

**San Juan National Forest/Public Land
Management Plan Revisions
Governmental Water Roundtable
Meeting 2 June 1, 2005
Summary**

Seated at the Roundtable:

Robin Schiro, Archuleta County
Pat Page, Bureau of Reclamation
Bruce Smart, City of Cortez
Ken Beegles, Colo. Div. Water Resources

David Graf, Div. of Wildlife
Dan Merriman Colo. Water Conserv. Board
Al Heaton, Dolores County
John Taylor, Hinsdale County
Brett Sherman, La Plata County
Gerald Koppenhafer, Montezuma County
Steve Fearn, San Juan County
Mark Stiles, San Juan Public Lands Center
Kelly Palmer, SJPLC
Brian Davis, SJPLC
Thurman Wilson, SJPLC
Janice Sheftel, Southwestern Water Conserv.
Dist.

Interested Audience Participants:

Roy Smith, San Juan Public Lands Center
Polly Hays, USFS, R2
Chuck Wanner, San Juan Citizens
Alliance.
Ann Brown, U.S. Sen. Salazar
Lea Anderson, U.S. Sen. Salazar
Jerry Fischer, U.S. Sen. Salazar
Nick Anesi, U.S. Sen. Salazar
John Whitney, U.S. Rep. Salazar
Eric Janes, Colo. Senator Isgar
Lynn Herkenhoff, SW Water Cons. Dist.
Bruce Whitehead, CDWR (Alt.)
Steve Harris, SW Water Cons. Dist. (Alt.)

Facilitator Mike Preston said that by the next Water Roundtable meeting, the overall agenda and topical sequence for Roundtable meetings will be established. The “Desired Outcomes” draft will have a more significant spot on the next agenda, and additions are still welcome. Some “Desired Outcomes” that have been suggested for consideration by the Roundtable may not be fully addressed in the public lands Plan Revisions, but will be discussed and placed in Desired Outcome #4, to be addressed in another forum.

Topic Group 1: Multiple Use

Hydrologist Kelly Palmer of the San Juan National Forest presented an overview of the concept of Multiple Use as it pertains to the San Juan Public Lands. Multiple Use guides the agencies’ management strategies. She discussed the laws that provide the basis for Multiple Use, and the ways in which various uses of Public Lands, such as recreation, scenic/aesthetic values, livestock-grazing, wildlife, fish, timber and watershed management, are tied to water. [Kelly’s Power Point presentation is available at ocs@fortlewis.edu/forestplan]

Using the Deliberation Funnel, the Roundtable members focused on the question of “What’s Most Important” concerning Multiple Uses of San Juan Public Lands as listed below:

What’s Most Important? Multiple Use

1. Need to protect rights for and uses of private ditches and reservoirs,- many of which have been in place for a long time
2. Conflicts within stream corridors (e.g. fishers and livestock)
3. Recognition of changing values (traditional vs. new uses of public lands)
4. Identify tools agencies may use to address changing values and opportunities (e.g. establishing the water roundtable to deal with water issues in the plans revision).
5. Coordinate county land use planning and public land planning (e.g. Hinsdale County has strong policies to protect agriculture and irrigation).
6. Planning decisions need to be consistent with Federal laws which require consideration of local government plans.
7. Accommodation vs. exclusion of competing uses.
8. Water-based recreation and wilderness are major public land uses.
9. Need to make Federal and State laws work for us with regard to multiple streamflow objectives.
10. Educate opposing interests to be beneficial to positive outcomes.
11. Conservation of species and communities.
12. Focus on maintaining water quality.
13. Importance of healthy ecosystems and lands as an influence on watershed health as well as the full range of multiple uses.
14. Native fish: cutthroat trout in upper waters and roundtail chub, flannelmouth sucker and bluehead sucker in lower waters.
15. Distinction between water facilities’ improvements for use efficiency vs. natural values that result from current state of facilities.
16. Water production and quality are primary statutory obligations.
17. Irrigation ditch vs. stock water conflicts.
18. Manage livestock water for present uses and protect legal availability for future permittee/livestock use.

