

**Piedra River Protection Workgroup
Meeting #16 February 12, 2013
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

New documents made available and two presentations were given.

1. An overview of Statewide Water Supply Sites within the Piedra watershed was given by Steve Fearn, SWCD
2. Paul Blackburn, FS, gave a presentation comparing the different regulations of the Piedra Area and the adjacent Colorado Roadless Area.
3. Discussion of consensus items.
4. Discussion of next steps.

Website: ocs.fortlewis.edu/riverprotection

Next meeting:

March 12

All meetings at Ross Aragon Community Center, Pagosa Springs

Minutes were reviewed with some minor changes.

Facilitator Tami Graham reviewed the process, and the group agreed to pursue the possibility of expanding the Piedra Area into adjacent Colorado Roadless Areas in exchange for dropping W&S suitability status.

Locations for dams within the Piedra watershed identified in the Statewide Water Supply Initiative were plotted on a map, with a table showing storage and water rights (if any) and were made available to the group.

New documents and presentations were the theme of this meeting. The speakers were Steve Fearn of the Southwest Water Conservancy District and Paul Blackman, a recreation specialist with the Forest Service.

A summary of various proposals from the last 16 meetings was made available. Also documents showing requested information made by the group and different ideas for additional workgroup committee topics were presented.

Tami explained that consensus items are in general, and don't necessarily mean unanimous. Items that have consensus were agreed to in broad terms by group members

at a particular meeting following discussion. It does not mean however that consensus items cannot be revisited.

The final report objective is to better clarify group goals and consensus items for the Piedra. The recommendations will then be distributed to the community. It was noted that topics that did not have consensus will also be included in the final report.

There was some discussion of whether there was consensus of no major impoundments for tributaries of the Piedra such as Williams, Weminuche, East Fork, and Middle Fork. The group has agreed to recommend no major impoundments for the Piedra main stem in future legislation. How the main stem should be defined is still being discussed. More discussion was needed to reach whether the group has consensus or not on no major impoundments in the entire Piedra watershed.

Cindy Dozier, Hinsdale County commissioner, wondered about the Forest Service process of dropping suitability status of the Piedra.

FS Supervisor Mark Stiles responded that suitability status of the Piedra for W&S was done because it meets certain wilderness qualities. Dropping the status would have to be worded in legislation.

It was discussed whether Linda, from CWCB, will present to the group the specifics of the instream flow program, and what could be done to possibly increase those flows. Tami referred to a press article, presented by a group member, showing negotiations between CWCB and Pitkin county to increase instream flows for environmental benefit.

Steve said the topic is being discussed and needs to be thought through more. He explained that the authority does not exist for acquiring water for the purpose increasing instream flows. He said there are always possibilities, but there is a concern of unintended consequences.

However, accepting donations of water rights for stream flows is a different matter.

SWASI presentation

Steve gave a presentation of the SWASI dam site locations, status, and history. What follows are some highlights. The entire presentation is available on the Piedra Working Group website.

Dam sites were a potential inventory for water supply in Colorado. There are four SWASI sites in the Piedra watershed: First Box (main stem); two on Weminuche Creek; and another in O'Neal Park, near Devil Creek.

First Box site is 1.5 miles below the First Fork on the Piedra main stem with a estimated capacity of 70,000 acre-feet.

The group has consensus that there should not be a major impoundment on the Piedra main stem. But what defines the main stem is still being debated.

The main Weminuche creek site is located just above the confluence with Little Sand Creek with a water right of 5,700 acre feet. (Water rights associated with reservoir are abandoned) The other is further up the creek, and the info on it is available on line.

O'Neal Park reservoir: Unsure of exact location, but it is thought to be off of Devil Creek. This was potentially 40,000 acre feet. The storage water rights have been let go, Steve said. There is nothing active there, but it is still listed in the SWASI document.

There are also other smaller storage sites, such as Gordon Creek, estimated at 1,000 acre-feet. The due diligence period for water rights associated with Gordon Creek are expired.

John Taylor commented that he would like to see all of the SWASI sites in the Piedra drainage 'done away with' as a part of the group's recommendation.

