles of the river flows through the Southern Ute reservation, before reaching Navajo reservoir.

It was noted that the information sheet needs to be corrected where it implies certain water rights owned by the tribe are not used. The tribe does divert that water into ditches to irrigate land.

Municipal water was to be added as a potential threat if demand got too high, and also as a value for providing drinking water for Pagosa Springs.

Values: Free flowing river/no major impoundments

Discussion/Protected?

Mely said the group had a consensus that there would be no major impoundments on the Piedra. She feels that the free-flowing aspect of the river is not adequately protected, and emphasized that water rights for farm and ranch operations need to be preserved. Free flowing features on the Piedra are more protected in the Piedra Area, and it was thought that even that area could end up with a dam with federal permission in certain circumstances.

That the relative protections within the limited Piedra Area do not extend throughout the Piedra Focus Area was expressed as a concern. It was noted that the group agreed that there would be no major impoundments, but there was concern expressed that it was not guaranteed.

Facilitator Tami said there is perception within the group that the Piedra is vulnerable to impoundment (dams and reservoirs) to some degree.

Values: Irrigation/Farm and Ranch/Conservation easements

Discussion/Protected?

It is protected under Colorado water law, Forest Service and county land use plans, and right to farm laws. Grazing permits rely on water diversions and therefore help sustain ranching.

Restrictions on development in Archuleta and Hinsdale land use plans, including limiting homes in rural areas, and protecting riparian areas, helps maintain a ranching industry and safeguards water quality.

Bruce, of SWCD, wanted it on record that the group supports existing, decreed locations of diversions and their associated, existing water rights and permits in order to protect agricultural uses.

Tripp told the group that the biggest fear among ranchers in the area is that a Wild and Scenic designation on the Piedra will damage their water rights. Other concerns regarding W&S included impacts on farming and ranching near W&S rivers; and what activities would be allowed, including habitat improvement, within the ¼ mile shoreline buffer associated with W&S.

Another protection listed for irrigation and farm and ranch activities are under the rules and conditions of conservation easements.

Chuck said it would be helpful for the group to know the specific protections of the conservation easements, and the rest of the group agreed. Mely said it is a time-consuming process, and requires cooperation from property owners and conservation easement organizations but that it can be done. Much of the information would be public record. It was thought that additional research in this area would be beneficial in better understanding current protections. Chuck said the more that is known of the specifics the more confidence people have in conservation easement protections.

It was noted that on private land under conservation easements, there are some activities, such as letting cows within ¼ mile of the river that are permitted, which would not be on federal land.

There was discussion of whether a stretch of a Wild and Scenic river designation would impact the banks along private land it traveled through. It was thought that changes below the high-water mark would be impacted by a Wild and Scenic river designation, but it was to be looked into further.

Value: Archeology

Discussion/Protected?

Ivan, of the forest service, said there are scattered archeology sites in the area but in general the forest service does not specifically manage the sites. They are inventoried and protected under various federal laws and there are no plans to develop them. He feels they are adequately protected, and if any are disturbed through forest activities, experts are sent to the site to record and/or manage it using appropriate protocols.

John mentioned that old-timers used to know the locations of ancient trails of Native Americans, but most of them have passed on. Chuck requested a general inventory, not necessarily specific locations, of ruins so the group could have a better understanding of them going forward.

The Upper Piedra School was identified as a historic site along with some old cabins. Some relics of the past may be protected as a state historic sites.

Values: Outfitting services

Discussion/Protected?

Ivan said commercial outfitters and commercial boaters are strictly regulated by the Forest Service. Conflicts between outfitters are managed by the forest as well. It was asked what the concerns are from outfitters. Ivan said access is a big issue for them and preserving access is key to their business. He added they require adequate parking for horse and boat trailers. Wanda, of Sen. Udall's office, said she has heard from outfitters that parking for their equipment at trailheads needs improvement.

