

July 2011



# San Juan River Workgroup Final Report



*An initiative of the River Protection  
Workgroup*

# River Protection Workgroup



The San Juan River Workgroup (SJRW) is a project of the regional initiative called the River Protection Workgroup (RPW). The entities participating in the River Protection Workgroup Steering Committee include:

- Colorado Department of Natural Resources - Division of Parks and Wildlife, Division of Water Resources, and the Colorado Water Conservation Board (CWCB);
- San Juan Citizens Alliance (SJCA);
- San Juan Public Lands Center (USFS/BLM);
- Southern Ute Indian Tribe;
- Southwestern Water Conservation District (SWCD);
- Staff from the local offices of U.S. Senator Michael Bennet, U.S. Senator Mark Udall and U.S. Representative Scott Tipton (invited);
- The Wilderness Society - Wilderness Support Center; and
- Trout Unlimited – Fived Rivers Chapter.

Funding to date is from cash and in-kind donations from SJCA, SWCD, Trout Unlimited, CWCB, the Southern Ute Indian Tribe, The Wilderness Society, and the National Forest Foundation. The River Protection Workgroup Steering Committee thanks each of these funders and especially the Colorado Water Conservation Board for its generous support, ongoing participation and technical assistance. The San Juan Resource Conservation and Development Council (San Juan RC&D) serves as the project's fiscal agent.

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The San Juan River Workgroup's minutes, meeting handouts, maps, etc. are on this Web site: <http://ocs.fortlewis.edu/riverprotection/> (click on "San Juan River Workgroup" on the left side).

# THANKS!

The River Protection Workgroup Steering Committee is grateful to each of the San Juan River Workgroup members who have given their time and energy to the Workgroup process and products. **Because of these dedicated community members, this report and project are possible.** Participants in the Workgroup include:

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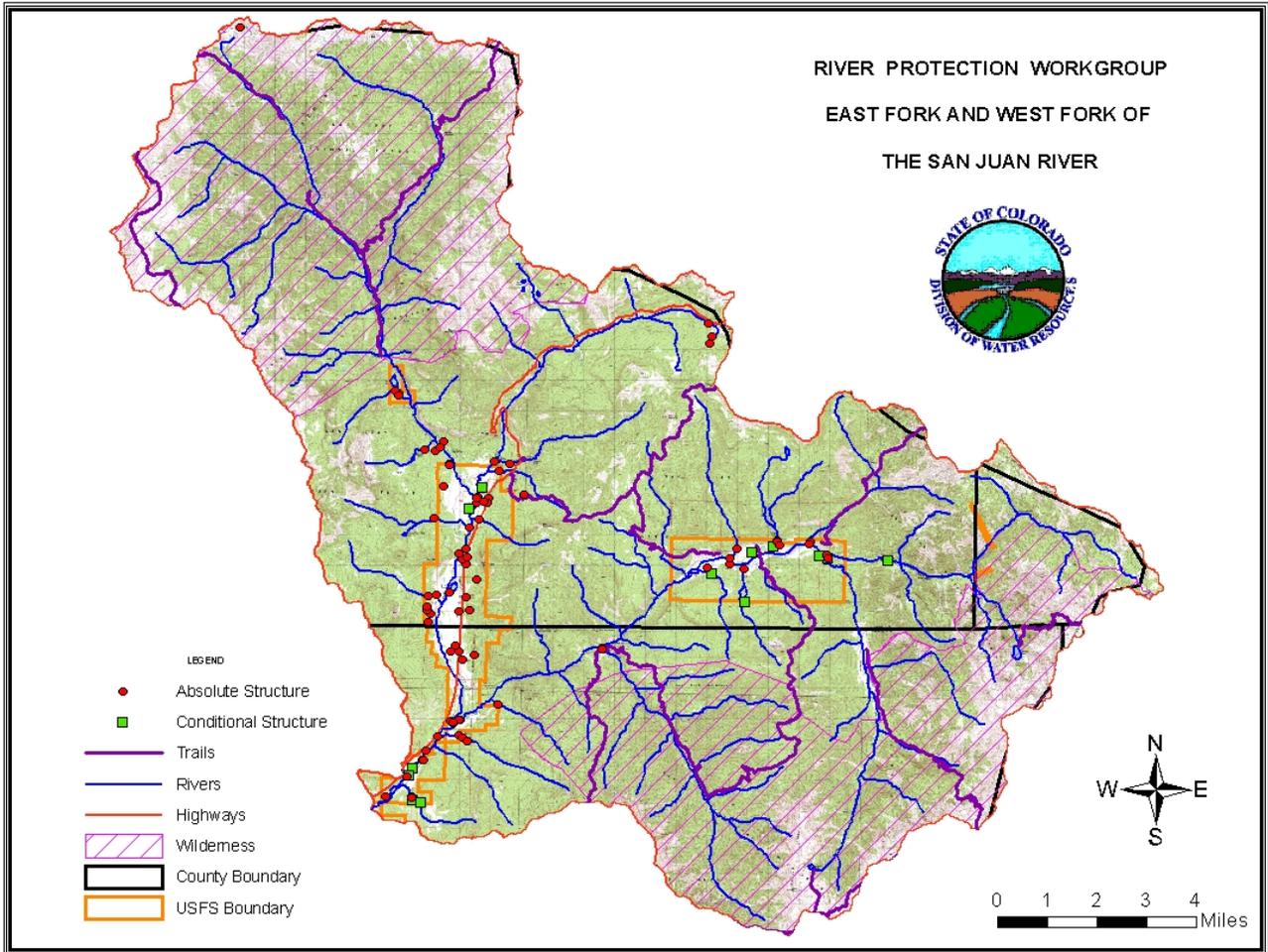
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Map of the Watershed(s) – Division of Water Resources

## Table of Contents

<b>Topic</b>	<b>Page(s)</b>
<b>River Protection Workgroup</b>	<b>2</b>
<b>List of SJRW Participants</b>	<b>3 - 4</b>
<b>Executive Summary: Recommendations</b>	<b>6</b>
<b>Background and History &amp; Starting the San Juan River Workgroup</b>	<b>7 - 10</b>
<b>Learning about the San Juan River</b>	
<b>Values &amp; Values Statement</b>	<b>12 - 15</b>
<b>Important Issues and Concerns Identified</b>	<b>16</b>
<b>Protection of the Values &amp; Chart Showing Workgroup Findings</b>	<b>16 - 21</b>
<b>Potential Tools as Alternatives to WSR</b>	<b>21 - 22</b>
<b>Regional Discussion</b>	<b>22</b>
<b>Next Steps</b>	<b>23</b>
<b>Guide to the Attachments</b>	<b>25</b>
<b>A – San Juan River East and West Forks Information Sheet</b>	<b>26 - 37</b>
<b>B – Concept Paper for a “Local Council”</b>	<b>38</b>

## Executive summary

The San Juan River Protection Workgroup (SJRW) met for over a year to define a values statement, assess river and watershed protections currently in place and to determine if additional protections were needed.

The group was made up of a very diverse set of people ranging from interested citizens, those from conservation groups, local landowners, ranchers and/or their representatives, water-interested groups such as the Pagosa Area Water & Sanitation District (PAWSD), the San Juan Water Conservancy District, staff from the local USFS office, federal elected officials' local representatives, plus those with a focus on a particular area such as horseback riding, geology, fishing, rafting, property rights, grazing, etc., etc., etc.

This Workgroup was formed as part of a larger regional effort launched by the River Protection Workgroup after the *San Juan Public Lands 2007 Draft Land Management Plan* found some of the area's river segments to be eligible or suitable for Wild and Scenic River (WSR) status. This particular river protection tool, which is one among many, received a lot of attention in the San Juan River Workgroup.

The Workgroup arrived at a number of consensus items including that WSR eligibility and suitability should be removed on private lands' river segments by the USFS. The group met their charge and seriously considered, researched and brainstormed a set of protection tools that could serve as alternatives to WSR that will be part of the larger Regional Discussion. This discussion will start in 2012 and will utilize the outputs from the SJRW as well as four other River Protection Workgroups' reports. The goal is a comprehensive approach to protection of river values while allowing suitable water development to continue.

The issue of whether WSR could or should ever be placed on the public segments (West and East Forks) was not resolved but the group participated in a lot of productive dialogue and learning. WSR for the public segments will therefore remain on the table for the Regional Discussion for these segments.

***Please refer to the chart beginning on page 18 for much more detail about the group's findings.***

The next step is that the River Protection Workgroup's Regional Discussion . A process will be put in place for involving the SJRW in this phase of the project. Please follow this discussion on-line or by contacting any of the RPW representatives.