Colorado River Basin discussion

There was concern about how to offset a reported 2 million acre-foot deficit to the lower Colorado basin. It was stated water had to be stored and delivered to avoid curtailment under the compact. Decisions made in Colorado have an impact on downstream states. Steve said water storage is the only way to offset the deficit. If storage sites are eliminated, it has implications for how water is managed for downstream states. According to the Colorado River Compact, the upper basin states are required to deliver a fixed amount downstream, 75 million acre-feet over ten years. Lake Powell is the main storage/delivery component.

The Front Range's propensity to monopolize the state's water resources could result in a scenario where water in southwest Colorado has to flow downstream to meet compact requirements for lower basin states.

Developing water locally is seen as insurance for future demand. Southwest Colo. basins used to feel insulated from Front Range growth, but now there is more realization we are all part of the same system. It is a complicated issue. CWCB purchased 10,000 acre feet in Lake Nighthorse which could be used for augmentation towards offset. That may provide some rationale for offsetting some other storage sites. SWCD has a willingness to consider dropping SWASI site(s) in the Piedra to preserve recorded values, but noted it could result in something being developed somewhere else.

It was suggested that legislation could pinpoint a particular SWASI site for no federal funding as a way to take it off the table.

SWCD advised to not eliminate some of the smaller impoundments because 50 years down the road there could be a need for additional storage for augmentation or some other project.

Circling back to the consensus of no major impoundments on the Piedra main stem, the group seemed agreeable to dropping the First Box SWASI dam site, but there was less overall agreement for dropping possible reservoirs upstream from that point. Also what

the main stem includes is still being worked out: Is it downstream from the confluence of the Middle and East Forks downstream, or is it downstream from First Box?

Paul Blackman presentation

Paul Blackman, recreation staff officer for the Pagosa District, gave a presentation and answered questions from the January meeting. The focus is what are the implications of expanding the Piedra Area into the adjacent Colorado Roadless Area. Here are some highlights. The entire presentation can be viewed on the Piedra Working group website.

I. Piedra Area management

*Created in 1993, when it was designated by Congress. It is managed with similar restrictions as a Wilderness Area.

*Withdrawn from mining and geothermal leasing and activity. Grazing permitted. No mechanized, motorized travel, except for Trail 535 when adequate snow cover. (Motorized exception allowed because of Grand Snowmobile Route from Vallecito to Chama that was in the planning stages at the time, but the project has since been abandoned.)

*1998 Wilderness amendment to the forest plan including Piedra Area. Use of Wilderness Areas had increased, so updated Piedra Area management plan.

- Recreational panning, sluicing, dredging not allowed.
- Fire: emphasize use of prescribed natural fire, minimize fire suppression impacts. 90 percent of all non-human caused fires will be allowed to burn in the Piedra Area.
- Allows for prescribed burning, but not done a lot.

* Outfitting/guiding permitted

- five permits for river rafting for 950 service days
 - eight permits for hunting for 2,600 service days
- (More details on website)

* New Forest Plan does not change much regarding Piedra Area management prescriptions.

II. Colorado Roadless Area adjacent to Piedra Area

- 33,000 acres of CRA adjacent to Piedra Area
- Managed primarily as Area 3 prescription: natural landscape with limited management primarily for restorative purposes. (31,000 acres) Alternative B in new forest plan (preferred)
The other 800 acres is managed as a Tier 1 roadless, the most restrictive.

III. Paul discussed what management changes could occur in the current CRA adjacent to the Piedra Area if it were to be included into the Piedra Area.

- Fire: Not a huge difference, managed the same in both areas.
- Grazing
 - 3 grazing permits in PA. In adjacent CRA there are 2 permits.
 - Biggest impact to grazing would be inability of permits to access some of these improvements because motorized and mechanized travel would

no longer be permitted in the adjacent roadless areas if they became part of PA.

Grazing permittees could find more of their lease under the Piedra Area if it were to be expanded. Under the CRA they can get motorized access to ponds and fences, but those in the PA do not have motorized access.

