

**San Juan National Forest/Public Land  
Management Plan Revisions  
Governmental Water Roundtable  
Meeting 11– March 1, 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  
Al Heaton, Dolores County  
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 Tribe  
Janice Sheftel, SW Water Cons. District  
Steve Harris (Alt), SW Water Cons. District  
Carl Knight, Ute Mountain Ute Tribe  
Mark Braly, Rio Grande County

**Interested Audience Participants:**

Dave Gerhardt, SJPLC  
Chuck Wanner, San Juan Cit. Alliance  
Kay Zillich, SJPLC  
Ann McCoy Harold, for U.S. Sen. Allard  
John Whitney, for U.S. Rep. Salazar  
Jamie Krezelok, SJPLC  
Randy Eoff, San Juan Cons. District  
R.D. Hott, San Juan Soil Cons. District

**Feedback from Water User Work Session: Janice Sheftel of the Southwestern Water Conservation District** relayed the common concerns agreed upon by water users during their work session before the roundtable. They were:

- **Winnowing down/reducing the number of streams tentatively listed as eligible for Wild and Scenic River (WSR) status by the San Juan Public Lands Center.**
- **The process for determining suitability for stream and river segments.**
- **Managing eligible streams.**

Janice presented the draft outline, dated 2/17/06, of the process for assessing potential eligible stream segments in the U.S. Forest Service/BLM Resource Management Plan Revisions. She said the water-users (non-Federal members of the Governmental Water Roundtable) remain very concerned about the number of stream segments proposed as eligible (56) in the Plan Revisions process. They would like to propose a plan for winnowing down the number of streams on the eligible list, while understanding that

other groups and people may want to add streams to the list. Janice said the users had a three-phase process to propose:

- Better understand how the streams listed as eligible meet the criteria for eligibility.
- Have the water-users provide the SJPLC with an evaluation of some of those streams.
- Attempt to come up with a mutually agreeable list of eligible streams.

Janice said in the WSR Handbook, certain terms keep coming up, such as *notable, unique, exemplary, exceptional, high-quality habitat, nationally or regionally, rare or one of a kind*. When the water-users look at the streams listed as eligible, they find that many do not reflect these criteria. The streams may have some values the agencies would like to protect but many don't meet these key words. A number of those streams can be protected without WSR status.

The non-federal members of the roundtable would be glad to work with the federal agencies to winnow down the list, if they could better understand how those values are decided.

Janice said she realizes that if the agencies proceed with a suitability analysis, some of the streams will be removed from the list, but the process is too time-consuming and costly. Therefore, the users strongly believe there should be a "pre-screening" for the eligibility list.

**Steve Fearn, representing San Juan County**, gave some examples of streams on the draft eligibility list where the water-users believe eligibility status is unfounded. He said the upper Animas above Silverton offers lots of recreational activities but the Animas and its tributaries have Jeep roads alongside them, which means they aren't pristine. Also, there are many historical structures along some of the listed streams, but those are protected by county land-use plans or other laws. Cement Creek is a dead creek from a fishery standpoint.

Steve said there is still significant mineral potential in San Juan County and county officials would like to be able to develop that. They don't want to see an overly restrictive designation placed on the streams within their borders. Protect important values but keep open the opportunities for development.

**Al Heaton, representing Dolores County**, cited more examples where the water-users believe eligibility status is unfounded. Some stream segments along the Dolores River are on the eligible list because of hanging gardens, but he said those are common across the West. Some streams are listed for having ancient Indian ruins along the river corridor, but those are already protected under the Antiquities Act. There may be other ways to manage and protect the majority of the tributaries in the lower Dolores. Some stream segments, such as Summit Canyon, McIntyre Canyon, and Coyote Wash, are only intermittent streams.

Janice said other stream segments were listed because they are places where the native Colorado River cutthroat trout could be reintroduced, but the fish aren't present yet. She questioned how a stream can be listed for an attribute it does not yet possess. Also, she reiterated that many streams on the list do not seem to contain unique or rare features if those same features can be found on 10 other streams.

**Mark Stiles, Manager of the SJPLC**, responded that one of the things he found disconcerting about the water-users' concerns is their emphasis on "winnowing down" the list of stream segments. He said the SJPLC is attempting to do things the prescribed way in arriving at its determination of eligible streams, and focusing on lowering the number suggests a political motivation. He said the list may be too long, but he doesn't want to say that the purpose for reviewing it is to winnow it down.

