

**Piedra River Protection Workgroup
Meeting #12 September 18, 2012
Ross Aragon Community Center, Pagosa Springs, Colo.**

What happened at this meeting?

1. Questions answered from last meeting.
2. Updates presented on conservation easements.
3. News of fish kill in Williams Creek Reservoir presented.
4. Continued discussion of adequate protection of wildlife/fishery values listed on segment sheet.
5. Compromise proposed that suggests dropping suitability status in exchange for expanding Piedra Area.
6. Proposal to form advisory committees for above proposal and also one to guide forest policy.
7. Tour report

Next meetings:

Oct. 15 (Monday) 5:30 p.m.
(Meeting moved to room down the hall)

Nov. 13 5:30 p.m.

All meetings at Ross Aragon
Community Center,
Pagosa Springs

Fifteen people attended this meeting.

Ivan gave an update on the revised final plan for the San Juan National Forest. He said the likelihood it will be done by early Fall is slim because it still must be reviewed by regional offices. However, the long awaited plan revision is in the final stages at any rate, he said, and is expected to be published by early 2013 and perhaps earlier.

Facilitator Tami Graham explained to the group that the meeting would continue the thread from the August meeting discussing whether current protections are adequate to protect values listed by the group. She estimates that the process of the Piedra Working group would continue for another 4-6 months, with an end product of recommendations from the group on various issues, including areas of consensus and ranges of opinion. Eleven people participated in a tour of the Piedra main stem on Sept. 17, six on foot and five on horseback. The tour got rave reviews and the weather was excellent. See tour report at end.

Minutes were reviewed with a few clarifications.

Questions from the previous meeting were answered.

Questions about water rights for the Southern Ute tribe, which the Piedra drains into, were discussed. They date back to the Winter's Doctrine, it was explained, which gave exclusive water rights to Native American tribes. Tribes do not necessarily have to use the water, but are entitled to it when they do. In essence, tribal water rights are federally reserved for the tribe. It was suggested that Chuck Waller be consulted with regarding water rights held by the Southern Ute tribe.

Ann commented that Southern Ute water must flow through the Focus Area of the group before it reaches reservation land so it does not matter if it is used or not. Steve added that the water is set aside for the tribe and those rights cannot be developed upstream of the tribal lands. Some Southern Ute water rights have a seniority dating back to the establishment of the reservation under Colorado appropriation law.

Question: Can the forest service use prescribed burns in the Piedra Area or Wilderness Areas?

Answer: Ivan reported that the FS does do prescribed burns in the Piedra Area but they are limited and often are done from the air during spring when patches of snow are still around. The practice is done to knock down accumulated fuel loads that contribute to larger wildfires, and three burns in the Piedra Area are planned for the future.

Question: Does the mineral withdrawal for the Piedra Area include geothermal leases?

Answer: Yes, the mineral withdrawal includes leases for geothermal use.

Regarding mineral withdrawals for Wild and Scenic rivers, it was noted that there are different categories of Wild and Scenic rivers so it varies. The most pristine category of Wild and Scenic rivers typically have a mineral withdrawal included, meaning no mining or oil and gas drilling, however Wild and Scenic rivers under the 'scenic' or 'recreational' categories can have extractive industry use, but on a limited basis.

Question: Does a Wild and Scenic designation have an impact on private landowner's efforts to improve river habitat?

Answer: Yes, there would be limitations, but certain improvements could be possible. Constructing a commercial boat dock that impedes fish habitat would likely be out of the question. The group was directed to a website, rivers.gov for a comprehensive guide for homeowners within or near a Wild and Scenic river area. The website also has very informative congressional briefing documents handed out to elected officials explaining various water issues and federal land protection measures.

It was generally noted that Wild and Scenic designations bring additional restrictions and other agencies into play regarding activities on that particular river. It was said that this can be an intrusion, but Jimbo, of San Juan Citizen's Alliance, added that additional expertise and resources can also come from it.

Question: What is the general inventory of historic and ancient ruins within the Piedra river watershed?

Answer: Ivan reported that staff archeologists say there are limited ruins in the Focus Area, and number in the 'tens of tens.' Ancient sites are mostly buried, and are managed so they are undisturbed.

Question: To what extent is the Piedra stocked with fish?