# San Juan River Workgroup – Report

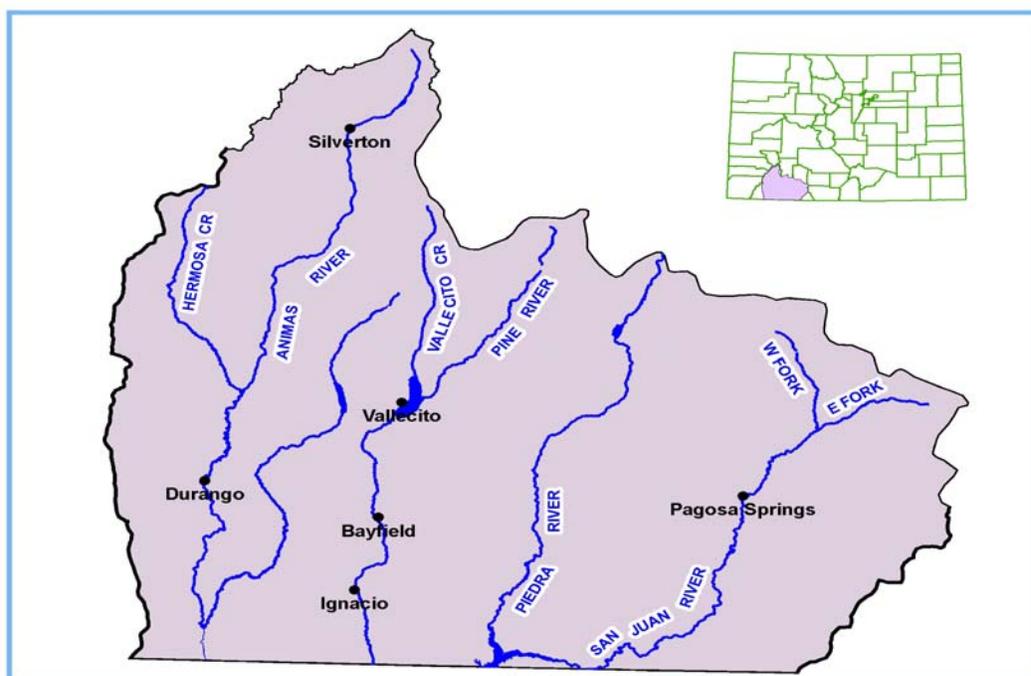
## Background and History & Starting the Workgroup

The San Juan River Workgroup launched in February of 2010 and was spearheaded by the River Protection Workgroup which formed in late 2006. The purposes of this effort are:

- ❖ to bring together citizens and organizations interested in selected streams in the region to determine values worthy of protection;
- ❖ to recommend the types of tools necessary, either existing or newly-developed, to protect the values; and
- ❖ to make these recommendations in the context of protecting values while allowing water development to continue.

This report documents the work of the SJRW which met 12 times until May of 2011. A full set of minutes provide the group's detailed proceedings, along with maps, handouts and key resource documents. They are on the Web site at: <http://ocs.fortlewis.edu/riverprotection/> (click on "San Juan River Workgroup").

This report is for anyone interested in this special and unique area of Colorado including individuals, businesses, governments, interest groups, Local, State and Federal agencies and elected officials, non-profits, and affiliated organizations.



River Protection Workgroup  
Basin Area and Rivers of  
Interest

The San Juan Citizens Alliance and the Southwestern Water Conservation Board formed the RPW in response to the San Juan Public Land Center's (USFS/BLM) 2007 Draft Land Management Plan and Draft Environmental Impact Statement

(<http://ocs.fortlewis.edu/forestplan/DEIS/default.htm>) that recommended certain segments of the areas' rivers and streams as suitable or eligible for the Wild and Scenic Rivers designation. These two organizations, which represent sometimes competing or conflicting interests, decided to address this contentious water issue by working together. They established a RPW Steering Committee and its members are:

- Bruce Whitehead, Steve Fearn and John Taylor, Southwestern Water Conservation District (SWCD)
- Meghan Maloney, San Juan Citizens Alliance (SJCA) (Dan Randolph is the rep. as of 5/11)
- John Whitney and Terra Anderson, U.S. Senator Michael Bennet's Office
- Kris Quintana, U.S. Congressman Scott Tipton's Office (invited)
- Wanda Cason, U.S. Senator Mark Udall's Office
- Mark Stiles, San Juan Public Lands Center (USFS/BLM)
- Pete Kasper and Rege Leach, Colorado Department of Natural Resources - Division of Water Resources (CDWR)
- Ted Kowalski, Colorado Department of Natural Resources - Colorado Water Conservation Board (CWCB)
- Patt Dorsey (Colorado Division of Parks and Wildlife) (formerly CDOW)
- Chuck Lawler, Southern Ute Indian Tribe (SUIT)
- Chuck Wanner, Trout Unlimited - Five Rivers Chapter
- Jeff Widen, Wilderness Support Center, a project of The Wilderness Society (TWS)
- Ann Oliver, conservation representative

Contract Staff:

Facilitator: Marsha Porter-Norton Project Assistant: Kathy Sherer

Meeting Recorder: Gail Binkly Research and Writing Consultants: Ann Oliver and Nancy Lauro

The RPW Steering Committee is conducting public workgroups on five area rivers/streams using a set of collaborative and consensus-based approaches along with the following principles:

- Anyone with an interest is a stakeholder and has a seat at the table.
- Dialogue must be respectful to ensure that the whole range of opinions is heard and understood and that a future recommendation will meet as many concerns as possible.
- Facts and information must be accurate.
- There will be a lot of interaction, collaboration, and possible negotiations to reach a consensus.
- The process will be fair, open and transparent.

The first group that convened through the RPW project was Hermosa Creek and it ended in the spring of 2010. The Vallecito Creek/Pine River Workgroup concluded in June 2011, and the Animas and Piedra Workgroups will start this summer and fall respectively. The output of these Workgroups, in this phase, are reports such as this one and they can be found on the Web site.

The San Juan Workgroup meetings, which were led by a professional facilitator, operated as an “open table” where anyone could participate. On average, about 20 people attended each meeting representing a diversity of stakeholders and many landowners in the San Juan River – East and West Fork corridors.

Before starting the SJRW, the RPW conducted significant outreach efforts to get interested stakeholders to the table including phone calls and public service announcements in the local media. There was interest in this project as over 65 people attended the first meeting and the Workgroup was launched. At the first meeting, many stakeholders were suggested as needing to be contacted and they were. Many in the group felt it was very important that potentially affected landowners were involved, so outreach was specifically made to them or their ranch/land managers. Additionally, prior to the group kicking off, the San Juan Citizens Alliance hosted an event in Pagosa Springs to generate interest. As the group continued meeting, a total of 96 people were on the email tree. Attendees of the meetings ranged from staff from organizations (such as Trout Unlimited, PAWSD, the San Juan Water Conservancy and The Wilderness Society) as well as a good number of landowners or their local representatives, and many interested citizens who brought diverse voices to the table. It should be noted that the vast majority of the members of the group were from the immediate surrounding area but Working Group members also came to the meetings from Silverton and Durango. The table was open to anyone who wished to participate.

The area studied includes the watersheds of the East Fork and West Fork of the San Juan River and all their tributaries down to where they join to form the San Juan River. The East Fork of the San Juan River basin includes over 2,810 acres of private land, with numerous decreed water rights. The West Fork of the San Juan basin includes 3,980 acres of private land, with numerous decreed water rights. Both the East Fork and West Fork were found to be “eligible” for Wild and Scenic Rivers (“WSR”) designation by the United States Forest Service (USFS) and the West Fork was found to be “suitable.”

View looking west from the top of Wolf Creek Pass & the West Fork



In the first meetings, it was noted that there were no “pre-set outcomes” or “done deals” already decided upon by the RPW Steering Committee. It was also emphasized that while this group was talking about USFS planning and policies, the group is not formally tied to the USFS. The SJRW agreed to the process principles, set ground rules and defined consensus.

*Definition of Consensus...*

- Includes steps so that all views are heard and considered
- Recognizes that differences of opinion are natural/expected
- Group makes a good faith effort to reach a decision that everyone can support
- Consensus does not mean everyone agrees with the decision but... they can support it

*Ground Rules...*

- Respectfully listen to others’ opinions
- One conversation at a time
- Identify and get information with factual data
- Seek to understand and then to be understood
- Speak up and say what is on your mind

Prior to the SJRW kicking off, the RPW devised a process model which was agreed to by the SJRW. This phased approach to the discussions is described as follows:

The process generally follows a three-phased framework:

- o Phase I: Background information is shared about the RPW project and the community is asked if they want a Public Workgroup to form. If so, the group process is fully discussed and agreed upon, and ground rules are defined. Then, basic information about the river or stream is shared including details in an “*Initial Information Sheet*.”
- o Phase II: Values on the river are discussed, including natural, social, cultural and/or economic values, addressing any protections already in place. A values statement is developed. Participants then consider a range of options for protecting important values and they address the issue of whether or not the current protections are adequate. No decisions are made in this phase.
- o Phase III: The Workgroup then looks to the future and at the end, develops a report. In this phase, options and ideas generated by the Workgroup are discussed in-depth with maps, facts, and information brought to the group. Through consensus-building and other decision-making tools, the Workgroup’s aim is to reach conclusions and develop recommendations and/or action plans. If consensus is not reached, the group’s final report can reflect the range of ideas generated throughout the process.

In this phase, the Workgroup also identifies areas that will be part of a “Regional Discussion” (see pp. 22 for more information).

## Learning about the San Juan River – East and West Forks

Next, to gain a common understanding of the river and its watershed, and to ensure the groups' discussions were grounded in facts, an "Initial Information Sheet" developed by the RPW Steering Committee was reviewed and eventually finalized. This information sheet presented the following: Area of Focus; Values; Land and Water Protections Currently in Place; Important Water Information; and Other Important Information (see Attachment A).

