

**Piedra River Protection Workgroup
Meeting #17 March 12, 2013
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. New document on instream flows was made available and a new comprehensive map of the Piedra Area and Colorado Roadless was handed out.
2. Discussion of differences between Piedra Area and Colorado Roadless Area uses and restrictions.
3. Presentation by aquatic biologist Jim White on river health.
4. Outfitter input on the ramifications expanding the Piedra Area may have on their business.
5. Consensus: The group agreed that existing motorized routes, within the adjacent Colorado Roadless Area proposed to become part of an expanded Piedra Area, remain in place.
6. Presentation given of the latest data on shortages predicted within the Colorado River Basin.

Website: ocs.fortlewis.edu/riverprotection

Next meeting:

April 16, 5:30 p.m.

All meetings at Ross Aragon
Community Center, Pagosa Springs

27 people attended this meeting

Facilitator Tami Graham predicted two to four more meetings for the group. Several outfitters attended this meeting and expressed various concerns regarding a preliminary proposal to expand the Piedra Area. She said that a range of opinions will be reflected in the final report, as well as the agreed-upon consensus items of the group.

Mely, of TU, discussed a pending water bill at the state house that would authorize state funds for instream flow purchases to improve the natural environment. which right now is not allowed. She explained that 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. Even if a pending bill on the matter does not pass, leasing or buying water to increase instream flows for the natural environment is already allowed under state law and has been for many years.

A handout titled "Types of leases available through the ISF program" was made available.

The minutes were reviewed and no changes were made.

A new map was presented showing the Piedra Area (PA) and the suggested expansion into the adjacent Colorado Roadless Areas (CRA). The map also identifies grazing allotments in the area, stock pond locations, and motorized trails that could be impacted by the expansion.

Expanded Piedra Area discussion

Ivan, of the forest service, pointed out motorized trails that are currently outside the restricted Piedra Area, and noted they could be impacted if the Piedra Area was expanded.

Members of the group expressed general concern regarding activities that could be restricted if the Piedra Area was expanded into adjacent Colorado Roadless Areas. The PA does not allow motorized, mountain biking, or chainsaw use, although chainsaw use is sometimes permitted by the forest depending on circumstances. The Colorado Roadless Areas do allow motorized, chainsaw use, and mountain biking, all activities that could be curtailed in some way if the Piedra Area was expanded.

If the group did recommend expanding the Piedra Area, they could specify that certain activities, such as use of a popular motorized trail, and other activities, be allowed. The exceptions would have to be written into legislation, and have forest service approval.

For example, under the expansion proposal, stock ponds currently in the adjacent CRA that could become part of the restrictive Piedra Area and might no longer be accessible by motorized vehicles for maintenance.

When asked if there could be an exemption for reasonable, limited motorized access to stock ponds if they became part of the PA, forest service staff said it could be a consideration.

It was noted that the enacted legislation for the Piedra Area allowed an exception to the motorized ban on Trail 535. The trail was projected to be a cross country snowmobile route, and was therefore specifically permitted for motorized use for that purpose. However, the trail system never materialized, but the language allowing it remains in the Piedra Area act.

Outfitters have concerns

Mark, an outfitter, expressed concern about how the commercial outfitting industry would be impacted by increased regulations of an expanded Piedra Area. He said as a commercial operator, the uncertainty of what would or would not be allowed is troubling. For example, when there is a fire, as there recently was, outfitters use chainsaws and generators to clear trails to prepare for the outfitting and hunting seasons. If an area they operate in becomes part of the Piedra Area, it may allow chainsaws, but if there are banned then that affects labor costs because the clearing has to be done by handsaws instead.

Kevin, of the forest service, responded that the issue could be addressed in the legislation. However, during the bill's creation the forest service would need to be

consulted on whether they would be agreeable to an exemption for chainsaw use in an expanded Piedra Area. Whether top officials would be willing to do that is unknown.

Currently, the PA says manage this area to maintain its wilderness characteristics, so it would be up to forest managers to decide if chainsaw use would impair that standard or not.

Mark explained that the chainsaw use in the Piedra Area is not enforced consistently by public land rangers. He said that he has been given permission by forest staff to use a chainsaw in the Piedra Area for cutting firewood for hunting camps. But other times, he is told that chainsaw use is not allowed. He wants more flexibility for outfitters to allow them to do their jobs and also to allow forest mitigation after a fire. Not being able to cut deadfall with chainsaws to supply hunting camps, for example, would significantly increase labor costs and diminish already thin profit margins.

Kevin said there could be some compromise between users and the forest service for activities in an expanded PA. However, regarding allowing ATV use, he said probably not; chainsaw use for trail maintenance, perhaps. Regarding chainsaw use for the convenience of preparing hunting camps, he said there would probably be a lengthy discussion by forest staff on whether that is in line with PA parameters of wilderness character.