Answer: Parks and Wildlife ranger Mike Reid explained that the outbreak of whirling disease limits stocking, and the presence of the disease in fish hatcheries has changed fishery management. He said fish stock can only be obtained from hatcheries that are certified whirling-disease free such as the one in Durango. He mentioned that river otters and birds feeding on fish can impact populations, as well as anglers. Unfavorable river conditions such as too much silt or water that is too warm also hurt fish numbers. He estimated that between 3,000 and 6,000 rainbow and brown trout fingerlings have been stocked in the Piedra main stem, 500-1,000 in the Middle Fork and 30,000 cutthroat and rainbows in Williams Creek reservoir.

Also there is some stocking of Colorado cutthroat in Falls Creek and in the North Fork of Sand Creek. Those areas are prime habitat for the native Colorado cutthroat because of natural barriers, such as pool drops, that prevent hybridization from other fish species.

Fish Kill

Mike reported that for the first time in its history, a major fish die-off occurred in Williams Creek reservoir, killing mostly Kokanee salmon. The reason has to do with limnology, the science of inland lakes and their various water properties at certain depths.

A lack of mixing within the different layers of water somehow caused an oxygen deficit, leading to the fish kill. Measurements at a depth of 10 feet and also at 25 feet to the bottom showed below normal dissolved oxygen content, Mike said. A major wind event and a flushing rain is needed to help solve the problem, and more study will be done.

It was asked if the drought caused the problem, but that is unclear because there was no fish kill in 2002, the last comparable dry spell. It was noted that most fish kills occur in the winter.

Easement update

The group previously requested the terms of various easements within the Focus Area. Information was presented on two easements.

Lone Tree Ranch

Tripp explained that the Lone Tree ranch easement on the East Fork does not allow subdivisions, has building restrictions and no ranching or building is allowed within riparian areas on the property.

Tres Piedra Ranch

This easement, located at the end of FR 621 is on private property surrounded by the National Forest. The 77-acre inholding is situated along the Piedra main stem. The easement specifies: a limit of three building sites; riparian areas must be fenced off from ranching activities; fences must be no higher than 42 inches and have lay-down capability; only one hay-cutting per year; only organic agrichemicals are allowed; no subdividing; no feed lots; no rock or sand quarries; no commercial logging; no trapping or baiting; and no new roads in riparian or critical wildlife habitat.

The property is to be maintained to preserve populations for elk, deer, river otter, bald eagle, peregrine falcon and other wildlife.

Water rights are retained and include the Thompson ditch at .05 cfs (1968 priority), Don Thompson Pump #1 at 1.0 cfs (1952 priority), and Don Thompson Pump #2 at 1.0 cfs (1952 priority).

It was asked whether water rights held by Native American tribes could ever be subject to the abandonment list. The answer was no because they are reserved under treaty law and are therefore retained forever whether they are used or not.

The meeting then returned to the business of determining if values listed on the segment sheet were adequately protected. Picking up from last month's meeting the group returned to the topic of Flora and Fauna category on the Main stem.

Piedra Main Stem
Value: Flora and Fauna
Discussion/protectations

River otter

Ann wondered if there was a population target for the river otter on the Piedra. The river otter was recently upgraded to a threatened species in Colorado, an improvement from the more dire endangered status due to healthier population numbers.

Mike, of Parks and Wildlife, explained not a lot is known about the local population because the otter is so rarely seen and therefore difficult to study. There is a statewide recovery plan for the aquatic carnivore to help its survival in rivers where it resides including the Piedra, Dolores, Gunnison, Green and Colorado. There has been habitat loss due to housing development and biologists are determining what the animals' critical habitat is. The river otter was re-introduced into state waters in 1978 and have been reproducing on their own, including on the Piedra.

Otter population numbers on the Piedra were questioned by members of the group, considering they are so rarely seen, and the only documented sightings by staff biologists have been on a pond away from the river in the 1990s.

Ivan, of the forest service, said the otter population is considered viable if they are reproducing. Jimbo, of SJCA, noted that the FS draft management plan requires managing for a viable river otter population.

Mike, of Parks and Wildlife, commented that a key component for river otter management is maintaining a healthy riparian corridor so the animals can find each other.

Other wildlife discussed were wild turkeys – having a population surge due to a mild winter, and grouse – also up due to ideal nesting conditions.

The management plan for the otter was to be added as a protection under the Piedra on the segment sheet.