Early on, the SJRW requested additional information that was gathered, handed out and placed on the Web site including:

- Source Water Protection Plan
- USFS list of sensitive species
- Wildlife: CDOW's State Plan and list of species in the area (Tier I and Tier II)
- Water quality became an important theme early on in the meetings. Since the San Juan River provides the municipal water supply for Pagosa Springs, there was obviously great interest in the status of the water and keeping it clean. So, a separate detailed water quality handout was created.



July 2010 Field Trip – Learning about the value of geology

## Values

Over the course of several meetings, the SJRW discussed and brainstormed values and agreed to a values statement (see below pp. 15). The word “values” was defined as what people hold dear about the river or simply put: What do you think is important? The word “values” can be a loaded term so the SJRW avoided making judgments about which values were most important. They elected to consider the full range of diverse values: economic, environmental, recreational, cultural, and social.

While a full range of values was articulated as being important, much of the meetings’ discussions centered on geology because it was that official value that led the USFS to define these two river segments as “suitable” for WSR (West Fork) and “eligible” (East Fork). In the San Juan Public Land Center’s (USFS/BLM) *Draft Land Management Plan and Draft Environmental Impact Statement* and as part of its evaluation of rivers for Wild and Scenic River eligibility, the USFS analyzes rivers for any river-related values that are unique, rare, or exemplary, and that are significant on a regional or national scale. These features are identified as Outstandingly Remarkable Values or “ORVs”. What follows is a description of the ORVs for the East and West Forks taken from the San Juan Public Lands Center’s draft plan:

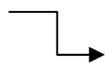
### San Juan River East Fork – Geology

*The reach is valuable as a visible geologic “classroom” where people can see and study a phenomenon of planetary importance that is poorly understood today. This stream is a textbook example in the San Juan Mountains of a multiple advance-and-retreat alpine glacial-fluvial system in a setting of recent volcanic geology, ranging from sculpted headwaters through glaciated valley to narrow outwash canyons. There are abundant post-glacial features, including braided stream system, terminal and lateral moraines, the dramatic “gateway” entrance to the glacial valley, hanging valleys, and waterfalls. The entire reach of the river is a document of the most recent planetary glacial age, which may not yet be over, through geologic terrain that was fresh when the glaciation began and has been little altered since it ended. The valley’s dramatic glaciated and floodwater-carved landscapes have attracted recreational use and development proposals since the settlement of this part of the state.*

### San Juan River West Fork – Geology

*The reach has geologic significance because the dramatic events recorded in the rocks are so exposed and visible for study and appreciation by people. The river has carved through a complex of Tertiary Oligocene pyroclastics (ash flows, tuffs and lava flows) emplaced during the creation of the San Juan Volcanic field, a time of possibly the most violent volcanic explosions (caldera eruptions) of the last 4 billion years. Erosion by the river has left visible on the valley side walls exposures of massive layers of pyroclastics and volcaniclastics that are textbook cross-sections of the distal zones of the San Juan Volcanic field in Colorado. Also in the river valley, the post-glacial failure of support in the volcanic cliff walls has generated massive ongoing landslides, classic examples of slope failure, gravity slumping and colluvial movement, hosting outstanding groves of aspen which thrive on such disturbed ground. Recreational driving and hiking benefit from the colorful exposures of volcanic ash, which rival those of Yellowstone National Park’s Little Grand Canyon.*

The importance of this ORV in these locations, according to the USFS, is that people can view and experience the geology because of its accessibility.



To read the (USFS/BLM) *Draft Land Management Plan and Draft plan*, visit:  
(<http://ocs.fortlewis.edu/forestplan/DEIS/default.htm>)

**Additional values were defined as also being important and they include:**

**Economic:** Agriculture; livestock grazing; municipal water supplies; outfitting businesses (water-related, hunting, fishing, etc.); public access; timber-related industries and firewood gathering; and water and water rights.

**Fish:** See below.

**Flora:** There is a population of a USFS Sensitive Species including Smith's whitlow grass (or Smith's draba), on the lower portion of the East Fork.

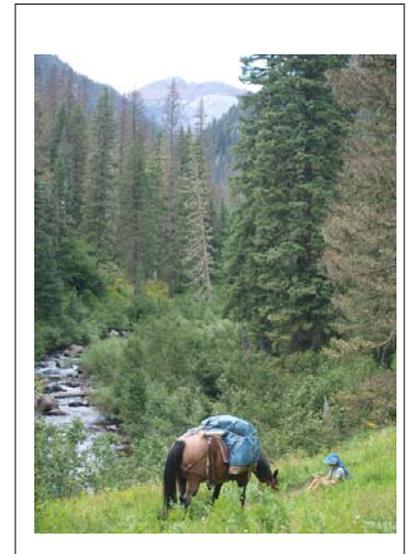
**Healthy Natural Landscape:** These two watersheds represent a diverse ecosystem that encompasses a diversity of life zones starting with ponderosa pine up to alpine. They are healthy and in-tact, mostly lacking invasive plants and animals, and are wildlife movement corridors. Due to their overall "in-tactness", as well as the presence of wilderness and roadless areas within the drainages, they maintain a wild quality.

**History:** Born's Lake, which is up the West Fork, is one of the first fisheries in the area. Homesteading, cattle ranching, mining and the timber industry are part of the history and culture of the area.

**Private Property:** There are private lands in the watersheds. Residents value their privacy, access, water, land and ability to make a living off the land.

**Recreation:** The area is used for a wide variety of recreational activities including:

- artistic endeavors (e.g., landscape painting, photography, etc.)
- backpacking
- fishing and float fishing
- hiking
- horseback riding
- hot springs use
- hunting
- mountain-biking
- motorized use (Off Highway Vehicles)
- mushrooming and other plant viewing/gathering activities
- quiet use of the public lands
- recreational geology (rock hounding and gold prospecting)
- skiing (cross country)
- snowmobiling
- whitewater boating
- wildlife viewing (e.g. bird watching)



**Scenery:** The area is very beautiful. The West Fork is the gateway, many believe, to all of Southwest Colorado when traveling down off Wolf Creek Pass from the east.

**Terrestrial wildlife:** Some of the wildlife species common in the area include: elk, mule deer, black bear, coyote, bobcat, mountain lion, beaver, snowshoe hare, and Merriam's turkey. In addition, the USFS identifies "Sensitive Species", some of which are known or likely to occur in the area. The Colorado Division of Wildlife's (CDOW) *State Wildlife Action Plan* identifies species most in need of pro-active conservation measures. The CDOW Plan identifies a 2-tiered list of *Species of Greatest Conservation Need*, with Tier I species having the most urgent need. A

handout is available on the Web site of the Tier I and Tier II species known or likely to occur in the area (see Web site under "Key Handouts."

**Fish:** Species in the East Fork and West Fork of the San Juan River mainstem and many of the tributaries include but are not limited to cutthroat, rainbow, brown and brook trout, and the mottled sculpin. The Colorado Division of Wildlife (CDOW) has fishing regulations in place on Himes Creek and Beaver Creek, including the use of artificial flies and lures only, and catch-and-release only for all cutthroat trout.

There is a multi-agency Aquatic Management Plan in place for the San Juan River Basin. According to the Colorado Division of Wildlife (CDOW), there are many wild trout tributary streams in the Focus Area, including Quartz Creek and Sand Creek. Also, there are several Conservation Populations of Colorado River cutthroat trout including Himes, Beaver, and Elk creeks tributaries to the West Fork. A Conservation Population of cutthroat trout is generally defined as being 90% or more genetically pure. Brook, rainbow, and brown trout are common in the upper San Juan. Brook trout become increasingly common as one moves into the smaller tributaries.

There is also a robust population of native suckers starting several miles above Pagosa Springs and extending to Navajo Reservoir. Bluehead suckers are the most abundant native sucker above Pagosa Springs. However, some flannelmouth suckers also occupy this reach. Suckers are not sport fish but are natives. Mottled sculpin and specked dace are common in the lower reach, and mottled sculpin occupy most of the basin until stream gradients become too steep in the tributaries.

Most high elevation lakes that feed the East and West Forks are stocked with Colorado River cutthroat trout fingerlings. A number of these lakes contain brook trout populations as well. More information on fish in the East and West Forks of the San Juan River can be obtained from the Colorado Division of Wildlife (CDOW).



The municipal and agricultural water supply for surrounding communities originates in the watersheds of the East and West Forks of the San Juan. Wildlife and hunting are valued in the watershed(s) as well.

## ***San Juan River Workgroup Values Statement***

The East and West Forks of the San Juan River and the surrounding watersheds are integral to the vitality, health and economic well-being of the adjacent communities. This stunningly beautiful area has two wilderness areas, a roadless portion, areas of multiple use, and private property.

There is a “wildness” and rural character about the area that is valued by locals and visitors alike.

The watersheds and the water quality are important for many reasons including:

- they serve as the headwaters for the local communities municipal water supply;
- they serve as an important link to the surrounding counties’ and communities’ economies;
- downstream agricultural lands depend on the water for irrigation; and
- many people and groups use the area for a wide range of purposes.