He explained motorized uses in the Piedra Area depend on the situation, and are decided internally according to agency protocols. For example bridge repairs may require brief use of motorized vehicles.

If there is legislation introduced for the expansion of the Piedra Area, outfitters want to make sure a set of principals that list their concerns and needs is addressed within the bill language.

Preston, an outfitter, commented that things are working well as they are now and he did not support any changes.

W&S suitability vs. Expanded Piedra Area

Chuck, of TU, responded that the PA expansion proposal is a way to preserve what is there now through local action. The idea is to consider legislation that would expand the Piedra Area and eliminate major impoundments on the Piedra main stem in exchange for dropping Wild and Scenic suitability on that part of the river. He said it could add more certainty to the way things are now by preventing a major reservoir.

Currently, there is a major reservoir site identified on the Piedra main stem by the state, but the likelihood it would ever be built is thought to be slim.

Mark, an outfitter, recapped that suitability status on the Piedra for Wild and Scenic designation means it could become official if Congress approved. That situation comes with baggage in the form of a federally reserved water right and other federal regulations for river activities.

A W&S designation could have a potential impact on current and future water right holders and entail additional federal regulations on the river. He explained that this group is exploring alternatives to that scenario, such as expanding the Piedra Area, which also

carries baggage with it. For example, activities like chainsaw use, motorized use, and mountain biking allowed in the Colorado Roadless Area adjacent to the Piedra Area could be banned or restricted if legislation passed allowing the Piedra Area to expand into those areas.

Whether or not the group is comfortable with the baggage associated with expanding the Piedra Area to protect the basin is the focus of the stakeholder discussion. Mark said the group needs to explore a break even point of how far to expand the Piedra Area that meets everyone's concerns. Negotiating the right size is a key component, not necessarily an all or nothing type proposal.

Bruce, of SWCD, agreed that a key question becomes 'what are the legislative alternatives to provide protection in lieu of Wild and Scenic?' What the exact boundaries of an expanded Piedra Area might look like is a critical component of the proposal and needs more discussion/analysis.

Jeff Widen, of the Wilderness Society, commented that the key to the process is to craft legislation to address specific issues. There are different tools to manage public lands depending on the uses of that land. In the Hermosa Creek drainage, for example, designations were recommended for different pieces of that watershed that worked best for the uses of that area. So the question becomes how much flexibility is there within different designations, i.e. Wild and Scenic, Piedra Area, Colorado Roadless Areas, and also Wild and Scenic suitability status.

The W&S suitability is the current status of the Piedra Main Stem, East Fork and Middle Fork, which requires a high level of protective management to preserve the river's relatively undeveloped and natural qualities. Suitability is a precursor to official Wild and Scenic, which must be designated by Congress.

New forest plan question

Kevin, of the Forest Service, explained that the new forest plan, expected out soon, examines river stretches like the Piedra, and reviews their Wild and Scenic suitability status.

Various river working groups have been meeting to come up with recommendations for management strategies that preserve a wide variety of values on rivers in the SW Colorado region.

But a concern for the group is that the record of decision (ROD) for the new forest plan will be out before recommendations of various groups are complete. To accommodate the grassroots process, forest officials have noted they are monitoring the discussions, concerns and issues of the different river groups and those issues will be considered/addressed in the final forest plan.

The forest service will manage according to the ROD, and that includes managing segments of river labeled suitable for Wild and Scenic to protect those characteristics. Dropping the suitability, creating a Wild and Scenic, or expanding the Piedra Area would all require acts of Congress, and will not be decided in the new forest plan.

Stan, Hinsdale county commissioner, asked what happens if this group recommends dropping W&S suitability (in exchange for an expanded PA) but the forest service finds in its new plan that the Piedra is still suitable for Wild and Scenic.

Facilitator Tami explained that forest supervisor Mark Stiles has stated the agency is willing to consider recommendations of the working group even if it happens after the Record of Decision. In that case, an amendment to the new forest plan could be negotiated and drawn up to address recommendations of the group.

Recognizing the efforts of the grass-roots process in the final forest plan opens the door to legislation that addresses the concerns and issues of the group.

Steve, of SWCD, further noted that the forest service would be asked to weigh in on proposed legislation on the Piedra to determine if it complies with their management goals.

It was noted that Alternative C of the new forest plan includes a small expansion of the Piedra Area. However Alternative B, the preferred alternative, does not include PA expansion.

CRA vs. PA permitted uses

I. Chainsaw use for outfitters

Mely noted that commercial outfitting in the area is an important economic benefit and the group recommendations should respect that business.