Ray observed that increased day use at trailheads quickly overwhelms limited parking space, which impacts outfitters trying to guide clients. He also says there is a problem of unlicensed guiding for day excursions during hunting season because it is controlled less by the forest service than overnight trips. He said the illegal practice cuts into business of the legitimate outfitters and guides holding the valid permits. The practice is known as 'pirating' and it also occurs within the boating community, where unlicensed "guides" take money from clients to maneuver them through rapids and provide gear and shuttle services.

Mely said flows are a critical component for boating and should be preserved. Boating is also listed as an outstandingly remarkable value, and depends on certain cfs levels. Mely wondered if there would be enough flow in the future to boat the Piedra. She mentioned the Recreational In-channel Diversion program that secures water rights for whitewater boating, usually involving established water parks. RICD water rights are administered through the CWCB and Colorado Water Court. They typically take years to negotiate.

Value: Water quality
Discussion/Protection?

Ivan said water quality on the Piedra is good. He said there are some issues with sediment build-up on Stollsteimer creek. It was noted by a group member that water quality is linked to land use and protections. The high quality of water is in part due to the fact that there is no mining on the Piedra and the agriculture is not very intense. Sediment from logging operations can have an impact on water quality, it was noted.

Value: Lack of development
Discussion/Protection

The fact that there are no mines or ski areas on the Piedra was considered a value. Steve emphasized the distinction of *intensity* of development as a threat, versus more minor development. Ray, of Hinsdale county, noted that they have regulations on dense housing development, such as at least 25 acres is required for a clustered home plan and open space requirements must be met.

Bruce wanted to remind the group to be cautious limiting all development saying it oversteps the boundaries of the group and comes into conflict with private property rights.

Ray said dense development is pretty well protected against in current land-use plans, but he noted that plans can change in the future.

Values: Flora and fauna
Discussion/Protections

Ivan said wildlife is protected by Forest Service regulations, the Division of Parks and Wildlife and the Endangered Species Act.

Jimbo stressed the importance of protecting the riparian corridor of the Piedra as a ecologically functioning river with a healthy fish population.

John said there needs to be a statement regarding ongoing efforts to control invasive weeds in the area, including oxide daisies, toadflax, thistles, cheat grass and others. Wendy also recommended strong weed management policies. The forest service was awarded an \$80,000 grant to control weed infestations within the Little Sand fire burn area.

Meeting adjourned 8:45 p.m.

Information, questions and updates requested by group members.

1. It was recommended that the group obtain what studies there are on current use on the forest, compared to past years. Carrying capacity studies were also requested.
2. Can the forest service use prescribed burns in the Piedra Area or Wilderness Areas in order to prevent build up of fuels that contribute to major wildfires?
3. It was asked to what degree the Piedra River is stocked with fish?
4. The Piedra Area includes a mineral withdrawal and it was asked if that included geothermal leases.
5. The group requested data on senior water rights below the highway and above Navajo reservoir.
6. It was noted that the information sheet needs to be corrected where it implies certain water rights owned by the tribe are not used. The tribe does divert that water into ditches to irrigate land.
7. Would a Wild and Scenic status impact river-habitat improvement conducted on private land within the designated stretch? It was thought that changes below the high-water mark would be impacted by a Wild and Scenic river designation, but it was to be looked into further.
8. A general inventory, not necessarily specific locations, of ruins and historic sites so the group could have a better understanding of them going forward.
9. The upper Piedra community as a whole should be added under values on the segment spreadsheet. Existing water rights and diversions should be listed as a value to be protected.
10. The group requested more specific data on conservation easements within the Focus Area in regards to protections.

Tour: Everyone agreed it is worth pursuing. A date of Sept. 17 was set for a tour of Piedra main stem to begin off Hwy 160. More details will be e-mailed to group members.

Next meeting is Sept. 18.

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

ocs.fortlewis.edu/riverprotection

(Find the Piedra work group on the left buttons)