The private lands in the area are important, and the property and water rights as well as property values associated with these lands are respected. Landowners want to be good stewards of their properties.

The area is notable for its wide range of plants, wildlife species, geology and other ecological values. Locals and visitors use the areas for a very diverse mix of recreation, fishing, hunting, grazing, outfitting and a whole range of economic and leisure uses including the enjoyment of nature and the scenery.

The area is historically important as people have been tied to these lands for generations.

## Important Issues and Concerns Identified

After the group developed the values statement, Scott Brinton of the Colorado Division of Water Resources gave a presentation about “Water 101” which accompanied these RPW handouts: Glossary of Terms, River Protection Tools, and Glossary of Agencies (find these documents at: <http://ocs.fortlewis.edu/riverprotection/importantDocuments.htm>).

In July, the group went on a field trip to the PAWSD (Pagosa Area Water & Sanitation District) raw water take-out; to the overlook on Wolf Creek to learn about the geology of the area; and to the West Fork campground to discuss private property issues and other things the group was thinking about at the time. Unfortunately, it started raining so a trip up the East Fork road was cancelled. This field trip gave everyone a chance to get to know each other better and to get out “on the ground” instead of only discussing these complex issues in a meeting room.

## Protection of the Values

Then, conversations quickly changed to how the values should be protected. The group was asked to identify if they thought the current protection tools were adequate for both segments (please refer to the Information Sheet in Attachment A of this report for the current protections already in place). They were asked, if the current protections are not adequate, what should be suggested as further protection tool(s)? In order to make their task slightly less complex, the group started discussing the East and West Forks in four categories:

- Public segment of the West Fork
- Private Segment of the West Fork
- Public segment of the East Fork
- Private segment of the East Fork

It is fair to say that one tool of Wild and Scenic Rivers (WSR) received a significant amount of “air time” in the meetings. This tool is one of the many tools that can be used to protect stream/river segments and watersheds (please refer to the RPW Handout called “River Protection Tools” at this link: <http://ocs.fortlewis.edu/riverprotection/importantDocuments.htm>). The key reason this particular tool received so much attention is that two of the proposed WSR segments go through private land on both of the Forks. Only Congress can designate a Wild and Scenic River and “eligible” describes a river segment found to be both free-flowing and have one or more ORVs. “Suitable” describes an eligible river segment that a BLM/USFS Land Management Plan decides is worthy of being protected and that WSR designation would be the best method for protecting the values associated with that segment.

Because the WSR was dominating the meetings so much, a Panel discussion was organized in August of 2010 to specifically answer questions about this controversial and complex topic, but also to emphasize that many tools exist for water protection – not just WSR. The panel of speakers included:

- Jackie Dietrich (by telephone) of the U.S. Forest Service national staff for Recreation Heritage and Volunteer Resources, Wild and Scenic Rivers section
- Kay Zillich, hydrologist with the San Juan Public Lands Center
- Bruce Whitehead of the Southwestern Water Conservation District (SWCD)
- Ted Kowalski of the Colorado Water Conservation Board (CWCB)
- Meghan Maloney, river campaign director with the San Juan Citizens Alliance



The full meeting minutes from this Panel can be found at:  
<http://ocs.fortlewis.edu/riverprotection/sanjuan/meetings/summary8-26-10.pdf>

This important discussion can be viewed on-line at:  
<http://ocs.fortlewis.edu/riverprotection/sanjuan/resourceDocuments.htm>

Through the Panel discussion a number of Working group's questions were answered.

After many lengthy discussions and the Panel discussion, two lines of thinking emerged in the deliberations about WSR including:

1. *The current levels of protection(s) are adequate and WSR is therefore not necessary. WSR is a federal tool that is too "top down" and restrictive – particularly for the river segments that go through private lands. Other tools should be used that are more local, flexible and geared specifically to the USFS-identified ORV (value) of geology.*

Because the West and East Fork segments in the USFS's draft plan go through private property, a number of concerns were cited by private property owners and/or residents and community members. They are summed up as:

- WSR is too restrictive a tool to use. Other tools (either current or brainstormed by the group) are much more flexible, local and geared to this situation where geology is deemed the main value to protect by the USFS.
- Placing a WSR through private property brings up many issues such as access, the "red tape" that would be required to get anything done (such as a diversion or work in the river bed), etc.
- The current private properties discussed are already protected either via conservation easements, their geographic access, or through other required federal, state or local laws and land use regulations and processes including USFS management.
- A WSR designation would bring more visitors to the area and could bring up issues such as trespassing, trash, noise, etc.

The second "school of thought" about WSR includes:

***2. The current level of protections may be adequate but WSR should be explored for the public segments because permanent protections help conserve the values into perpetuity whereas some of the other tools can change or be reversed over time.***

Some in the group expressed that they too cared about private property rights and did not want to see private landowners hurt by any tool that is used (please refer to the consensus recommendations below around this point). At the same time, some felt that the overall watershed values articulated by the group could be harmed by large-scale projects such as mining, dams or gravel pits. Another point raised was that, in some members' view, WSR is a tool that can be applied in more flexible ways that some people believe. Finally, it was expressed that there is only one WSR in Colorado, and there is interest in preserving more of Colorado's rivers with this tool.

While these two fundamental differences were never fully resolved in the meetings, the Workgroup did reach agreement on some key items. And, importantly, the group brainstormed a creative list of tools that could be used in addition to or instead of WSR, eligibility and suitability.

The following chart, which goes to page 21, presents the findings of the Workgroup. Where consensus was reached, it is noted:

<b><i>Issues/River Segment</i></b>	<b><i>Group Findings – or Range of Ideas and Views Reflected (not listed in any priority order)</i></b>
<b>PRIVATE SEGMENTS</b>	
1_ Both Segments – Private	<ul style="list-style-type: none"> <li>✓ Consensus reached that whatever tool(s) are used, the affected private landowners should be engaged in the discussion; involved in the development of the tool(s); and in agreement with the use of them. (Note: this principle applies to the ideas discussed in other sections.)</li> </ul>
2_ East Fork – Private Land	<ul style="list-style-type: none"> <li>✓ Consensus agreement was reached that the current protections are adequate without WSR eligibility.</li> <li>✓ Other tools, and existing and current laws, rules and regulations can be used to protect the values.</li> </ul>
3_ West Fork – Private Land	<ul style="list-style-type: none"> <li>✓ Consensus agreement was reached that the current protections are adequate without WSR suitability.</li> <li>✓ Other tools, and existing and current laws, rules and regulations can be used to protect the values.</li> </ul>

<b>PUBLIC SEGMENTS</b>	
4_West Fork – Public Land	<ul style="list-style-type: none"> <li>✓ Early agreement was reached that current protections on the public land portion of the West Fork are adequate, recognizing that conditions can change. Several members of the Workgroup stated that they could not give final consensus until the Regional Discussion is completed.</li> <li>✓ Consensus agreement was reached that the gravel pits on the West Fork Road should not be part of any mineral withdrawal (if one were to ever happen) because this is a logical place for the USFS to obtain gravel for its roads and because the pits are already there, and are by the existing West Fork USFS Road.</li> </ul>
5_East Fork – Public Land	<p>There were several views that emerged in the Workgroup deliberations about this segment:</p> <ul style="list-style-type: none"> <li>A) Some members of the Workgroup expressed that they were more interested in WSR for the East Fork than the West Fork; and that the idea of the East Fork public segments as being WSR stay on the table for the Regional Discussion. Some of the reasons given were that there are fewer landowners, and the recreational and scenic values are outstanding.</li> <li>B) One view includes concerns about WSR ever being placed on this segment and a notation that it is not currently considered suitable by the USFS in its <i>2007 Draft Land Management Plan</i>. Some in the Workgroup wanted to keep this policy in place (again, please note that “eligibility” is not as close to WSR designation by Congress as “suitability” – and the East Fork is currently “eligible”).</li> </ul>
<p><b>POTENTIAL PROTECTION TOOLS that could serve as compliments to and/or alternatives to Wild and Scenic River status.</b> Note: this chart shows a list of ideas that could be pursued and that may be part of the Regional Discussion. Please refer to the meeting notes on-line for in-depth discussion of each of these ideas.</p>	(see next page)