Outfitters said their main concern is the allowance of chainsaw use to clear trails and provide firewood for their camps. Chainsaw use is not allowed in the Wilderness Area, and outfitters who work in those zones must use hand saws, which is much more labor intensive.

Outside those areas, including in the nearby Colorado Roadless Areas, chainsaw use is permitted, cutting down on workload for outfitters. Increasing labor costs, could drive some of the smaller outfitter operators out of business. For larger operators, additional restrictions on chainsaw use could force them to reduce clientele and/or areas where they guide hunters. Additional layers of regulations can trigger business management decisions for outfitters. Clearing away trails needed for commercial outfitting services of deadfall is also a large labor costs for outfitters as well.

II. Motorized discussion

The Piedra Area does not allow motorized uses. Expanding it could potentially close established and popular motorized trails in the adjacent Colorado Roadless Area. However, exemptions for allowing certain motorized trails could be written into legislation. Motorized groups have been contacted regarding the situation, but have not showed up at the meetings.

Despite their absence, the motorized concerns about their trails being threatened will be recognized and included in the final report. There are several motorized trails within the CRA targeted for a proposed expansion of the Piedra Area. The major motorized trails are 582, 654, 600, 605 and 608.

Group members noted that it would not be politically prudent to eliminate motorized trails already approved by the forest service.

Consensus: The group had consensus that existing motorized trails should have continued motorized access if the Piedra Area was expanded to include the areas where they are located.

John, of Sen. Bennett's office, said closing designated motorized trails that have been approved by the forest service for motorized recreation does not generally happen in new legislation.

III. Mountain biking

Mountain biking, a mechanized activity, is not allowed in the Piedra Area, and could be curtailed in the adjacent Colorado Roadless Areas if that area became part of the Piedra Area. The group agreed that the issue of mountain biking access in an expanded Piedra Area needed to be discussed further.

Kevin said there has been an increase in illegal mountain bike use in the Piedra Area in recent years.

It was stated that there has been increased mountain bike use in the adjacent Colorado Roadless Area, with more concentrated use in the southern areas. There was to be an effort to contact mountain biking groups about the issue.

Kevin explained that on the Pagosa District there are 500 miles of non-motorized trails, including in the Wilderness. There are 80 miles of motorized trails. The recent travel management plan added 40 miles to the system. Half of that was added to motorized and the other half added to non-motorized. There are different categories for motorized: 50 inches in width, to accommodate ATV's, and also dedicated, single-track motorcycle trails.

Garbage from four-wheelers was noted as a problem by a group member who is also an outfitter. Cleaning up the garbage is a burden, and the littering is considered poor backcountry ethics.

Kevin, of the forest service, noted that what is whatever is proposed by group does not undue existing travel management plans.

Fire mitigation discussion

Fire management in the forest has lots of variables. Natural fires in the Piedra Area and Weminuche Wilderness are allowed to burn because natural processes are allowed to dominate in those areas. Outside the Piedra Area it depends on multiple factors whether a fire is allowed to burn, controlled or fought outright. Human caused fires in the forest are generally suppressed.

Many decisions are made on a case by case basis depending on the specifics of the fire, if property is at risk, and the degree of risk to the community. Low intensity fires may be allowed to burn to help reduce fuel loads that contribute to larger fires. Sixty percent of the agency budget goes to fire suppression.

What the regulations would be for controlled burns in the expanded Piedra Area is not clear cut and would depend on forest management goals.

ISF discussion

Jim White, an aquatic biologist, presented to the group information regarding instream flows and riparian and river health. The group is interested in exploring the possibility of

increasing instream flows (ISF) regulated by the CWCB for certain stream segments that may benefit from them.

White feels ISFs are a good hedge against development in the future. They are junior rights when implemented but are senior to water rights obtained in the future.

The group has been discussing different methodologies for determining appropriate instream flow levels. New science about river, fish and riparian health could warrant an updated methodology for determining ISF levels.

Bruce, of SWCD reminded the group that ISF do not create new water, but could impact future water users.

Mely, of TU, asked what roles do different stream flow levels play for fish health. Can fish live with a flat minimum instream flow or do they need more variability in flows, like flushing flows? Also what are the consequences for fish if flows are inadequate?

Jim responded that many streams are like the Piedra in that water is captured upstream in a reservoir and then delivered downstream. This impacts fish in a different ways. Higher than average base flows can benefit trout. Fish have adapted to natural flushing from snowmelts and have a life history that has evolved around variability of conditions. Pools, riffles, and substrates are key for fish spawning and their nurseries.