Piedra Main Stem

Value: Fishery

Discussion/protections

It was discussed among group members how values for the river change over time. For example what was once considered trash fish are now species that are managed for survival. The native bluehead and flannelmouth suckers used to be destroyed in the Piedra in favor of increasing sport-fish populations, but as times have changed preserving the native fish habitat has become more of a priority.

The flannelmouth and bluehead suckers have seen a decline in recent years. They are considered a species of concern.

It was noted that the non-native white sucker is also in the Piedra, and managers are working to reduce its numbers.

Mike explained efforts to determine how far up the bluehead and flannel mouth suckers reside on the Piedra. Fish biologists use electrofishing to count and determine where different fish live. A concern is the hybridization of white fish with native bluehead and flannelmouth. So the question for native species becomes Where are they? and What can we do to help them survive?

Mike explained that invasive species, like the white sucker, can tolerate lower quality water that is warmer and muddier. In degraded habitat, non-native fish can out compete native fish for food and spawning areas.

Healthy riparian areas benefit fish. Flushing flows, riffle to pool ratios, condition of cut banks, shade along the banks, and siltation all play a role in a healthy fishery. It was noted that if grazing of domestic animals is too heavy along the river banks, it increases siltation and can harm fish habitat.

Temperature also has an effect on fish. During the tour, Mike took a reading that showed 58 degrees at the bridge between 1st and 2nd Box canyons. If it gets into the high 60's the fish begin to get stressed and voluntary fishing bans are implemented. Even catch and release can cause a fish to expire at higher temperatures.

Rotenone, a chemical used to eliminate non-native fish, works to a degree, Mike said, but it is not guaranteed to eliminate unwanted species. He said the goal is to knock back non-native fish, and stock with native/sport species in the hopes they dominate the habitat and overwhelm the non-native fish.

Aquatic and riparian habitat were to be added as a value because the two are inexorably linked.

Fishery protected?

Tami asked if the group thought the fishery was adequately protected?

Bruce, of SWCD, said the remote location of the Piedra, its general inaccessibility and ruggedness, acts as a protection.

Steve said he believes the flushing flows are adequate for the fishery because half of the river has no diversions.

Mely said the concern is how to keep the healthy fishery there now into the future. Just because it has difficult access doesn't mean there can't be development upstream that could reduce flushing flows. She added that there are three identified dam sites on the Piedra.

Steve said there are a lot of factors working that would prohibit upstream development, and the current situation protects the river pretty well.

Mely warned to not underestimate human endeavor regarding water development, noting recent colossal proposals that pipe water to Colorado from the Green and Missouri rivers. She said she is not comfortable that just because they are expensive and difficult they will not happen.

Bruce reminded the group that a lot of water flowing down the Piedra depicted on the hydrograph is spoken for downstream of Navajo reservoir by other states and the Navajo Indian Irrigation Project. The lack of developable water for a new reservoir is seen as a barrier to major impoundments on the Piedra.

Jimbo, of SJCA, also said he is concerned about the dam sites listed for the Piedra on the Statewide Water Supply Initiative (SWSI). He said the areas identified as potentially feasible for an impoundment are large enough for interest by water developers.

Compromise Proposal

Chuck, of TU, proposed to expand the Piedra Area across the river and into adjacent Roadless Areas as a way to prevent major dams from crossing the Piedra. In exchange, he suggested dropping the Piedra's suitability status for a Wild and Scenic River.

He added that an agreement to end federal funding for SWSI sites on the Piedra would help satisfy his concerns about protecting water quality needed for a healthy fishery. He continued that anything causing a depletion of water for fish habitat is an issue he is interested in, but there is room for municipal and agricultural demands.

Steve questioned whether it was in the group's purview to propose legislation that prohibited federal funding for water projects. Regarding the suggestion to expand the Piedra Area across the river, he said the devil would be in the details, but it could be looked into. There was agreement that more discussion and detail was needed regarding the proposal to drop suitability status in exchange for an expansion of the Piedra area.

Chuck, of TU, said most major impoundments are 80 percent funded by the federal government. Hypothetically, if that money wasn't available and it becomes important to build a small impoundment, it would have to be funded locally, by a local bond for instance.

It was thought a separate advisory committee could tackle the issue of expanding the Piedra Area across the river in exchange for dropping suitability status for W&S. The possibilities of negotiating limits on federal funding for major impoundments on the Piedra was also to be researched and discussed more.