6_ Planning and Zoning District	<p>One idea discussed is establishing some type of “Planning and Zoning District” that encompasses the public and private lands in the watershed. This “district” could serve as an alternative to the WSR status (eligibility, suitability or full status), and could provide a mechanism to review projects/activities in the watershed that would/could harm the values. Research done during the process by contract staff revealed that setting up such a District is possible. It was agreed that, for this idea to ever move forward, the following things have to occur:</p> <ul style="list-style-type: none"> <li>• The USFS has to agree to it.</li> <li>• Affected landowners would need to fully support the concept and buy-in and help develop the District or it will not move forward.</li> <li>• Another group would need to be willing to take it on because setting up such a District would be a challenging endeavor that would take time, resources, study and great effort.</li> <li>• The county(ies) must be involved as well.</li> </ul>
7_ Deed Restrictions in Exchange for Release of WSR	<p>Another idea discussed is to consider the idea of a deed restriction on private lands. Such a deed restriction could voluntarily be done by the landowners and would protect the ORVs. In exchange, the USFS would need to agree to permanently remove WSR suitability and/or eligibility.</p>
8_ Local Community Council to Provide Findings and Conclusions Re: Protection of the Values	<ul style="list-style-type: none"> <li>✓ There was consensus that a Local Community Council would encourage local discussions and action related to protection of the values. The Council would be set up in such a way so as not to violate any federal laws (FACA specifically which is the “Federal Advisory Council Act”).</li> <li>✓ Please refer to the document in Attachment B which was crafted by a subcommittee and brought back to the group for vetting and eventual approval.</li> </ul>
9_ Mineral Withdrawal	<p>The concept of a watershed-wide or partial mineral withdrawal for the public lands was studied since the official USFS-defined value for WSR is geology. The Working Group developed the following list of options related to a mineral withdrawal after receiving more information.</p> <ul style="list-style-type: none"> <li>• Consideration of a full mineral withdrawal</li> <li>• A mineral withdrawal if WSR cannot be attained</li> <li>• Exempt the existing gravel pit and allow it to be used (consensus)</li> <li>• Have a complementary tool on private lands to go with withdrawal, such as a zoning overlay (continued)</li> </ul>

	<ul style="list-style-type: none"> <li>• Use planning decisions – federal and county – for protection</li> <li>• If there is a WSR designation, have a mineral withdrawal along with it to give wider protection</li> <li>• Address potential visual disturbances</li> <li>• Broad mineral withdrawal with a small piece exempted to provide gravel for federal agency</li> </ul>
10_County Planning	<p>Several members of the Workgroup expressed that existing County(ies)' planning and zoning laws could be explored as a possibility to protect the values. More work would need to be done if this tool(s) were to be used, especially research into each County's Zoning and Land Use Codes and Policies. Two topics this tool may relate to include development near the river segments and gravel/mineral mining.</p>

## Potential Tools as Alternatives to WSR

Because there was a great deal of in-depth discussion and fact-finding related to the alternative tools mentioned in the above chart. Because the SJRW met its original charge to find and brainstorm ways to protect these river segments, these tools should be mentioned in more depth:

**Mineral Withdrawal for the protection of the geology:** At several meetings, the group honed in on the protection of geology since this was ORV (Outstandingly Remarkable Value) identified by the USFS that led to the finding of WSR suitability for the West Fork and eligibility for the East Fork. Some felt that WSR may not be the best or most appropriate tool to use to protect the resource of geology. The threat to the area's geology, it was noted, is likely predominately mining, gas and gravel development. Thus, a mineral withdrawal, which can only be done by a Federal Congressional action, could identify areas where these activities would be prohibited on public lands. The group asked for and received detailed information about how a mineral withdrawal would work and come into being. While a specific type of withdrawal was not agreed to, many options were contemplated (see chart). This potential protection tool is on the table for further exploration in the Regional Discussion.

**Zoning District:** Next, the Workgroup discussed some type of public/private zoning district that would be charged with protecting the values in lieu of WSR going forward. This would more of a local solution instead of a federal designation. Again, information was brought to the Workgroup and they learned that this tool could be viable, because it something like this has been done before. It would take high levels of cooperation between the USFS, a local interested group, and all affected counties and entities. This type of tool could empower an organized body (similar to a zoning board) to review projects and give input or guidance regarding projects in the

watershed that could harm or compromise the values. It was recognized that use of this tool would require a separate technical working group process due to the complexity. And finally, this tool may or could or could not be used in concert with deed restrictions which would ask the landowner to give up certain rights (such as developing a gravel pit) in exchange for the removal of WSR on their land.

**Local Community Council:** A Local Community Council received support from the group (see Attachment B). A subcommittee was appointed to work out the details. Some in the group saw this idea as an alternative to WSR and others saw it as being a good idea in addition to keeping WSR on the table. Regardless, the concept is that a local group agrees to work in a coordinated, organized fashion to find and recommend ways to protect the values in the watershed. There are many ways to organize such Councils and the group opted for a more loose organizational structure if this Council were ever come to fruition.

## Regional Discussion

In the above recommendations, the concept of a 'Regional Discussion' is mentioned several times. The SJRW learned in the first meeting that after each of the five RPW Workgroups are concluded, a Regional Discussion will take place. At a later meeting, this issue came up and a good deal of time was spent clarifying the Regional Discussion, its purpose and how the SJRW fits. The RPW Steering Committee members informed the group that the goal of the Regional Discussion is to create a regional approach(es) that can garner as much support as possible from all the diverse interests and Workgroups involved. So, once all the Workgroups are finished – hopefully by mid-2012 – the Regional Discussion will begin after carefully being developed and agreed to by a consensus of the RPW Steering Committee. The Regional Discussion will evaluate the recommendations made from each of the public Workgroups, specifically in relation to Wild and Scenic River status but also, perhaps other water or watershed protection tools or approaches ~ ~ and particularly ones that would require state or federal legislation or action. The end result(s) is not pre-determined but could be state or federal legislation that includes a number of regional projects and efforts; giving specific input to the USFS/BLM or other entities; and/or taking or defining actions on the local, state or federal levels. The final recommendations could be both legislative and non-legislative in nature.

The SJRW's work, recommendations, and conclusions, including and especially any consensus recommendations, will be considered as part of the Regional Discussion. **The Regional Discussion is not meant to "trump" or "un-do" any of the important consensus items reached at the community level.** Representatives from the River Protection Workgroup Steering Committee along with several representatives from each public Workgroup will participate in the Regional Discussion. At this writing (summer 2011), the format of the "Regional Discussion" is still being finalized.

## Next Steps

The SJRW is releasing this report widely for community education purposes including providing a copy to the San Juan Public Lands Center and Pagosa Ranger District Office of the USFS. Copies of the report will be given to local, state and federal elected officials and will be made available on the Web site, and, key stakeholder organizations will also receive copies. The report serves as a clear marker for what the Workgroup accomplished over 15 months, both in the sense of their concerns and recommendations as well as their ideas for the future. And, the creative brainstorming of tools that might be considered as alternative to WSR will be considered at the regional level. Thus, it should be noted that while the initial set of meetings has concluded, the SJRW will still meet in the future during the next phase.

Each participant in the SJRW, again, should be thanked. They gave many hours of time attending meetings and reading documents. The level of dialogue, listening and understanding among all the interests grew as the process unfolded. Everyone agreed (and agrees) that the East and West Forks are very special areas, and their uniqueness creates much common ground.



# Guide to the Attachments

A – San Juan River Information Sheet

B – Concept Paper for Local Community Council

All other documents can be found on the Web site including:

- Meeting minutes and agendas
- Meeting handouts (including the ones referenced in this report)
- Other key resource and background documents
- Research documents prepared for the Workgroup
- Maps

Note: if you do not have internet access, please contact the facilitator.

Picture Credits: Pagosa Ranger District Office (USFS); Jimbo Buickerood, SJCA; Gary Wilkinson, San Juan Trailriders; Pagosa Trails Web site (Pagosa Trails.net); Google Earth, and Marsha Porter-Norton.



Upper Left: Recreational uses, including rafting on the San Juan, are popular and common.

Left: West Fork Campground

Above: East Fork Aspens & sign

# Attachment A

## River Protection Workgroup Information Sheet for the San Juan River – East and West Forks

(6/1/10)

<http://ocs.fortlewis.edu/riverprotection>

This *Information Sheet* was prepared to educate participants involved in the San Juan River Workgroup. This version can be updated and changed as the Workgroup proceeds and as new information is made available or requested. Please refer to Glossary of Terms and the Glossary of Agencies handouts for clarification on any words used or entities mentioned (documents available at the meetings and on the Web site).

**Area of Focus:** The Area includes the watersheds of the East Fork and West Fork of the San Juan River and all their tributaries down to where they join to form the San Juan River. The East Fork of the San Juan River basin includes over 2,810 acres of private land, with numerous decreed water rights. The West Fork of the San Juan basin includes 3,980 acres of private land, with numerous decreed water rights and spans Archuleta, Hinsdale and Mineral Counties. Please refer to the last page of this document for a map.

Both the East Fork and West Fork were found to be “eligible” for Wild and Scenic Rivers (“WSR”) designation by the United States Forest Service (USFS) and the West Fork was found to be “preliminarily suitable.”

### **Values (in alphabetical order):**

***Economic:*** agriculture; livestock grazing; municipal water supplies; outfitting businesses (water-related, hunting, fishing, etc.); public access; timber-related industries and firewood gathering; and water and water rights

***Fish:*** see below

***Flora:*** There is a population of a USFS Sensitive Species, Smith’s whitlow grass (or Smith’s draba), on the lower portion of the East Fork (refer to list of USFS Sensitive Species).

***Healthy Natural Landscape:*** These two watersheds are valuable because they represent a diverse ecosystem that encompasses a diversity of life zones starting with ponderosa pine up to alpine. They are healthy and in-tact and are wildlife movement corridors. Due to their overall “in-tactness”, as well as the presence of Wilderness and Roadless Areas within the drainages, they maintain a wild quality.

***History:*** Born’s Lake is one of the first fisheries in the area. Homesteading, cattle ranching, mining and the timber industry are part of the history and culture of the area.

**Private Property:** There are private lands in the watersheds. Residents value their privacy, access, water, land and ability to make a living off the land.