Topic Group 2: Stream Flows

Dan Merriman, administrator of the Colorado Water Conservation Board’s (CWCB) Colorado Stream & Lake Protection Program gave a presentation on the CWCB and the Program. The CWCB was created in 1937 to aid in the protection and development of Colorado’s waters. Of the 15 people on the CWCB, nine are appointed by the Governor. The other six are CWCB members because of their state jobs. Instream flow issues are significant for the CWCB, comprising 25 to 33 percent of the agenda dealt with by the CWCB at a typical meeting. [Dan’s Power Point presentation is available at the website]

David Graf, water specialist with the Colorado Division of Wildlife (CDOW), discussed the agency's concerns about Colorado's streams and the species closely tied to waterways.

The agency has a portfolio of more than 1,000 water rights statewide, including 500 on the Western Slope, and is the holder of water rights, some on Federal lands.

The agency struggles with balancing the needs of individual species with those of ecosystems. Because of the requirements of the Endangered Species Act, the CDOW is forced to look at individual species rather than entire ecosystems, even though the latter approach might be better from a cost-benefit viewpoint.

David discussed concerns about sensitive fish species, those that are not yet federally listed as threatened or endangered, but generally recognized as in decline. Four native fish, designated as sensitive species in Region 2 of the U.S. Forest Service, are of particular interest to Southwest Colorado: the Colorado River cutthroat trout, roundtail chub, flannelmouth sucker and bluehead sucker.

The Colorado River cutthroat trout is a high priority for the CDOW. While the fish's historic range includes Colorado, Utah, and Wyoming, Colorado River cutthroat trout are now rare because of ongoing habitat loss and alteration, competition with non-native trout, and, more recently, the drought. Because they hybridize with other trout, genetically pure strains of native Colorado River cutthroat trout are scarce, found primarily in isolated headwaters.

The CDOW has been trying to locate, breed and reintroduce genetically pure strains of the native trout to recover the species and avoid federal listing. In some cases, this may involve poisoning the existing trout in a stream, because introduced trout prey on young cutthroats. Colorado has entered into a conservation agreement with other state, federal and private in Utah and Wyoming to recover the trout.

Colorado has also entered into a conservation agreement with Arizona, New Mexico, Utah, Wyoming and Idaho regarding the roundtail chub, flannelmouth sucker and bluehead sucker to recover the species before they are listed as federally threatened or endangered. These three species are found on San Juan Public Lands. The roundtail's habitat is below McPhee Dam on the Dolores River and the two suckers may be found in sites along the San Juan, Piedra, Animas and Dolores Rivers.

In addition to protecting individual species, it is the CDOW's goal to maintain a healthy stream ecosystem in Colorado's state wildlife areas. CDOW is working on cooperative strategies with other water users. David stated that there no longer needs to be a drought emergency to allow the execution of a lease to use water for instream flow. Sometimes the CDOW can simply ask a landowner to not divert all his water. Other times a formal agreement is needed.

Kelly Palmer gave a presentation on Federal Strategies to Protect Stream Flows. There are over 27,000 miles of perennial streams on National Forests in Colorado, which have ecological, aesthetic and recreational values. In USFS Region 2, the fishery is valued at

\$700 million a year. Many of the waterways are municipal water sources, provide hydropower, and are important to agriculture and mining. There are approximately 1,355 authorized water-related uses on National Forests in Colorado. [Kelly's Power Point presentation is available at the website]

What's Most Important: Stream Flows

1. Streams are required to be inventoried for eligibility as wild and scenic rivers. "Eligible" segments deemed "suitable" are recommended to Congress for designation and must be managed to preserve these values.
 2. Wilderness issues are addressed in Plan Revisions by a re-inventory of roadless areas for Wilderness eligibility and suitability. Wilderness areas are designated by federal legislation, which in recent times has involved stipulations defining and/or limiting reserved water rights.
 3. Suitable areas are managed as Wilderness until designated or released by Congress. The 1993 Colo. Wilderness Act legislated USFS land releases.
 4. Non-USFS wilderness study areas (WSAs) can be released only by Congress. No more Wilderness Study Areas can be created so any future protection will be done by prescription.
 5. Wild and Scenic Rivers and Wilderness areas are managed as suitable for the life of the Plan, unless legislation changes their status.
 6. Concern that Wild and Scenic and WSAs are never released if they can be reinstated as suitable in subsequent plans.
 7. Public land agencies use of Colorado In Stream Flow Program.
- The discussion shifted to topical sequence of future Roundtable meetings.

