

**San Juan National Forest/Public Land
Management Plan Revisions
Governmental Water Roundtable
Meeting 15 – Nov. 15, 2006
Summary**

<http://ocs.fortlewis.edu/forestplan/>,
click on Governmental Water Roundtable

Seated at the Roundtable:

Bruce Smart, City of Cortez
Scott Brinton (alt), Colo. Div. Water Res.
Bruce Whitehead, Colo. Div. Water Res.
David Graf, Colo. Division of Wildlife
Dan Merriman (alt), Colo. Water Cons. Board
Gerald Koppenhafer, Montezuma County
Steve Fearn, San Juan County
Mark Stiles, San Juan Public Lands Center
Brian Davis, SJPLC
Kelly Palmer, SJPLC
Thurman Wilson, SJPLC
Chuck Lawler, Southern Ute Indian Tribe
Janice Sheftel, SW Water Cons. District
Steve Harris (alt), SW Water Cons. District

Interested Audience Participants:

Dave Gerhardt, SJPLC
Chuck Wanner, San Juan Cit. Alliance
Eric Janes, for Colo. Sen. Isgar
Ann McCoy Harold, for U.S. Sen. Allard
Ann Brown, for U.S. Sen. Salazar
Jerry Fisher, for U.S. Sen. Salazar
Lisa Schwantes, for U.S. Sen. Salazar
John Whitney, for U.S. Rep. Salazar
Kay Zillich, SJPLC
Jamie Krezelok, SJPLC
Jeff Baessler, Colo. Water Cons. Board

DISCUSSION OF DRAFT WATER LANGUAGE FOR PLAN REVISIONS:

Thurman Wilson, Assistant Manager of the San Juan Public Lands Center (SJPLC), said copies of the draft Land and Resource Management Plan for San Juan Public Lands (SJPL) are being reviewed by both regional and Washington, D.C., offices of the U.S. Forest Service (USFS) and Bureau of Land Management (BLM). In addition, SJPLC personnel are looking over the document again. Comments from the SJPLC and from other groups, such as the Water Roundtable, will be used in preparing a new draft Plan. Agency personnel hope that that version will be the one that goes to the public for the formal comment period.

Thurman said it is unclear, however, how quickly comments will be received from the Washington office. The SJPLC had been hoping to take Plan Revisions to the public in January, but he now believes April is more likely.

SJPLC personnel distributed to the Water Roundtable and the audience a draft of sections in the Plan Revisions pertaining to water. Thurman said this draft does not include many of the comments received at the last Water Roundtable meeting. Some of the sentences that were “wordsmithed” in previous Roundtable meetings are gone as a result of review

at other levels of the Agencies. That is true not just of the water-related material but of much of the other preliminary language in the draft Plan Revisions.

Thurman explained that as SJPLC personnel started receiving preliminary reviews of draft language from people in other Agency offices, and as the Grand Mesa-Uncompahgre-Gunnison National Forest Plan Revision was also undergoing intensive review, a consensus emerged that both Forests had material in their drafts, especially in the Objectives and Guidelines sections, that didn't fit under the new planning regulations. Those pieces were edited out. Objectives are to be time-specific and measurable, focused on activities on the ground. Thurman said that process-related material under Objectives and material which didn't involve on-the-ground activities occurring within a given time frame in the initial Draft Plan was either deleted or moved into a section called "Program Emphasis."

Kelly Palmer, a hydrologist with the SJPLC, urged members of the Water Roundtable to read the entire Plan Revisions when available because there may be Plan sections, other than those distributed, that may relate to water in some way.

The Water Roundtable then moved to a discussion of language in the draft water-related sections of the Plan Revisions.

Janice Sheftel, Attorney with the Southwestern Water Conservation District (SWCD), reiterated a concern she had expressed at previous meetings regarding Desired Conditions. She said that while language on Page 10 of the draft and in other places acknowledges that Desired Conditions "are aspirations, not commitments, and may only be achievable over the long term," the broader discussion seems to imply that Desired Conditions are what individual projects may be judged by. This makes her uncomfortable because Desired Conditions are not necessarily achievable. Water-users want some certainty about how their projects will be evaluated, and she does not see that certainty provided in the draft Plan Revisions.

Thurman said the planning regulations themselves define Desired Conditions. He does agree that the Desired Conditions will be used to help make decisions about projects. Kelly said new regulations force the Agencies to depend more on handbooks for guidance. The old Plans contained many Standards and Guidelines. Those are now gone, so Agency personnel will now turn to the regional handbook when evaluating projects.