Bruce said during the tour, outfitters explained how important it was for them to be able to clear trails with chainsaws and that right needs to be protected if the Piedra Area is expanded. When in wilderness areas, outfitters must use axes to clear trails because of the ban on motorized use.

The proposal to possibly expand the Piedra Area may involve land earmarked as a Colorado Roadless Area, a designation with its own rules and regulations. More information was to be found on the specifics of rules and regulations on roadless areas adjacent to the Piedra Area to see what was allowable.

Bruce said that if expanding the Piedra Area into a Colorado Roadless Area meant conflicting restrictions then that would be a concern. The group agreed that finding out the specifics of CRA's would help remove some uncertainty.

Steve Fearn, of SWCD, believes the protections in place within current management strategies are adequate for supporting various species along the Piedra.

Chuck, of TU, added that the basic health of water and land resources are key to sustaining flora and fauna into the future. How human actions affect natural systems determines their relative health.

A reoccurring theme among group members is the fact that plans change, and what is protected now, may not be in 25-50 years.

Piedra Main Stem

Value: Wildlife

Discussion/protections

Mely, of TU, commented that there is a lot of overlap of protections for various values. A major consideration is insuring adequate flows for riparian and river health.

Mike, of Parks and Wildlife, explained that there is some overlap but the complexities of wildlife management are not one size fits all. What is good for one species may not be for another, he said, for example a generalist species will easily take over an area if given the opportunity, causing pressure on other animals. The challenge is determining what the right percentage of various landscapes and habitats (old growth, meadows, forests, wetlands) within the confines of public lands is required to accommodate a wide variety of species.

Jimbo believes it is important to follow through on the commitment to sustain re-introduced animals like the river otter and lynx since humans were the cause of their initial disappearance. He added that fish are an important part of the river otter diet, and high water temperatures due to low flows impacts fish populations, so that problem needs attention.

Mely said the group needs to be careful not to micro-manage wildlife regulators too much, rather the group is charged with making recommendations on human activity that impacts river habitat.

The requirements under the Colorado Water Quality Control Act were to be added under protections.

Also, established lynx habitat should be listed as a value.

Lynx discussion

Mike said a common misconception was that lynx habitat, a wide-ranging area, would somehow be closed off to public recreation. Those areas are not closed off to the public, and are managed according to their land status and species. Protecting lynx habitat is an agency priority when forest projects are proposed and/or conducted. Lynx have giant paws and therefore prefer deeper snow, where they have an advantage finding prey over other predators like coyote and bobcat. Ideal lynx conditions occur more commonly at higher elevations like that of the Weminuche Wilderness Area. The lynx have mostly settled there, it was reported, where they feast on their favorite prey, the snowshoe hare, whose population numbers are apparently good.

John Taylor commented that snowmobiling was curtailed on the Middle Fork, apparently because of the risk to lynx habitat. Mike responded that the restriction was to protect elk herds, as well as lynx.

The comment was made that snowmobile tracks help lynx get around easier and allows elk to better access grasses on south facing slopes. Jimbo responded that the snow mobile tracks also allow the lynx's competing predators to access areas they normally would be unable to hunt in effectively. Mike said compacted snowmobile tracks do help elk maneuver for food, but it becomes a negative if elk and snowmobiles are there at the same time.

Lynx, which were re-introduced in 1997 and 1998, are in the Piedra watershed and are thought to roam beyond the wilderness boundary. They have been producing young in the wild successfully. Mike said biologists are still learning what exact habitat the lynx use.

Ann asked if they seek out riparian areas and the answer was that snowshoe hare and other prey, like small mammals/birds, reside there so river zones are a food source for the wildcat.

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

John Taylor expressed that the upper Piedra community is not harming the river and that the greatest danger was increased human visitation. He suggested setting up an advisory committee to help give guidance and direction to forest managers regarding local resources.

Mike, of Parks and Wildlife said the goal is wise management and reducing impacts. He responded that agriculture use and river diversions diminishes river habitat to a certain degree as well as visitation. He said if you take half the water out, half the habitat is gone. He added that lower flows cause higher temperatures, which affect fish negatively. He said diversions can cause temperature fluctuations of 7 degrees in the span of 10 river miles. Running water across fields and back into the stream also raises temperatures and affects water quality.