Mark said the information provided by the SJPLC to water-users regarding eligible streams was only the agencies' general summary, and it might be helpful to provide more details about the Outstandingly Remarkable Values (ORVs) that the streams possess.

Mark said that, regarding Al's comments about the Dolores River, it will be difficult to maintain that it is not eligible when it was previously found suitable after a lengthy study. He also said that intermittent streams will have to be looked at thoroughly to see whether they warrant suitability status.

Mark said many of the other comments addressed whether WSR status was the best way to protect some of the values the streams possess. He agreed that WSR status may not be the best means of protection in many cases, but said the only way to decide that is to go through the suitability analysis, which is where such factors can be considered.

He also said that the GMUG National Forest, which water-users were using for comparison, has decided not to do a suitability analysis in its Plan Revision. This means that every time there is a proposal that may affect an eligible stream segment they will then have to launch an analysis to see if that segment is suitable. The SJPLC would like to get that process over with during the Plan Revisions.

Steve Fearn said the water-users' understanding is that it may not matter, in terms of the protection it receives, whether a stream that was on the eligibility list is later found not to be suitable.

Mark cited a paragraph from the Forest Service/BLM handbook that says that suitability analysis can recommend management at a less-restrictive classification for streams that don't make the cut. [The WSR Handbook will be placed on the Roundtable website] He said the agencies don't want an inordinate level of protection for all the streams on the draft eligibility list. Eligibility is just an inventory. Suitability is a decision made by the SJPLC staff.

**Thurman Wilson, Assistant Manager of the SJPLC**, said the Forest Service handbook encourages National Forests to do Suitability analysis. However, he said he is concerned about how much study will be enough to conduct the analysis. Previous studies 20 years ago on the Dolores, Pine, Piedra, San Juan and Animas rivers produced thick volumes, but these expensive studies were directed by legislation.

**Bruce Whitehead of the Colorado Division of Water Resources** asked whether any of the 56 streams on the eligibility list that were found not to be suitable would then be released from that list. Thurman said you would not go back and say they weren't eligible because they would still meet the two eligibility criteria — being free-flowing and having at least one ORV. However, you would no longer have to apply interim protection measures to them as if they were WSRs.

Mark agreed, saying that Section 5 (d) 1 of the handbook [see roundtable website] says that protection may be discontinued upon a finding of non-suitability.

**Chuck Wanner of the San Juan Citizens Alliance** said his understanding is that future protection for streams on the original eligibility list that are not found suitable would depend on the stream. He said suitability depends on political, economic, and other factors and can come and go, but eligibility ought to be fairly straightforward.

Thurman said the handbook says that the protections necessary to maintain a specific 5(d)1 study area may be modified or discontinued upon a finding of non-suitability. Mark said that doesn't mean there aren't some special features in those streams, just that they aren't suitable for WSR consideration.

**Steve Harris of the SWCD** said he doesn't believe the water-users will agree to the agencies' process, but they do agree that it would be good to receive more detailed information on what led to the draft eligibility list.

Chuck said if the agencies do go through suitability and there are only five streams left out of 56, the San Juan Citizens Alliance will have some hard questions. He said the group is interested in what level of review and protection will be provided to eligible but non-suitable streams. Do protections just disappear, or will the values be protected in a substantive, relatively permanent way? Also, how seriously will the agencies talk about potential WSR designation for any particular stream? Or is the process geared toward deciding suitability and that's the end? Chuck also asked if there will be a public forum on the WSR issue.

Mark said there are no plans for such a forum, but the WSR eligibility and suitability issue will be part of upcoming public meetings on the Plan Revisions.

Thurman added that when draft Plan Revisions are formulated that also opens a formal comment period.

**Ann McCoy Harold, representing Senator Wayne Allard**, said she doubts that Senator Allard or members of the delegation will support any WSR designation without a strong local consensus, and questioned tying up streams for something that's not going to happen.

Chuck said the SJCA's hope is for meaningful local discussions and some permanent protections for some of the stream segments and their ORVs.

Janice said after Mark provides additional information on the eligibility analysis, the water-users hope there will be opportunity for more discussion and input. She said the users could provide some feedback by next meeting if they get Mark's information fairly soon.