Thurman said there are no Desired Conditions that apply nationwide. Each unit develops them to meet its own circumstances. While Desired Conditions are aspirational, that doesn't mean they are viewed as unachievable. The Agencies are working toward achieving the Desired Conditions. While the Desired Conditions apply across the entire SJPL, the outcome of proposed water developments and other projects is also affected by the different Management Areas into which the SJPL are divided. These Management Areas, also called Themes, will influence the applicability of Desired Conditions and the types of projects which are allowed in different Areas.

Bruce Whitehead, Division Engineer, Colorado Division of Water Resources (DWR) Durango office, asked whether existing water rights were considered in the development of the Management Areas. Kelly said she does not believe anything in the draft Plan is in conflict with existing water uses. She used Statewide Water Supply Initiative (SWSI) maps, prepared basin-by-basin, when she wrote the draft Plan, and she tried to consider such things as possible dam sites. Since DWR personnel and others on the Water Roundtable know more about possible water projects, they should review whether there are any conflicts with proposed Management Areas.

Steve Harris of the SWCD said he is concerned about the relationship between the Management Areas, or Themes, and the Desired Conditions. The different Themes seem to allow certain types of uses, but the Desired Conditions are over-arching and may require rejection of projects that would be allowed by the Theme prescriptions. The concept of Historic Range of Variation (HRV) could preclude the renewal of permits for some existing projects as well as precluding new ones. He asked whether Themes or Desired Conditions will take precedence. Janice agreed with his concerns, saying the water-users need to know how individual projects will be evaluated.

Kelly suggested that the Roundtable needs to review a sample project through the whole process of how it would be evaluated under the draft Plan Revisions.

Janice asked about the difference between the Strategic Vision, referred to on Page 16, and the Forest Plan. Thurman said the USFS and BLM have strategic plans that arose from the Government Performance Results Act of 1993., which focuses on government accountability and making sure the Agencies describe clearly what they are doing. Strategic plans have broad goals, such as reducing the threat of wildfires and resolving other natural resource problems that are regional in scope. . These goals are very general and are not likely to conflict with the local Plan Revisions.

Janice also voiced concern about the concept of HRV. Under the definitions provided, HRV involves conditions dating back to the 1500s. She asked how it is possible even to know what those conditions were, much less to achieve them.

Thurman responded that if the Plan implies that HRV means going back to pre-modern conditions, the Plan isn't worded well. The intent is to utilize HRVs to provide useful information on natural conditions, especially for vegetation management. The HRV is not intended to be a target or constraint. Therefore, the current draft language could use further work.

Janice reiterated that there should be language under the "Desired Conditions" heading which states that these conditions are not necessarily achievable. Thurman said if they are not achievable, the Agencies shouldn't put them into the Plan. The staff would like Desired Conditions to provide useful Agency goals that should not be downplayed. The focus should be on setting realistic Desired Conditions, acknowledging that some might take a long time to achieve and some might never be achieved.

Kelly added that the Agencies want to move toward the Desired Conditions, not going backward.

Ann McCoy Harold, representing U.S. Sen. Wayne Allard, asked whether the Desired Conditions represent what we want to see across the SJPL, adjusted for Management Area and time. Thurman answered that that was generally correct.

Janice expressed concern about the following statement under the heading “Water and Aquatic Resources,” on Page 21: “In the few water bodies having water quality problems, mercury, heavy metals, and sediment are common pollutants.” Janice suggested that there may be high levels of mercury in some fish, but not in the water itself.

Kelly said mercury, in particular methyl mercury, the toxic and biologically absorbable form of mercury, is considered a pollutant and she doesn’t want to discount mercury as a concern.

Eric Janes, representing Colorado Sen. Jim Isgar, said he supports the inclusion of mercury concerns under “Water and Aquatic Resources”. Mercury is deposited in water bodies and found especially in the sediments. Much about mercury pollution is not known, but over the life of the Plan Revisions, more data will become available.

Steve Harris said a study at McPhee Reservoir could not find mercury in the sediment. Eric responded that a 2005 study by the USGS at Narraguinnep Reservoir did find specific mercury concentrations in the sediment.

Chuck Wanner of the San Juan Citizens Alliance agreed that mercury is a real concern. Just because the precise causes of local mercury pollution are not known, doesn’t mean it is not a concern.

Janice suggested the mercury could be coming from power plants in China or elsewhere, over which the USFS has no control. Therefore, having this as a Desired Condition could inappropriately affect water development. Chuck said it probably would not affect any water projects, but added that it is not a good idea to avoid all concerns at the cost of saying mercury is not important.

Kelly said she would rethink the language about mercury, but would continue to show it as a concern.