**Recreation:** The area is used for a wide variety of recreational activities including:

- artistic endeavors (e.g., landscape painting, photography, etc.)
- backpacking
- fishing and float fishing
- hiking
- horseback riding
- hot springs use
- hunting
- mountain-biking
- motorized use (Off Highway Vehicles)
- mushrooming and other plant viewing/gathering activities
- quiet use of the public lands
- recreational geology (rock hounding and gold prospecting)
- skiing (cross country)
- snowmobiling
- whitewater boating
- wildlife viewing (e.g. bird watching)

**Scenery:** The area is very beautiful. The West Fork is the gateway, many believe, to all of Southwest Colorado when traveling down off Wolf Creek Pass from the east.

**Terrestrial wildlife:** Some of the wildlife species common in the area include: elk, mule deer, black bear, coyote, bobcat, mountain lion, beaver, snowshoe hare, and Merriam's turkey. In addition, the USFS identifies "Sensitive Species" some of which are known or likely to occur in the area. The Colorado Division of Wildlife's (CDOW) *State Wildlife Action Plan* identifies species most in need of pro-active conservation measures. The CDOW Plan identifies a 2-tiered list of Species of Greatest Conservation Need, with Tier I species having the most urgent need. A handout is available that provides more information.

**Fish:** Species in the East Fork and West Fork of the San Juan River mainstem and many of the tributaries include but are not limited to cutthroat, rainbow, brown and brook trout and the mottled sculpin. The Colorado Division of Wildlife ("CDOW") has fishing regulations in place on Himes Creek and Beaver Creek, including the use of artificial flies and lures only, and catch-and-release only for all cutthroat trout. There is a multi-agency Aquatic Management Plan in place for the San Juan River Basin. According to the Colorado Division of Wildlife (CDOW), there are many wild-trout tributary streams in the Focus Area, including Quartz Creek and Sand Creek. Also, there are several Conservation Populations of Colorado River cutthroat trout including Himes, Beaver, and Elk creeks tributaries to the West Fork. A Conservation Population of cutthroat trout

is generally defined as being 90% or more genetically pure. Brook, rainbow, and brown trout are common in the upper San Juan. Brook trout become increasingly common as one moves into the smaller tributaries. There is also a robust population of native suckers starting several miles above Pagosa Springs and extending to Navajo Reservoir. Bluehead suckers are the most abundant native sucker above Pagosa Springs. However, some flannelmouth suckers also occupy this reach. Suckers are not sport fish but are natives. Mottled sculpin and specked dace are common in the lower reach, and mottled sculpin occupy most of the basin until stream gradients become too steep in the tributaries. Most high-elevation lakes that feed the East and West Forks are stocked with Colorado River cutthroat trout fingerlings. A number of these lakes contain brook-trout populations as well. More information on fish in the East and West Forks of the San Juan River can be obtained from the Colorado Division of Wildlife (CDOW).

**USFS-Identified Outstandingly Remarkable Values or "ORVs"**

As part of its evaluation of rivers for Wild and Scenic River (WSR) eligibility, the USFS analyzes rivers for any river-related values that are unique, rare, or exemplary, and that are significant on a regional or national scale. These features are identified as "Outstandingly Remarkable Values." What follows is a description of the ORVs for the East and West Forks taken from the San Juan Public Lands Center's *2007 Draft Land Management Plan*:

Please refer to the chart on the next page.



**San Juan River East Fork – Geology**

The reach is valuable as a visible geologic “classroom” where people can see and study a phenomenon of planetary importance that is poorly understood today. This stream is a textbook example in the San Juan Mountains of a multiple advance-and-retreat alpine glacial-fluvial system in a setting of recent volcanic geology, ranging from sculpted headwaters through glaciated valley to narrow outwash canyons. There are abundant post-glacial features, including braided stream system, terminal and lateral moraines, the dramatic “gateway” entrance to the glacial valley, hanging valleys, and waterfalls. The entire reach of the river is a document of the most recent planetary glacial age, which may not yet be over, through geologic terrain that was fresh when the glaciation began and has been little altered since it ended. The valley’s dramatic glaciated and floodwater-carved landscapes have attracted recreational use and development proposals since the settlement of this part of the state.

The importance of this ORV, according to the USFS, is that people can view and experience the geology because of its accessibility.

**San Juan River West Fork – Geology, Wildlife and Scenery**

The reach has geologic significance because the dramatic events recorded in the rocks are so exposed and visible for study and appreciation by people. The river has carved through a complex of Tertiary Oligocene pyroclastics (ash flows, tuffs and lava flows) emplaced during the creation of the San Juan Volcanic field, a time of possibly the most violent volcanic explosions (caldera eruptions) of the last 4 billion years. Erosion by the river has left visible on the valley side walls exposures of massive layers of pyroclastics and volcanoclastics that are textbook cross-sections of the distal zones of the San Juan Volcanic field in Colorado. Also in the river valley, the post-glacial failure of support in the volcanic cliff walls has generated massive ongoing landslides, classic examples of slope failure, gravity slumping and colluvial movement, hosting outstanding groves of aspen which thrive on such disturbed ground. Recreational driving and hiking benefit from the colorful exposures of volcanic ash, which rival those of Yellowstone National Park’s Little Grand Canyon.

The importance of this ORV, according to the USFS, is that people can view and experience the geology because of its accessibility.

The Wolf Creek and Falls Creek Areas were found to be eligible for WSR because of the ORVs of wildlife and scenery. The Wolf Creek and Falls Creek branched segment contains five waterfalls occupied by nesting black swifts, a bird of conservation concern. Black swifts will nest only at waterfalls, and the species’ world-wide breeding distribution is limited to a narrow portion of the Rocky Mountains from Mexico to Canada, and another small band encompassing sea cliffs along the Pacific coast from California to Alaska. The area contains a core breeding population of the bird and provides population and habitat connectivity to the southern portion of the species’ range.

Treasure Falls, on Falls Creek and just off Highway 160, is one of the easiest waterfalls to visit within the San Juan Public Lands. It is visited by people from all over the world.

## Land and Water Protections Currently in Place

### *Conservation Easements:*

<b><i>East Fork.</i></b>	<b><i>West Fork</i></b>
<p>Recently, a conservation easement was secured by the Southwest Land Alliance (SLA) for approximately 1,000 acres of the McCarthy property. Additional lands may also be conserved.</p>	<p>There are two easements on the West Fork drainage. Southwest Land Alliance (SLA) holds one (1) easement at approximately 358 acres. Colorado Open Lands (COL) holds one (1) easement at approximately 1,072 acres.</p> <p>Approximately 1.5 river miles of the West Fork flow through the SLA easement. The river does not flow through the COL easement.</p> <p>Overall, 6.62 miles of the West Fork of the San Juan River flows through private land.</p>

**Roadless Area:** Most of the National Forest lands in the area are in Inventoried Roadless Areas, including Treasure Mountain and South San Juan Adjacent, with a total of 26,600 acres in the East Fork watershed, Turkey Creek and Treasure Mountain with a total of 16,400 acres in the West Fork watershed. The 2001 Roadless Area Conservation Rule (36 CFR 294) prohibits road construction and timber harvest, with limited exceptions, in Inventoried Roadless Areas. The 2001 rule is currently in litigation with different courts issuing conflicting decisions. It seems very likely that some version of a roadless rule – although it is not clear which one (the Colorado Rule or the Federal Rule) – will be in place in the future with restrictions on road construction and timber harvesting.

**USFS management:** Large portions of the upper East and West Forks of the San Juan River drainage area are managed by the USFS. The chart below provides more information:



### San Juan River - East Fork

The San Juan Public Lands Center's *2007 Draft Land Management Plan* allocates the area on the south side of the East Fork to Management Area (MA) 1, "Natural Processes Dominate", other than a small corridor along the river and Forest Road 667 which acknowledges high recreational use (MA 4). Much of the higher elevations on the south side of the drainage are in the South San Juan Wilderness. The area on the north side of the drainage is allocated to MA 3, "Natural Landscapes with Limited Management."

Much of the area surrounding the East Fork, other than the strip along the river, is within an Inventoried Roadless Area (see below). The Draft Plan would remove the downhill-ski-area land allocation that is in the current plan for the old East Fork Ski Area proposal on the south side of the river, changing that area from its former classification as the equivalent of MA 8, "Highly Developed Areas", to MA 1 or MA 3.

The East Fork was found to be eligible for Wild and Scenic Rivers consideration, with a recreation river classification, with outstandingly remarkable geologic values. It was not found preliminarily suitable, mostly because of the mixed ownership of the river corridor and the numerous water appropriations. The area would continue to be managed similarly to how it has been in the past if the *Draft Plan's* recommendations are made final.

### San Juan River - West Fork

The San Juan Public Lands Center's 2007 Draft Land Management Plan allocates most of the area in the West Fork drainage to Management Area (MA) 1, "Natural Processes Dominate", or MA 3, "Natural Landscapes with Limited Management." Much of the higher elevation land is in the Weminuche Wilderness, and much of the area surrounding the West Fork, other than the corridor along Forest Road 648, is within an Inventoried Roadless Area.