Mark said that would require obtaining the information from the Interdisciplinary Team that did the eligibility study within two weeks, and he didn't think it would be possible. Janice said the users will respond as quickly as they do get the information.

Ann asked if the Plan Revisions can just say that suitability will be studied later, and lay out that process. Mark said yes, but that approach would leave the management of the stream segments is up in the air.

Janice cited the GMUG Plan Revision, which says that the Forest will go to Suitability analysis only if there is a planned development that poses a threat to any eligible stream. She presented a draft of suggestions for a seven-step local process for the USFS/BLM Resource Management Plan Revisions that could result in a proposal for WSR designation to present to Colorado's congressional delegation.

Thurman said one problem with not doing an extensive suitability analysis unless it is requested by Congress or some other sponsoring entity, that the agencies would not have funding then to do the analysis. Whatever proposed project triggered such an analysis would have to provide the funding. Right now, the agencies have funding to do the suitability analysis as part of their Plan Revisions.

Janice said the users had a question about what it means to manage an eligible stream segment for its ORVs. The users suggested some general management principles:

- Use the same tools the roundtable has been talking about, such as local land-use plans, MOUs, and the Harris Bypass Trigger criteria.
- Dilution should not be found as a solution to pollution. ORVs would be protected by the minimum amount of water required.
- Some small diversion structures and/or pumping to a small pond outside the protected stream segment should be allowed, i.e. uses that are lower impact than actual dams across the stream.

Janice asked whether species of concern that aren't at risk in the local area, such as species on State or Forest lists, need special protection here. She also asked again whether an ORV is something that exists now or something that may exist in the future, such as in Hermosa Creek, where native Colorado River Cutthroat Trout may be stocked.

Thurman said eligibility criteria speak to both actual species populations and potential habitat, but if habitat is not likely to be used it doesn't seem likely it would become an ORV.

Mark said, regarding Hermosa Creek, the Colorado Division of Wildlife has identified particular stretches as probably being the single best place to reintroduce native cutthroat trout because they will be isolated so as to avoid cross-breeding with other trout species. Hermosa Creek is the only place where a potential fish population was listed as an ORV rather than an existing one.

Thurman said the agencies right now are of the mindset that it serves people better to do the suitability analysis. The draft Plan Revisions are tentatively set to be ready sometime this summer.

Mark said there is still a huge step between suitability and an actual recommendation for designating a WSR. If Congress were to pick a stream for WSR consideration, there would be field hearings, lengthy studies, and a thorough process before such a designation was made. Mark said the water-users' input at this meeting was much more helpful than at the February meeting.

**Plan Structure:** Thurman presented a draft Table of Contents and Overview for the Plan Revisions, rewritten from what the GMUG National Forest had done so far. He said all of the following must be addressed in the Plans: Desired Conditions, Objectives, Guidelines, Suitability of Areas, and Special Areas. BLM requirements fit pretty well into those categories.

Bruce asked where the water-related material was expected to be in the Plan Revisions. Thurman said other forests such as the GMUG may not have had such detailed discussions about water, so there is no separate water section. The San Juan Plan Revisions may not have one single water section because everything is interconnected. However, the SJPLC hopes to organize and label all water-related subjects clearly and use the index to make everything easier to find.

Mark said he still wants to include something like a Frequently Asked Questions section to make the Plans more user-friendly. He said the purpose of the Plans is to govern management of public lands and disclose that management to the public, while also using the public to help shape that management. The Plans are necessarily designed to provide information to applicants for development on public lands but a way will be found to make the plan more accessible to applicants.

**Land Allocations/Themes:** Thurman reviewed the seven different themes that will be used to guide management on San Juan Public Lands. The themes don't provide a great deal of specifics about development requirements, but they do provide a framework to evaluate the compatibility of various types of use and the intensity of proposed development relative to the intended future for various land areas, as well as the general extent of mitigation required when development does occur.

**Next Meeting:** The next meeting will be Wednesday, April 12, at the San Juan Public Lands Center from 10:00AM to 3:00PM. On the agenda are:

- Criteria for triggering Bypass Flow analysis and allocations;
- Baseline for Permit Renewals;
- How the Plan will address or affect O&M;
- Collaboration and Application of Roundtable Principles;
- Plan Structure;
- WSR follow-up.