

**Piedra River Protection Workgroup
Meeting #13 October 15, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. Questions answered from previous meeting.
 2. Discussion on Colorado Roadless Area regulations and exceptions.
 3. Update on conservation easements.
 4. Completed discussion of whether values adequately protected on Piedra Main stem.
 5. Began discussion of whether values adequately protected on Weminuche Creek
 6. Presented ideas for increasing irrigation efficiency, for volunteer efforts installing fencing and for irrigation return flow monitoring.
- Website: ocs.fortlewis.edu/riverprotection

Next meetings:

There will be no meeting in November.

December 11, 5:30 p.m.

All meetings at Ross Aragon Community Center, Pagosa Springs, Colo.

15 people attended this meeting

Facilitator Tami Graham explained the ongoing process of determining if all the values for the Piedra River and its tributaries are adequately protected. She suggested that the group should try and hold off on discussing in too much detail specific proposals until the value/adequately-protected process is complete for all waterway segments.

Discussing proposals separate from the working group meetings was encouraged to avoid getting too sidetracked at this stage of the process.

The group reviewed the minutes and a few minor changes were made. During the September meeting, the group suggested forming two committees. One to explore proposals previously presented and the other to set up a long term advisory committee to help give guidance and input to forest managers regarding local management. The idea was again discussed, but no formal plans were expressed on forming the two committees during this meeting.

Rob Lindner was introduced. He is associated with the ranches that are under conservation easements with the Colorado Cattleman's Agricultural Land Trust.

Questions from the last meeting were answered.

What the status of the native blue head and flannel mouth suckers was explained. Mike, of Parks and Wildlife, said the fish are a species of concern and there is an ongoing effort by experts to determine the population in the Piedra.

New information

Question: What are the specific restrictions of the Colorado Roadless Area within the Piedra Focus Area?

Answer: Ivan of the Forest Service gave a specific update on those restrictions. Reading from documents, he explained a two tier system of various restrictions and regulations for the final 2012 Colorado Roadless Area (CRA). In each tier there are certain exceptions that are allowed. He added that 'roadless' is somewhat of a misnomer because of the existence of some roads and the exceptions for road building. However, the goal of roadless areas is to limit future road building.

Colorado Roadless Rule

The roadless rule in general prohibits the following activities: tree cutting, road construction, road reconstruction, and linear construction zones (i.e. oil and gas pipeline) that disturbs land without creating an actual road.

Exceptions are where the two tiers come into play.

Concerning the prohibition of tree cutting the following exceptions are allowed in an upper (1) and lower (2) tiers: Tree cutting allowed for management activities not otherwise prohibited and for administrative use. Ivan explained that it allows the forest service to go in and achieve management goals that are required under agency directives.

I. Upper tier exceptions: higher level of protection; therefore fewer exceptions.

A. Road construction is only allowed to service existing or outstanding rights recognized by statute or treaty, and for public health and safety. Those rights would include access to minerals allowed within U.S. mining laws and mineral leasing.

Ivan said the forest service is required to honor existing oil and gas leases and patented mining claims, etc. that are already on the books.

B. Linear construction: pipelines and ditches rights of way. Allows linear construction zones to service reserved or outstanding rights provided by statute or treaty, and/or water structures with a pre-existing water decree.

C. Future oil and gas leases: the roadless rule for upper tier allows for them, but prohibits road construction. Would require no surface occupancy in the lease which means you could laterally drill under the lease but could not build a road.

II. Lower tier exceptions

A. Exceptions for tree-cutting: fuel reduction, protection of municipal water supplies that are subject to fire, and to restore characteristics of ecosystem composition or structure, or modify habitat for threatened, endangered, proposed or sensitive species. Allows forest service to go into these roadless areas and remove trees.

B. Allowed to build roads to within a half mile of communities at risk for fire for the purpose of fuel reduction. Also roads can be re-aligned and reconstructed for safety

improvements; to access and service water conveyance structures with a pre-existing decree.

C. Linear construction: Allows for electrical and telecommunication lines and oil and gas lines to service existing leases.

Ivan stated that the roadless rule recognizes existing oil and gas leases. Grazing permits will not be affected by CRA. Motorized trails that are less than 50 inches are still allowed. Anything above 50 inches is considered a road.

The documents will be made available on the Piedra River Protection Workgroup website.

Question: What are the winter management rules for the Piedra Focus Area?

Answer: There are limits to cross-country winterized travel. Boundaries are to protect habitat and to keep people from encroaching into the wilderness.

It was asked if there are different rules for snowcats versus snowmobiles in regards to winter travel rules. Ivan said there is an exception for permits for commercial backcountry skiing operations that allow for snowcats, but not snowmobiles.

A group member said he was told he cannot take a snowcat off of an established road, yet snowmobiles are allowed to go beyond the road. Ivan was going to look into the specifics of what is allowed.

Mike, of Parks and Wildlife, said it is his understanding that there are different rules for snowcats and snowmobiles and their uses are not interchangeable.

ATV's fitted with snowtracks are being used for trapping and there was a question of what the regulations are for that use. The answer was to be further researched.