The corridor is allocated to MA 4, "High Use Recreation." The Draft Plan would remove the downhill-ski-area land allocation that is in the current plan for the old Wolf Creek Valley Ski Area proposal, changing the area from its former classification as the equivalent of MA 8, "Highly Developed Areas", to a 1 or MA 3.

The West Fork was found to be eligible for Wild and Scenic Rivers consideration, with the upper half classified as a wild river and the lower half as a recreation river, with outstandingly remarkable geologic values, and found preliminarily suitable for designation. The area would continue to be managed similarly to how it has been in the past if the *Draft Plan's* recommendations are made final.

**Wilderness:** Portions of two Wilderness Areas are in the watersheds including the Weminuche and the South San Juan (26,600 acres in the East Fork and 37,700 in the West Fork).

***In-Stream Flows – East Fork:*** (An In-Stream Flow is an in-channel appropriation of non-consumptive water between two specific points and is appropriated by the Colorado Water Conservation Board for the purpose of protecting the natural environment to a reasonable degree.)

<b>Stream Name</b>	<b>Case No.</b>	<b>Amounts/Dates Cubic Feet Second (CFS)</b>	<b>Appropriation Date</b>
Silver Creek	7-80CW034	2.0	01/30/1980
Lane Creek	7-80CW036	1.0	01/30/1980
Waterfall Creek	7-80CW033	1.0	01/30/1980
Quartz Creek	7-80CW035	8.0	01/30/1980
East Fork of the San Juan River (Upper)	7-87CW045	6.0 (09/01 to 03/31) 12.0 (04/01 to 08/31)	05/15/1987
East Fork of the San Juan River (Middle)	7-80CW029	8.0 (09/01 to 03/31) 15.0 (04/01 to 08/31)	01/30/1980
East Fork of the San Juan River (Lower)	7-80CW037	12.0 (09/01 to 03/31) 25.0 (04/01 to 08/31)	01/30/1980
Crater Lake	7-W1485	621.0 Acre-Feet (AF)	03/17/1976
Sand Creek	7-80CW038	4.0 (09/01 to 03/31) 10.0 (04/01 to 08/31)	01/30/1980

***In-Stream Flows – West Fork:*** (An In-Stream Flow is an in-channel appropriation of non-consumptive water between two specific points and is appropriated by the Colorado Water Conservation Board for the purpose of protecting the natural environment to a reasonable degree.)

<b>Stream Name</b>	<b>Case No.</b>	<b>Amounts (dates) (CFS)</b>	<b>Appropriation Date</b>
Falls Creek	7-80CW032	1.0	01/30/1980
Wolf Creek	7-80CW031	6.0 (09/01 to 02/29) 11.0 (03/01 to 08/31)	01/30/1980
West Fork of the San Juan River (Upper)	7-80CW030	8.0 (09/01 to 02/29) 14.0 (03/01 to 08/31)	01/30/1980
West Fork of the San Juan River (Lower)	7-80CW041	14.0 (09/01 to 03/31) 25.0 (04/01 to 08/31)	01/30/1980

## Important Water Information

**Court Actions:** A case is pending (USFS Reserved Rights Application in Case W-1605-76B) that involves whether the USFS is entitled to water rights "reserved" as of the date Congress reserved land for the National Forest for fluvial geomorphological (stream-channel maintenance) purposes, and, if so, how much water per stream across USFS land. In short, this case relates to whether or not the USFS holds a Federally Reserved Water Right and, if so, its size. Negotiations to resolve the case have been limited since 2003.

**Municipal Water:** The West Fork is the source of the PAWSD (Pagosa Area Water and Sanitation District) municipal raw water supply.

**Potential Consumptive Uses:** The potential for additional consumptive use on the private land exists. The private land that adjoins the Area includes water rights both conditional and absolute, and development of the conditional rights would result in additional consumptive use. Snowmaking for ski areas is a potential consumptive use. However, given the abundance of snowfall in the Area, is not considered likely. There are conditional water rights for a dozen wells, with snowmaking a use on the East Fork.

### **Potential Water Diversion and Storage Locations:**

***SWSI site*** — The State Water Supply Initiative ("SWSI") lists the East Fork Reservoir for potential development of 35,200 acre-feet already decreed and up to a potential storage capacity of 147,000 acre-feet. However, the 35,200 acre-feet right was abandoned by the SWCD in 2003. SWSI also identified two additional potential reservoir sites, one on the West Fork and one on the East Fork, but there are no high-priority projects in the watershed. SWSI was a basin-by-basin study conducted by the Colorado Water Conservation Board to examine Colorado's water uses, water-supply needs, and future water-planning efforts. SWSI focused on using a common technical basis for identifying and quantifying water needs and issues. SWSI catalogued the specific projects, plans, and processes that local water suppliers have identified and are undertaking as components of their own water-supply planning efforts to meet the needs they themselves have identified. In addition, pursuant to House Bill 1117 and the Water for the 21<sup>st</sup> Century Act, the Southwest Water Roundtable is evaluating the consumptive and non-consumptive needs in the basin. For more information, go to: <http://cwcb.state.co.us/IWMD/> (then go to the SWSI I and SWSI II).

***Dry Gulch Project*** — The San Juan Water Conservancy District and Pagosa Area Water and Sanitation District are currently purchasing land, pursuing water rights and planning for storage to secure future water supplies with the Dry Gulch Project. Currently, the districts are planning to construct a 19,000-acre-foot reservoir. The point of diversion for this project is approximately seven miles downstream of the confluence of the East and West Forks. The San Juan Water Conservancy District also owns conditional water rights on the West Fork. The West Fork Canal water right is decreed for 70 cfs and was to deliver water from the West Fork to Four Mile Creek. The West Fork Reservoir has a conditional right with a decreed amount of 35,797 acre-feet. Both of these conditional rights remain valid, with a 1968 adjudication date, but no physical work has been done on either structure. The water rights for the Dry Gulch Project have been the subject of two recent Colorado Supreme Court decisions, and there is ongoing debate regarding the districts' future water needs and the size of the Dry Gulch Project.

The Southwest Water Conservation District abandoned their 35,200 AF storage right for the East Fork Reservoir. A 6,300 AF conditional water right for the proposed Dry Gulch Reservoir, held by SJWCD (San Juan Water Conservancy District), is a decreed right (1968 adjudication) but it is

downstream of the East and West Forks. Both PAWSD and SJWCD have acquired 666 acres of the Running Iron Ranch and Weber properties.

**Stream-Flow Data:** Several U.S. Geological Survey gauges have been operated in the area. The chart below shows the gauge sites' number, name and dates of operation.

<u>Gauge Site Number</u>	<u>Site Name</u>	<u>Dates of Operation</u>
09340500	WF SAN JUAN R AB BORNES LAKE NR PAGOSA SPR.	1937-1953
09340800	W FK SAN JUAN R AT W FK CAMPGR NR PAGOSA SPR.	1984-1995
09341200	WOLF CREEK NEAR PAGOSA SPRINGS	1968-1975
09341300	WOLF CR AT WOLF CR CAMPGR NR PAGOSA SPR.	1984-1999
09341350	WINDY PASS CR NR PAGOSA SPR.	1984-1987
09339900	EF SAN JUAN R AB SAND CREEK NR PAGOSA SPR.	1956-2003
09340000	EAST FORK SAN JUAN RIVER NR PAGOSA SPR.	1935-1980
09341500	WEST FORK SAN JUAN RIVER NR PAGOSA SPR.	1935-1998
09342500	SAN JUAN RIVER AT PAGOSA SPR.	1935-present

*Note: Stream-flow data for each of these gauges is available in a variety of formats on the U.S. Geological Survey Water Data Web site at: <http://waterdata.usgs.gov/nwis/>*

**Water Rights:** The following chart shows water. There are both direct flow water rights and storage water rights on the East and West Forks of the San Juan River. *Please refer to the Glossary of Terms (handed out at the meetings and also on the Web site) to understand the various types of water rights presented in the tables below.*

<b>DIRECT FLOW WATER RIGHTS</b>	Total # of Rights	Total CFS (Cubic feet per second)
<i>EAST FORK</i>		
Absolute water rights	19	18
Conditional water rights	16	10
<i>WEST FORK</i>		
Absolute water rights	75	145
Conditional water rights	18	264

<b>STORAGE WATER RIGHTS</b>	Total # of Rights	Total AF (Acre-feet)
<i>EAST FORK</i>		
Absolute water rights	1	2.9
Conditional water rights	5	391
<i>WEST FORK</i>		
Absolute water rights	4	124
Conditional water rights	1	35,797

*Note: A vast majority of the decreed structures on the East and West Forks of the San Juan have irrigation as a use, and many have other uses including, but not limited to, domestic, stock, fish, and recreation.*

**Water Quality:** There is not one single classification or "rating" for assessing and reporting water quality on the San Juan East and West Forks. The Colorado Water Quality Control Commission is the administrative agency responsible for developing specific state water quality policies in a manner that implements the broader policies set forth by the Legislature in the Colorado Water Quality Control Act. The Commission adopts water quality classifications and standards for surface and ground waters of the state, as well as regulations aimed at achieving compliance with those classifications and standards. There are various categories that apply to measuring water quality. Basic standards are the general water

quality standards that apply to all surface waters of the state. Other stream-specific categories that apply to the San Juan River include temperature and uranium. For more detail on water quality standards, please refer to the handouts at the meeting and/or the State of Colorado's Water Quality Control Division. Find a handout produced for the SJWG on water quality here:

<http://ocs.fortlewis.edu/riverprotection/sanjaun/resourceDocuments.htm>. Title: *San Juan Information Sheet on Water Quality*

**Wild and Scenic River (WSR) Information:** Both the East Fork and West Fork were found to be "eligible" for Wild and Scenic Rivers ("WSR") designation by the United States Forest Service (USFS) and the West Fork was found to be "preliminarily suitable."