Meeting adjourned 8:45 p.m.

Next meeting October 15

Information and questions requested from this meeting:

1. More information was to be found on the specifics of rules and regulations on roadless areas adjacent to the Piedra Area to see what was allowable.
2. The group wants to know the specific restrictions of Colorado Roadless Areas within the Piedra Focus Area.
3. What are the winter management rules for the Piedra Focus Area.
4. Two advisory groups were suggested to further study certain issues.

A. A subcommittee is being considered to tackle the issue of expanding the Piedra Area in exchange for dropping suitability status for Wild and Scenic on the Piedra River. Research would also be done on the possibilities of limiting federal funding for major impoundments on the Piedra.

- B. A permanent committee was suggested be formed to help give guidance and direction to forest managers regarding local resources and land management.
5. Is there a population target for the river otter on the Piedra?

Tour Report

Eleven working group members, including an outfitter, participated in the tour that followed the Piedra river for 3.5 miles to a bluff overlooking Second Box canyon. Five people were on horseback. It was a successful and informative tour with lots of discussion of local land and river topics. Participants included John Taylor, Bev, Chuck Wanner, Bruce Whitehead, Tami Graham, Jim Mimiaga, John Whitney, Jimbo Buickerood, Mely Whiting, Jeff Bubey(outfitter) and Mike Reid.

The hike began at the bridge between First and Second Box canyons and followed the Piedra main river most of the way.

John Taylor explained some geology along the way pointing out various anticlines and uplifts. He noted some of the rocks in the Piedra valley were formed billions of years ago when the land mass that is now North American was located near the equator. The bottom of the box canyons reveal rock layers dating to 1.4 billion years ago, when the western edge of the continent met the ocean.

The tour traveled through the burn area of the Sand Creek fire. It was described as a 'dirty burn,' meaning it left a mosaic of scorched and untouched areas as it moved through. Green vegetation is already pushing its way through the charred landscape. Mike noted that the opened-up canopy will help more grasses and aspen to grow benefiting the elk, which have been struggling, giving birth to less than 40 calves per 100 animals, a low percentage. It was said that if one third of a Ponderosa stays green after a fire, it will likely survive.

Mike explained the moose population in the region. He estimates there are about two dozen moose with some located up Weminuche Creek, Williams Creek and the head of the Pine River on this side of the divide. He added moose are susceptible to a brain disease if the weather stays too warm too long. They prefer colder climates and this is the southern-most reach of their range.

Some of the rafting runs were discussed, including Lone Tree rapids, the Rock Garden, First and Second Box and the Keyhole. Log jams can dangerously block the river during high water and much scouting is done by boaters over difficult, steep terrain.

Jeff Bubey, a local outfitter, explained the importance of using chainsaws to clear trails for clients and horses. The Piedra Area is treated like a wilderness, but chain saw use is permitted.

Group members lounged for lunch overlooking 2nd Box Canyon, which features a precipitous drop with sheer canyon walls made up of pre-Cambrian quartzite. Blackened trees, some hollowed out by the fire, stood in stark contrast to colorful views of Sand Bench and Pagosa Peak in the distance.

The huge vertical rows of rock in Second Box Canyon were described as an ancient uplift. It has been speculated that this formation could have been the origin of the Piedra name, which translates to standing rock. Although, nearby Chimney Rock is the more likely origin of the name.

Jeff praised firefighter efforts, and was especially impressed with the skill of one helicopter pilot who risked dangerous cross-winds as he dropped into the narrow box canyon multiple times fetching buckets of water.

River otters were discussed. They are rare to see, but their scat proves they live on the Piedra river.

Fishing was discussed. Mike explained the adventurous process of stocking fish in the Piedra using an open canoe. Fish stocking is done at lower water, between 200 and 400 cfs.

Group members meandered back, taking in the spectacular views of the river and snapping lots of photos. A walk near the river revealed black silt build-up, evidently erosion from the fire. But the water looked clear and inviting with endless fishing holes. Out in the flatter sections, lower water prevailed, and a temperature check by Mike showed it at 58 degrees. If it reaches the high 60s volunteer fishing bans are put in place because the higher temperatures stress fish, and simply catching and releasing them in these conditions can kill them.

The hike began at 10:30 a.m. and ended at 3:30 p.m..