Conservation easement update: There has been ongoing interest in the specific terms and conditions of conservation easements along the Piedra and its tributaries. However, easement organizations will not release the information without the permission of the landowner. The easement documents are public record and can be viewed at Hinsdale and Archuleta clerk and recorder offices.

Colorado Open Lands received permission from the owner of the Piedra River Ranch, 160 acres, to release the information. What follows is an overview of the terms and conditions. Copies of the easement are available to anyone interested.

Piedra River Ranch Conservation Easement, established 2004, Hinsdale County. Easement protects natural qualities of the land in perpetuity. Middle Fork and East Fork travel the length of the property. Land is made up of steep canyons and floodplains with cottonwood, willow and mixed conifer. It has lots of wildlife, habitat, open space and a good fishery. Agriculture and grazing are allowed. Two building sites and a fishing cabin are identified and cannot be more than 40 feet in height.

The following uses are prohibited:

Timber harvest with some exceptions for safety and domestic use; mining; oil and gas development; golf courses; subdivisions; feed lots; dumping; altering or impairing waterways or features; and other restrictions.

No water rights are associated with or included in the property subject to this easement.

The group returned to discussing the values of the Piedra main stem and whether they are adequately protected.

Piedra Main Stem

Value: River otters

Mike said the goal is to maintain a viable population. They are difficult to track, but tracking surveys have verified that the river otters are in the Piedra. Reproduction is occurring and the animals have migrated to the San Juan and Pine rivers and to Vallecito Reservoir and above.

Value: Grazing rights

It was noted that grazing is not seen as a right but as a permit for use of public lands that is reviewed on a continuing basis.

John Taylor was concerned that grazing rights would go to the highest bidder. Ivan said he had not heard of that system being considered. Another worry among grazing permittees is the renewal process which can be affected by endangered species in the area, a different range manager or other issue such as fire.

Bruce pointed out there is consensus within the group to protect agricultural uses including grazing. Ivan said the protection of the permits are within the forest service process which includes public comment, and environmental analysis.

Mely said it is important to not make changes that will set back ranchers who rely on grazing permits.

Jimbo, of San Juan Citizens Alliance, said grazing permit allotments can be adjusted to prevent land degradation, such as keeping cows out of riparian areas. John said cows will stay in lower areas if given the choice. He added that fencing is an effective way to keep herds in higher areas. Mike mentioned that fencing has been a good management tool along the Middle Fork, and Ivan noted that permittees have had success using alternative water sources to keep cows away from banks and streams.

Value: Water Quality

John Taylor said the water quality is good and that nobody he knows is doing extensive fertilizing, which can cause pollution problems. He has discussed monitoring tail waters with the water district, but some landowners would prefer not to know the impact. Taylor said he would rather know if there was a problem and deal with it before the EPA or Army Corp of Engineers found out about it. Wendy, of San Juan Citizens Alliance, suggested that monitoring runoff from agriculture is a good project this group could try and develop. Volunteer efforts to install fencing that protects riparian areas was discussed and was supported by group members. More information on monitoring return flows from agriculture uses was to be sought from the water conservation district.

Value: People making a living here.

Consensus on protecting agricultural uses and private land rights.

Value: Sense of solitude/scenery

It was commented that those values could be impacted if the area gets overrun by visitors or uses. More oil and gas development could also impact the views and solitude values. The suggested advisory group on forest usage could help monitor that potential.

Value: Roadless area

Mike said this area is less prone to road development compared to other forest areas that have more population nearby. He added that there is always pressure on the forest from user groups who want more motorized recreation and trails.

A previous proposal by TU suggested expanding the Piedra Area across the Piedra main stem as a way to prevent a dam from crossing the river. Concern was expressed about the Piedra Area expanding into Colorado Roadless Areas and whether there would be conflicting regulations.

Value: Preliminarily suitable for Wild and Scenic River designation.

It was thought that value is protected because the status is in the draft management plan. The suitability status invokes protective measures and policies along the river when forest projects are considered. In general suitability status leads to increased scrutiny of any action that impacts the river.

Value: Private water rights

Steve said their protection could be in question if the river received a Wild and Scenic designation. Ray, of Hinsdale county, expressed concern that there was a risk to water rights with a Wild and Scenic designation because they come with a federally reserved water right. A group member added that Wild and Scenic rivers bring in additional federal agencies and oversight.

For example, group members explained that diversion/headgate structures sometimes have to be moved slightly because of changes in river morphology; or ditches have to be maintained resulting in rocks relocated into the stream. Under Wild and Scenic designation these acts may be prohibited or restricted.

There was a serious concern of the unknown impact a W&S would have on water rights, diversion structures, irrigation maintenance and ditch right-of-ways and easements.

Irrigation efficiency discussion

Another issue brought up is the lack of incentive under current water law to improve efficiencies of irrigation techniques. Most irrigators use flood irrigation, but if they use more efficient side rolls or sprinklers then they risk losing water ag credits under water law. More efficient use could be interpreted as an expansion of a water right, a problematic situation being addressed by the state legislature. Conservation of water upstream, leaves more water for the next user downstream. It was suggested that the group figure out a way that gives irrigators some sort of water credit or incentive if they put more water in the stream due to improved irrigation efficiency.