Stream Segment	Segment	Classification	Length	ORVs	Eligible (E) or Suitable (S)
East Fork San Juan River	Confluence of Elwood and Crater Creeks to its confluence with the West Fork	Recreation	13.12 mi	Geology	E = Yes S = No
West Fork San Juan River	Headwaters to Weminuche Wilderness Boundary	Wild	8.6 mi	Geology	E = Yes S = Yes
	Weminuche Wilderness Boundary to Confluence with East Fork	Recreation	8.7 mi	Geology	E = Yes S = Yes
Wolf Creek and Falls Creek	Wolf Creek from 2mi below Wolf Creek Pass to confluence with West Fork, and portions of Lake Creek and Falls Creek to include waterfalls.	Recreation	7.75 mi	Wildlife, Scenery	E = Yes S = No

Source: San Juan Public Lands Center, 2007 *Draft Land Management Plan*, Wild and Scenic River evaluation of the San Juan River.

Anyone interested in more information can access the actual Wild and Scenic Rivers Act of 1968 and its amendments by going to <http://www.rivers.gov/> and looking under the Information Tab for "WSR Act". This site also offers more user friendly summaries of the Act under the Publications Tab, in "Technical Papers."

**Note: The website is maintained by the interagency Wild and Scenic Rivers Council. According to the website:** "The Council consists of representatives of the four wild and scenic rivers administering agencies—the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service. Other federal agencies with river interests have key contacts and participate in discussions affecting their interests. The public has an opportunity to provide input at all Council meetings; their support is crucial to the Council's success."

## Other Important Information

**Potential Conflicts:** To be discussed thoroughly in the San Juan River Workgroup meetings and process.

### **Reasonably Foreseeable Economic Development:**

**Logging** - There is very little land near the East or West Forks that is available for logging due to wilderness designation, Forest Plan direction and roadless policy. There has been timber cutting in the past near Wolf Creek Pass. The spruce bark beetle is increasingly spreading from the east side of the Continental Divide. Renewable Forest Energy LLC (RFE) is proposing to lease land from Archuleta County and run a 4 megawatt power plant for the purpose of converting woody biomass into electricity to be used at the local level. This company hopes to have Turkey Springs ready for a demonstration in the spring of 2010. If this is successful they will proceed with construction of the power plant.

**Oil, gas, and mineral development** – There are two patented mining claims on the East Fork. No mining activity is currently occurring on these patented mining claims. There are historic mining areas on the East Fork, but no mining activity is currently occurring. There are several unpatented mining claims near Treasure Mountain. Prospecting activity is occurring on these claims. There may be other unpatented mining claims. A type of copper (known as Molybdenum/porphyry) is present in epithermal veins. There is moderate to high oil and gas potential on the San Juan Sag, but no oil or gas drilling is currently occurring. Designated Wilderness Areas are withdrawn from mineral entry, including oil and gas leasing. There is gravel mining occurring on private lands within the Area.

**Private land development** – A potential for residential development exists on the private lands in the water shed.

**Ski areas** — The McCarthy property along the East Fork and the National Forest lands south of that were part of the old proposed East Fork Ski Area. Some of the Boot Jack Ranch property and the National Forest lands east of Highway 160 near the West Fork were part of the old proposed Wolf Creek Valley Ski Area. Neither ski area proposal is currently considered feasible. The San Juan Public Lands Center's 2007 *Draft Land Management Plan* would change the land allocations for both areas from one emphasizing downhill-ski-area development to Management Areas 1 and 3, which would not allow ski area development.

Wolf Creek Ski Area has proposed an expansion of the existing ski area on the Rio Grande National Forest to include a portion of the San Juan National Forest. Some of that area includes tributaries of the East Fork of the San Juan River. This proposed expansion is not in the preferred alternative presented in the *Draft Land Management Plan*.

**Transportation:** There are several Forest Service Roads open to public use within the area, as well as U.S. Highway 160.

<b>San Juan River - East Fork</b>	<b>San Juan River - West Fork</b>
<p>The East Fork San Juan River corridor contains gravel roads and 4WD roads. There are trails and winter trails (road groomed for skiing or snowmobiling). The East Fork Campground and Silver Falls Guard Station are within the river corridor. A gravel road follows the East Fork, mostly along the north side, but it does cross the river in at least two sections. The entire length of the road is a Forest Service Road (FH 667) almost to Summitville (via Elwood Pass/Elwood Creek). A recurrent landslide reactivated May 2, 2008, and crossed FH 667 2 miles east of Highway 160. The road was closed to full-size motor vehicles until August 28, 2009, but is now open seasonally following a temporary gravel surfacing project. In winter it is closed to all motor vehicles except snowmobiles operating on snow; it is reopened when conditions warrant in spring. A main gas pipeline located along the roadway and operated by Xcel Energy ruptured during the slide and has been reconstructed several times since.</p>	<p>Highway 160 is within the West Fork San Juan River corridor for 3 miles. There is an additional stretch of road maintained for passenger cars and a road not maintained for passenger cars within the river corridor. There are also trails. The West Fork Campground is in the river corridor.</p>

U.S. Highway 160 cuts through portions of the East Fork and West Fork basins. There are numerous trails and Forest Service roads in the Area. Motorized travel on the USFS Pagosa Ranger District is restricted to designated roads and trails other than, in some areas, snowmobiles operating over snow.

***Uses That Require Special Permits:*** Most uses of USFS lands require permits issued. A list of major uses in the Area that require a permit includes:

- commercial outfitters (mountain-biking, fishing, hunting, and snowmobiling)
- livestock grazing (there are two active cattle allotments within the two watersheds)
- timber harvesting
- recreational cabins

***Weeds:*** Based on the San Juan National Forest's noxious weed inventory, the following noxious weeds are present in the East and West Fork watersheds: yellow toadflax, Canada thistle, musk thistle, oxeye daisy, and bull thistle. These weeds are primarily located along road corridors (East Fork Road, Quartz Meadow Road, Wolf Creek roads, Falls Creek Road, and West Fork Road). The watersheds as a whole are largely lacking noxious weeds, but where they are present along the road corridors, they are abundant in places.

## B – Concept Paper for Local Community Council

### UPPER SAN JUAN EAST AND WEST FORK COMMUNITY COUNCIL

A group met on January 20<sup>th</sup>, 2011 to discuss the option of the formation of a community based group that would make suggestions and provide guidance regarding activities on the public lands to local, state and federal agencies. For the River Protection Work Group purposes, this group would work with the local, state and federal agencies to make sure the values the Work Group had identified as important would not be impacted by their actions. The council may not be a part of the River Protection Group and would decide on their structure and duties, but it was hoped that this could be a foundation for that process. Also, even though we are now just considering this council for the San Juan River area, we think that the same council with a few additional members from the Piedra drainage could be effective for both areas. It was also thought that the council would expand its duties beyond river protection and make suggestions to the local, state and federal agencies on a broader range of activities.

First, the group considered whether a community council would have value. It was agreed that formation of the council had several merits. The local, state and federal agencies receive input and pressures from groups outside of the community that can impact their decisions regarding public management. Having local input would help these agencies make and support decisions that were best for the local community. The group also felt that the council would be a valuable tool to list as another way to protect values on the East and West Forks of the San Juan River in lieu of a Wild and Scenic designation.

The council should be informally organized. This would make the council less political and assure that the people that are most affected by government agency management decisions have an opportunity to serve on the council. The role of the government agencies should be to provide resources to the council and be there to listen to the council's concerns. It was felt that agency personnel would not be on the council.

The group felt that the council should be limited to 10 -12 members, but that all meetings should be noticed and open to the public. The council should be balanced with local land owners, conservation group members, motorized and non-motorized public land users, permittees, and members of the water community. Considerable time was spent deciding how the council should be chosen. The River Protection Group could help with the formation of the community council. The group felt that the Southwest Water Conservancy Board was also suited for this task. The Southwest Board has been involved in the River Protection from the start and already has the understanding of the process. County Commissioners appointing the members was another option that was discussed, but it was felt that with two to three counties involved it might become more difficult.

There should be terms for the council members of three (3) years, with the initial appointments having staggered terms. Having three (3) unexcused absences during your three year term would be reason for your removal from the council. There should be a minimum of three meetings per year; spring, summer and fall. Field trips should be a part of the meeting process, so the agency personnel and council members could see what was happening on the ground. Additional meetings should be called if issues arise. It was hoped that the council could work to find common ground on management issues, but at least weigh in on management of the area.

Again, the main purpose of the community council from the River Protection Group perspective would be to assure that the values identified on the East and West Fork of the San Juan River be protected. The council would need to be appraised of local, state and federal agencies activities so they could determine if these activities might diminish these values.