Building the above list of What's Most Important about Stream Flows resulted in a Roundtable discussion about how Wilderness and Wild and Scenic Rivers will be addressed in the Plan revisions. Therefore, the discussion of the "What's Most Important . . ." will need to be continued.

Wilderness and Wild and Scenic Rivers: The Roundtable members discussed how evaluating potential Wilderness and Wild and Scenic Rivers designations in the Plans relates to water rights. Wilderness and Wild and Scenic Rivers can only be designated by Congress. WSAs, which are areas that are being considered for Wilderness designation, are managed by San Juan Public Lands to preserve their wilderness characteristics. They carry no federal reserved water rights. Federal Reserved Water Rights are addressed in the Congressional legislation designating Wilderness. The Wilderness legislation of 1993 established Wilderness Areas in Colorado in a way that deferred consideration of Federal Reserved Water Rights.

Wild and Scenic Rivers must also be designated by Congressional legislation. Colorado now has one Wild and Scenic River, the Cache La Poudre River. With this designation, all unappropriated water in the River was reserved. There is concern that this may be a precedent for future Wild and Scenic Rivers in Colorado.

When writing their management plans, the San Juan Public Lands agencies are required to assess the eligibility of rivers for Wild and Scenic designation. The last time such an assessment was performed, the Animas and San Juan Rivers were not found suitable for designation but portions of the Pine, Piedra, and Dolores Rivers were found suitable.

Thurman Wilson of the San Juan Public Lands Center, a member of the team working on the plans revisions, explained that there is a difference between eligibility and suitability. Eligibility merely means that a river meets the basic criteria for Wild and Scenic designation. Suitability involves a more detailed study and constitutes a recommendation to Congress. The agencies are struggling with whether the Plan Revisions should perform an analysis at the suitability level or limit the analysis to eligibility.

Polly Hayes, of Region 2 of the Forest Service, stated that water issues are being addressed in much greater detail in recent Wilderness and Wild and Scenic planning and legislation than when National Forests, National Parks, and Indian Reservations were originally designated. At that time, no one thought about water rights. Later, U.S. Supreme Court held that water rights were reserved with such designations, but quantifying and clarifying these rights has proven difficult.

Wilderness and Wild and Scenic Rivers issues will be discussed in more detail at a future Roundtable meeting.

Because of time constraints, discussion moved to the ordering of topics for future discussion by the Roundtable. The following Topic group list emerged from this discussion.

Future Roundtable Topic Groups

1. Topic Group: Fishery/sensitive species
 - a. SJPLC tools/cases
 - b. CDOW conservation strategies
 - c. Private contributions
 - d. CWCB instream flow program
 - e. Cooperative strategies
 - f. Interface between CDOW sensitive species conservation strategy and public land agency management tools.
2. Topic Group: Water facilities permitting requirements, and options
3. Topic Group: Wild and Scenic Rivers, Wilderness, Federal Reserved Water Rights

It was agreed that the ordering of the above three Topic Groups will be finalized once the availability of key resource people can be assessed relative to planned Roundtable meeting dates. It was also agreed that in addition to the selected Topic Group, Roundtable Meeting 3 will include discussion of the collaborative framework for addressing Roundtable issues, and an in-depth discussion of the Desired Outcomes Draft.

Roundtable Meeting Three Components

1. Explore collaborative framework (MOU between USFS and Colorado, Conservation Agreements etc.)
2. Topic 1, 2, or 3 above depending on readiness.
3. Discussion, additions to Desired Outcomes Draft.

Next meeting: The next Water Roundtable Meeting will be on Wednesday, July 6, at 10 a.m., at the San Juan Public Lands Center, 15 Burnett Court, Durango.