Janice also questioned the use of the phrase “all native and desired non-native fish species...” set forth in bulleted item C.17 on Page 22, under “Aquatic Habitats, Riparian and Wetland Ecosystems and Biota”, as well as in other places. She is concerned about the word “all” and how this might be interpreted for specific streams in evaluating proposed projects.

Dave Gerhardt, fishery biologist for the San Juan National Forest, said he views this as language applying to conditions forest-wide, not to a specific stream. There is no place where all these species can exist together at one place and one time, but on a forest-wide scale all these species should be present, unless a species is extinct. Dave does not see a problem with the term “all” in that context.

Steve Harris suggested striking C.13 on the same page, which states “Streams and lakes maintain water levels sufficient to support water based recreation where those uses exist,” because the statement gives recreation a higher priority than established water uses.

Thurman said the Agencies weren’t trying to trump established water uses but that recreation is a concern. Kelly suggested adding “natural” to the “streams and lakes” to clarify that the statement does not apply to reservoirs.

Jerry Fisher, representing Sen. Ken Salazar, said the language regarding “Ecosystem Diversity” and “Species Diversity” is too focused on species and should be more focused on restoring entire ecosystems and habitats.

Facilitator Mike Preston said it appears that concerns about the entire section under Desired Conditions involve four major elements:

- Scale
- Context (Management Area or Theme)
- Time frame
- Achievability

Kelly said she will try to include some language noting that Desired Conditions might involve different time frames, different contexts and scales, and might not all be achievable. Thurman added that Agency personnel do not want the Desired Conditions to be so restrictive that they impede the Agencies’ own projects, such as timber harvests, hazardous fuel reductions, etc.

Steve requested striking D.4 on Page 23, which says “All riparian areas and wetlands on SJPL display a rating of ‘proper function condition’ or ‘functional at risk with an upward trend’,” because the statement sets a regulatory bar and allows no options other than “good” or “in an upward trend”.

Thurman said Desired Conditions are intended to encourage the environment to be in good shape. It seems appropriate to want the environment to fall into one of these two categories even if it is realized that there are times when not everything will do so. Kelly said she could remove the word “all”.

Janice said language under “Fish Background” on Pages 24-5 seems to imply that livestock-grazing and “hundreds” of diversions are responsible for the decline in fish and she is not sure that is true. While allegedly a reduction in water quality is having the greatest negative impacts on the fishery, at p. 21 of the Plan, discussion of Aquatic

Resources, ¶2 “water quality in the San Juan Public Lands (SJPL) is typically very good . . .”. The key factor in any decline of the fishery could be unrelated to “land management activities” but may well relate to the drought. The decline may be attributable to the cessation of stocking by CDOW. The last sentence of ¶2. p. 24 is much too broad. It is untrue that “any activities that cause water depletions” could affect the cold water trout. Where on the SJPL were specific native fish plentiful at one time and during what period? Only a few USFS lands, but more numerous BLM lands, are at lower elevations, with warmer water. It is overreaching to attribute most of the native species decline to water diversions. How did poisoning in the San Juan River affect native fish populations upstream?

It also sounds as though, under this section, that approval for future water depletions would face an uphill battle. This section has the potential to have major impacts on water development.

David Graf of the Colorado Division of Wildlife (DOW) said the tone of the section is bleak, perhaps too much so. He is not sure that current trends are all downward for the four trout species mentioned. Brook trout and brown trout, for instance, are not even stocked by the DOW because they rebound naturally after drought. He would like to check with fish biologists as to the appropriateness of that language.

In reference to population trends for four BLM Sensitive Fish Species and Forest Service Species of Concern, Janice said Flannelmouth Suckers and Bluehead Suckers are flourishing on the San Juan River across the state border. Even if they are in decline locally it won't affect their overall status.

David Graf said the DOW is indeed concerned about the suckers and the Roundtail Chub.

Dave Gerhardt said the information in that section came from multi-state, regional assessments. Even if these fish are thriving in some places, as a general rule, they are not on the SJNF. In addition, DOW sampling data show that brook, brown, rainbow and other trout are in a 20-year downward trend.

Referring to the four endangered fish species cited in the section, Janice said that only the Colorado Pikeminnow and Razorback Sucker are present in the San Juan River, not the Bonytail Chub and Humpback Chub. All four fish species were mentioned on Page 25 as being affected by management activities on SJPL.

Dave said that Janice is correct about the Pikeminnow and Razorback Sucker, but because the Bonytail Chub and Humpback Chub are in the Colorado River below the Dolores River, all four species are present on the SJPL.