Jim White added that fish can be negatively affected by huge torrents of water, natural or unnatural. The Piedra river is a steep drainage that can be a tough environment for fish. Managing towards a more natural flow regime will improve fish habitat and fish health.

The group will continue to explore the possibilities of increasing ISF in certain stream segments. But more discussion is needed of which areas could be candidates for increasing ISF levels to maintain a health habitat.

Colorado River Basin presentation

A presentation was given on water management issues, current and into the future, for the entire Colorado River basin, which includes southwest Colorado. Hinsdale County Commissioner Stan Winnery and SWCD staff member Bruce Whitehead gave the presentation. It can be accessed at

www.usbr.gov/lc/region/programs/crbstudy/report1.html

The executive summary is especially helpful.

In general, the presentation was given in part to express concern for the impacts that limiting impoundments/dams in Colorado could have on the future needs of the state. Colorado does not utilize its entire share of allocated water on the Colorado, and there was concern expressed by group members that allowing it to flow to lower basin states rather than being developed in Colorado could be a mistake.

Some highlights:

*Colorado is not using its entire share of water allocated to it from the Colorado River Compact.

*Water demand is catching up with a limited water supply.

*Total allocations for the Colorado River equal 15 million acre-feet (maf). 7.5 maf is earmarked for the Lower Basin states: CA., AZ., and NV. And 7.5 maf is earmarked for the Upper Basin states: Colorado, New Mexico, Utah and Wyoming.

- *Risks to water supply: Warming trends, dust on snow, rain instead of snow, development outstripping supply, population.
- * Solutions suggested in the report: cloud seeding, towing icebergs to California(!), temporary fallowing of ag fields to save water, desalinization projects on coast to provide fresh water, etc.
- * Lake Powell and Lake Mead are key storage facilities for delivery of Colorado River water to cities like Phoenix, Las Vegas and Los Angeles.
- * 70 percent of water consumed by the Front Range comes from the Western Slope.
- * Most of the projected shortages are in the lower basin.

The report is seen as a wake up call of water shortages in the future. How best to deal with the situation is a big problem the state faces. A big question is how to develop Colorado's share of the Colorado River without overdeveloping.

It was noted that New Mexico demand is a huge concern for Colorado, especially southwest Colorado. All of New Mexico water owed to them from the Colorado Compact is delivered via rivers from the state of Colorado.

Conclusion

Stan summarized that what is done on the Piedra has an affect on water management for the whole state. Storage sites, even small reservoirs, are seen as a tool to control and manage Colorado's share of water allocated under the compact.

It was commented that the group should focus more on the regional needs and concerns regarding the values of the Piedra watershed. Focusing on the state's broader water issues was seen as beyond the scope of the working group.

Steve, of SWCD, commented that Denver's growing population is motivation for them to develop more water on the Western Slope and pipe it over/under the Divide. If the Piedra Main stem is protected from impoundment, that could open the door for development elsewhere. Part of the river working group process is to try and guide where water development should occur.

Meeting adjourned 8:45 p.m. Next meeting scheduled for April 16, 2013

Visit the River Protection Working Group website for documents, meeting minutes, maps and more information: <http://ocs.fortlewis.edu/riverprotection/>
Find the Piedra Workgroup on the left buttons.

(one more page below)

Concerns for expanding the Piedra Area into the adjacent Colorado Roadless Area

Motorized: Piedra Area does not allow it. CRA does. Expanding the PA could put at risk several established motorized routes.

Mountain Biking: Piedra Area does not allow it. CRA does. Expanding the PA into the CRA could close off trails to mountain biking.

Ranching: Stock ponds are a key component of rangeland grazing in the Forest. Stock ponds in the Piedra Area cannot be accessed by motorized vehicles for maintenance, while stock ponds in the CRA can be accessed by motorized for maintenance. Expanding the PA into CRA could close off stock ponds that currently have motorized access.

Fencing in rangeland also could be impacted by expanding the Piedra Area since maintenance of it is often accessed by motorized means.

Outfitting: Commercial outfitters operating in the Piedra Area may not be allowed to use chainsaws and generators. Outfitters operating in the CRA are allowed to use generators and chainsaws. Chainsaws might be allowed by the FS for outfitters to cut firewood for camps and clear trails of deadfall. In the Wilderness Area such work is done by handsaws.

If the Piedra Area expanded into the adjacent CRA chainsaw use by outfitters may be allowed.

Fire mitigation: Controlled burns in the CRA are done to mitigate undergrowth and reduce ladder fuels that can contribute to larger wildfires. Less controlled burns are done in the Piedra Area, so there is concern that if it is expanded, there would be less fire mitigation in the forest overall.

Mineral Withdrawal: There is one in the PA but would mining also be banned in the expanded PA area?