Chuck questioned if it was possible for grazing permittees in the Piedra Area to have an exception to a motorized ban for the specific task of accessing stock ponds. Kevin of the FS said it could be possible, and would depend on the legislative language. It was noted that roadless areas do have roads and allow for motorized travel.

- Recreation: Would have an impact if changed CRA to PA management. Immediately the area would be closed down to any type of motorized or mechanized travel. Currently in the CRA there are motorized trails, and there are proposed motorized trails, so those could be closed if it became part of Piedra Area. The trails could be allowed however through the congressional legislation.

The Devil Mountain trail is an ATV trail that travels along the southern edge of the Piedra Area. A portion of it runs through the adjacent CRA targeted for possible inclusion into the PA and therefore the trail could face motorized closure. The conversion to PA would also trigger group size limits and camping closures adjacent to water. Monitoring protocol to address crowding would also take effect.

Motorized use discussion

Stan Winnery, Hinsdale county commissioner, wanted to know what the usage numbers are for the Devil Mountain Trail (#600), and how users would access motorized trails cut off by closures stemming from the expanded Piedra Area concept.

Paul said recreation use in the PA and surrounding CRA are some of the lighter used areas. Mostly used in hunting season. However, the Devil Mountain trail system has been increasing in popularity. It connects the eastern district with the First Fork road network.

A single track motorcycle trail is also proposed for the that area. Paul said closure of Devil Mountain trail would negate work done by the FS to connect the trails and roads in that area for recreation.

Susan, a group member, questioned the wisdom of designating an ATV route, and then cutting it off.

Stan asked how many outfitters and hunters use that area around the Devil Mountain trail and that portion of the CRA.

Paul explained that the outfitters in that area are dedicated to horseback and do not care for motorized uses in that area. The FS has worked to minimize the proposed motorized trails on their business. They tend to work away from the proposed motorize trails and current ones.

Jimbo, of San Juan Citizens Alliance, expressed concern about impacts of motorized use on habitat in that area. Connectivity of roads is one thing, but it has to be balanced with habitat conservation.

Cindy, Hinsdale County commissioner, commented that the motorized community needs to be made more aware of the potential closure of a motorized trails. She added that outfitters also need to be notified because it affects them as well. Facilitator Tami said they have been invited to participate and will be notified again.

Paul said they are frequently in contact with motorized groups, who he says are upset about closure of trails in wilderness areas and specifically within the Piedra Area.

Mark Stiles, forest supervisor, explained that the statute creating the Piedra Area requires protection of wilderness character, but there is some flexibility for motorized uses for specific reasons like rescuing animals.

The comment was made that expanding the Piedra Area would preclude any new trail construction.

--Continue presentation on impacts of expanded Piedra Area--

*Outfitter and guide program not expected to be affected.

*Weed management in the CRA could be complicated by the conversion to Piedra Area because managers currently use motorized and mechanized equipment and that would be banned.

Instream Flows

The group continues to discuss the details of instream flows and whether they are adequate for stream health, and if they can be increased or should be. At the next meeting they want to identify specific areas where instream flows could be improved or not.

Increasing instream flows and/or leasing water for protecting river health have been discussed as a way to maintain quality river values. Those discussion are to be continued.

There is a legal debate currently in the state regarding water law. One side believes the CWCB has authority under current statute to appropriate water for purposes beyond just protecting the minimum flows for fish. Another side does not believe that is the case so it is an unsettled legal issue.

Mely, of TU, elaborated further on the topic. She explained that existing law allows CWCB to buy, lease or receive donation of water to increase instream flows beyond amounts decreed to the CWCB. A new bill addressing the issue would allow the CWCB to fund such acquisitions – which is not currently allowed. This is an important distinction because the state is not the only source of funding for such leases and acquisitions. Non-profits, including TU, are capable of finding other sources of funding. She added that even if a pending bill on the matter does not pass, leasing or buying water to increase stream flows is already allowed under state law and has been for many years.

It was discussed that at the April meeting, an CWCB expert on the instream flows may be scheduled to provide more information on the ISF process.

A summary of the threats discussed for the various river segments was to be drawn up.

Meeting adjourned 8:30

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.)