There was a suggestion that water saved from more efficient irrigation be leased for increasing instream flows in the Piedra. The lease could be flexible and adjusted according to various factors and be used to help increase low flows once in a while. It

was thought that the group was in a position to try to establish a program that protected historic uses and provided incentives for efficient irrigation structures with the end goal of increasing low flows.

It was noted that there is a lot of anxiety among water right holders when their water rights are scrutinized because it may reveal they have less than they believed.

Jimbo, of SJCA, added that water rights have to be balanced with water quality issues. Forest use patterns change, and the potential for more logging and road building would impact water quality negatively.

Value: Logging

Ivan said logging contracts have not been filled lately. It was mentioned that the mill in Montrose is re-opening so that could spur additional logging interests. High transportation costs and lack of feed material for mills is a big hurdle for logging operations. It was thought that forest products could play a bigger role in national forests in the future.

There was concern that too much logging could cause increased erosion, impacting water quality. John said really dry areas see more erosion from logging and the Piedra is not considered that dry of an area. The concerns about logging and its potential for erosion into the Piedra was to be put into the final report.

Value: Rock climbing

There is advanced rock climbing in the canyons, but the activity is regulated pretty well by climbers and is self limiting. Rock climbing can have negative impacts on nesting sites and that is monitored. It was thought that there are restrictions to bolted rock-climbing routes in the Piedra Area.

Value: Popularity triggers economic growth

People commented that increased usage of the forest threatens values but also fuels the local economy with people shopping, going to the hot springs, eating in restaurants and staying in hotels. River guiding also is an economic benefit, as well as hunting, fishing, biking, hiking, motorized use and boating.

Value: Private property

County land use plans help mitigate too much development in the region. There are issues of trespassing in the area, some of which is related to hunting like hopping fences and illegally shooting game on private land. Wendy suggested that a role of the advisory group could be more hunter education. Mike said it is the responsibility of the hunter to know where he is and private property does not have to be signed or fenced.

The group moved on to Weminuche Creek and discussed whether values are adequately protected. Weminuche Creek is not considered preliminarily suitable for Wild and Scenic designation, but is being discussed as a part of a Piedra River watershed focus.

Weminuche Creek

Value: Wilderness Area

The group felt it was adequately protected

Value: Roadless areas

Group reviewed the map.

Value: Instream flows

Confluence from East Fork to Little Sand Creek: 9 cfs

Confluence from Little Sand Creek to Piedra River: 18 cfs

A group member commented that senior water rights often dewater some sections of the river below the instream flows.

Value: Geologic

Natural forces were discussed including natural erosion from rain events.

Value: Fishery/riparian

Threats of dams on the Weminuche were discussed. There are no water rights or plans for the dams, but their potential are still viewed as a threat for local landowners including the Weminuche Valley Ranch. There are two sites identified by the Statewide Water Supply Initiative on the Weminuche, one below the confluence of Little Sand and one above the confluence.

During the February meeting, there was consensus of no major impoundments on the main stem of the Piedra River.

It was thought water quality was well protected by the Forest Service. Water quality can be impacted by logging, fire and grazing. Cows in the Poma Park area were said to be in the river impacting fish habitat downstream. It was thought that there was room for improvement protecting the fishery and riparian habitat on the Weminuche.

Value: Wildlife

Mike said the public land agencies takes a hard look at whether forest activities or projects harm wildlife and their habitat. It is a priority. The Wilderness Areas also offer good protection of wildlife. Introduced species such as moose, lynx and river otter also have good management and protection.

Value: Recreation

Protected

Value: Scenery

Could be threatened by development.

Value: Water rights/irrigation

Protected within Colorado water law.

Value: Farm and Ranch

Protected by right to farm laws and county land-use plans.

Value: Trails

There was a discussion regarding motorized trails. Ivan said there is always pressure by motorized groups to open more trails for motorized use. He explained the forest service has very strict parameters on what qualifies for a motorized trail. Motorized trails proposed within roadless areas are viewed with more scrutiny and are less likely. Mely, of TU, expressed concern of motorized trails impacting water quality.

Value: Fishery

There are not good natural fish barriers on the Weminuche so browns and rainbows are in the area. Brook and cutthroat trout are also present. In Milk Creek, a tributary, when it rains white volcanic ash can pollute the stream but it is considered natural.

Value: People making a living here

Outfitting, camping, fishing, hunting, boating, recreation and ranching all are seen as the economic life blood of area.

8:45 Meeting adjourned

No meeting for November.

Next meeting is scheduled for December, 11.

Questions/ideas brought up at this meeting.

1. What type of motorized snow travel (snowcat, snowmobile, ATV fitted with tracks) is allowed and where can they go?
2. Coordinate with water districts on monitoring return flows into the Piedra watershed from agricultural irrigation.
3. Volunteer effort to install fencing that protects riparian areas from grazing.
4. Program be researched that gives irrigators more incentive to conserve water that does not risk minimizing their water rights. Information was to be sought on whether the excess water saved be used to augment low flows in the Piedra.

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.)