David Graf said the Humpback and Bonytail Chubs are not present much above Lake Powell. Dave Gerhardt agreed they aren't, but added this all falls under Section 7 of the Endangered Species Act. A Section 7 consultation must be prepared regarding anything affecting waters draining into the Dolores River.

Jerry suggested that Bonytail and Humpback Chub are found in Westwater Canyon and Cataract Canyon.

Mike proposed that concerns about the “Fish Background” section seem to involve time and the causality of problems.

Thurman added that the USFS attorneys have stated that background statements aren’t a legally binding part of the Plan.

Dave Gerhardt said that when activities that consumptively use water are to be authorized in the San Juan or the Dolores River Basins, they might constitute an adverse effect on the T&E fish and, therefore, the U.S. Fish and Wildlife Service (FWS) needs to be consulted.

Steve Harris said the Plan needs to reflect the existence of two recovery programs for the endangered fish that allow depletions to occur while water development continues without jeopardy to the endangered fish. Site specific mitigation measures are not required for new water depletions. The RIPs provide any needed mitigation as a “reasonable and prudent alternative.”. Dave Gerhardt said these programs provide reasonable and prudent alternatives that the USFS can use to avoid jeopardy to the T&E fish species, but that the programs have limitations.

Janice voiced a concern about F.25 on Page 25, “Threatened and endangered aquatic species populations are provided for and/or recovered through habitat management.” She asked how, if threatened and endangered aquatic species are not present on SJPL, they can be recovered through habitat management.

Dave Gerhardt said obviously if the habitat lies off the SJPL the Agencies will not be managing it. He suggested adding “on the SJPL” to the sentence.

On Page 31, under “Objectives” and “Air Resources”, the draft states, “Maintaining pristine Class I area air quality conditions within the Weeminuche Wilderness is the highest priority for managing air quality on the SJPL.” Janice asked how the USFS can manage air quality.

Kelly said the USFS is required to be involved in the permitting process for all large polluters, such as power plants, that might affect air quality in SJPL Class I areas.

Dan Merriman, Administrator of the Colorado Water Conservation Board’s (CWCB) Colorado Stream and Lake Protection Program, asked where language regarding cooperation was reflected in the draft Plan document, particularly the Memorandum of Understanding (MOU), signed April 16, 2004, between the Colorado Department of Natural Resources, CWCB and USFS Region 2, and a similar MOU in 2005 involving the BLM. . Thurman said the MOUs’ language had unintentionally not been incorporated into the draft Plan that was distributed. Thurman passed out an addendum addressing State and Federal roles in managing water rights and water

resources and Federal and State cooperation as a draft introduction to the “Working with Communities and People” section. SJPLC personnel want to incorporate, into the body of the Plan Revisions, language from the MOUs and the Four Cornerstones document for managing water resources.

Further comments on this draft of the Plan Revisions should be sent to Kelly at kapalmer@fs.fed.us by the end of November.

WILD AND SCENIC RIVER INVENTORY

Mark Stiles, Manager of the SJPLC, and Kay Zillich, hydrologist with the SJNF, provided a draft “Introduction to Wild and Scenic River Suitability” Analysis to be included in the EIS for the Plan Revisions and of a sample WSR suitability analysis for a fictitious creek.

Mark said the draft list of Eligible Rivers on San Juan Public Lands has now been winnowed to 40 stream segments, or 24 segments if segments are aggregated, such as with Hermosa Creek and its tributaries lumped as one.

Mark said the SJPLC wants help in determining which questions to ask the public regarding the WSR draft material in order to obtain the best and most complete feedback. A table in the draft Plan Revisions will show the Agencies’ preliminary Suitability determinations and whether each stream segment is to be categorized as Wild, Scenic or Recreational. The Plan Revisions will include different alternatives, including a no-action alternative in which no streams are found suitable, and one where all the segments are found Suitable.

Kelly said it might be helpful if Agency personnel could confer with the CWCB and DNR about water-development proposals and potential conflicts with WSRs.

Mark asked that the Roundtable members examine the example in the handout and identify possible pitfalls. Roundtable members should also consider different approaches for protecting Outstandingly Remarkable Values on the Eligible stream segments other than WSR designation. , The week after Thanksgiving, a suitability analysis form, like the fictitious sample, will be available for all of the segments included in the Eligible list.

Feedback on the WSR process is needed ASAP and should be e-mailed to Kay at czillich@fs.fed.us.

NEXT MEETING:

The next meeting of the Water Roundtable will be Wednesday, Jan. 31, from 10 a.m. to 3 p.m. at the San Juan Public Lands Center. A WSR discussion and the application of the Plan Revisions to a sample water project will be the focus of the agenda.