SAN JUAN QUALITY WATERS COALITION

NM Wildlife Federation, National Wildlife Federation, New Mexico Council of Trout Unlimited, Truchas Chapter - Trout Unlimited, Five Rivers Durango Chapter - Trout Unlimited, Mule Deer Foundation – NM, SW Consolidated Sportsman, Common Ground United, Devil Spring Ranch, Step Back Inn

Date: February 25, 2009

TO: San Juan Recovery Implementation Program – Coordination Committee

SUBJECT: San Juan Quality Waters Trout Fishery – Flow & Silting Impacts

Since 2002, many sportsmen have been reporting a dramatic decline in the San Juan quality waters trout fishery as a consequence of the combined effects of extended low flows resulting from the Bureau of Reclamation's new low-flow-plan and increased sedimentation/silting which coincided with the rapid expansion of oil and gas development in the surrounding drainage.

We are writing to express our concern over this degradation of the fishery and to seek your commitment to join us in working to find reasonable solutions to the problems. The San Juan trout fishery is a unique and irreplaceable public resource that Governor Bill Richardson recently described as "one of the crown jewels of the Four Corners and the state." It is enjoyed by thousands of New Mexicans and visitors and has been estimated to bring as much as $38M a year into New Mexico. There is no comparable fishery in New Mexico and we believe the San Juan deserves nothing less than our very best efforts to preserve this treasure for the future.

Today, there has been a dramatic loss of trout habitat in the Quality Waters. Many famous riffles and runs have been buried under layers of silt, the famous San Juan rainbows have virtually disappeared from large sections of the Quality Waters, and the prolific insect population that once fueled the fishery has been decimated. The upper part of the river from Texas Hole to the dam has been the least affected and most fishermen now head to either Texas Hole or the Cable Hole/Upper Flats area. Many other once popular stretches of the Quality Waters are now often abandoned. In addition, where the San Juan was once known for great year-round fishing, the fishing now drops off dramatically during the huge winter releases and when flows are cut to 500 cfs or less for extended periods.

During the environmental impact studies for the low flow plan, many sportsmen and

agencies including New Mexico Game & Fish, Fish and Wildlife Service, and the Environmental Protection Agency voiced concerns about the potential damage to the fishery and the river ecosystem. As a result, a number of additional fishery assessments and mitigation measures were requested to protect the fishery. Included among the recommendations[i],[ii] were:

1. **Perform detailed geomorphic studies of the trout fishery area.**
2. **Complete multi-year assessments of the fishery needed to fully interpret the impact of the multiple inherent and anthropogenic variables on long term trout health[iii].**
3. **Create pool habitat or deepen existing pools (or other habitat)**
4. **Establish in-stream structures to scour pools and/or provide cover during low flows.**
5. **Develop gravel traps to retain (or replace, if necessary) cobbles and gravels displaced during high spring flows.**
6. **Develop a monitoring plan to ensure success of mitigation measures and modify or replace unsuccessful projects.**
7. **Monitor and implement measures to avoid impacting water quality.**
8. **To minimize impacts to (or potentially restore) resources upstream of the Animas River confluence, develop future water projects, where possible, between the Animas River confluence and the Shiprock gauging station.**

Many of today's problems could have been avoided or significantly reduced if these critical actions had been funded and completed before the low flow plan was implemented. Although the Bureau of Reclamation has been urged by the Environmental Protection Agency[iv] to take a leadership role in developing a detailed mitigation plan and identifying funding sources, the critically needed studies and mitigations have not been started[v]. The toxic combination of low flows, silting and degradation of water quality that has developed was not anticipated during the impacts studies and still has not been properly accounted for.

To date, fishery rehabilitation efforts have been under funded and primarily limited to several rock weirs in the lower river. Because this work was attempted without an adequate understanding of the low flows and silt transport and deposition, these projects have not been successful and these sites are now collecting silt and holding few fish.

The low flow and silting problems in the fishery are complex and, at this time, we still do not have the prerequisite information necessary to develop and implement effective mitigation measures. If we hope to address these issues in a substantial way, funding and completion of the comprehensive assessments of fishery conditions, detailed studies of the transport and deposition of silt, and water quality studies outlined in the environmental studies will be crucial. In addition, an extensive investigation of ways to reduce the silt being dumped into the fishery must be performed. Until that can be accomplished, the flow flexibility[vi],[vii] promised during the development of the low flow plan should be exercised and "normal

flows" raised to healthier levels except in cases of drought or water shortages. Raising the normal flows to healthier levels can be expected to be the single most effective, immediate remedy for the ills in the fishery.

It is our understanding that fishery flows are now being cut to 500 cfs or less because 1) downstream flows are exceeding the upper end of the "target range," not because of water shortages, and 2) because of a preference for holding normal flows during the summer, fall, and winter at 500 cfs or less and dumping all surplus water around the spring releases. If the target range could be relaxed to say 500 cfs to 1250 cfs or 1500 cfs and surplus water could be spread out instead of being dumped during the winter, it is likely that the normal flows in the fishery could be raised to healthier levels. It would be reasonable to expect that these types of adjustments could be made without jeopardizing the recovery of the endangered fish.

Based on the adaptive nature of the flow recommendations and the continuing threat to the trout fishery, we believe that the flow flexibility should be exercised and a moratorium should be placed on cutting "normal flows" in the fishery below 750 cfs except in cases of drought or water shortages. This moratorium should remain in effect until comprehensive mitigation measures can be developed and implemented. It is reasonable to expect that this flow flexibility will exist at least until the proposed future water projects are funded and completed (estimated to be many years out).

In accordance with Presidential Executive Order 12962, we ask for your assistance and cooperation in this matter. We believe that the health of the trout fishery can be restored through a combination of comprehensive fishery assessments, effective mitigation actions, and increased flows. We believe this effort would most effectively be accomplished through an independent contractor.

It is expected that the costs of the required studies and subsequent mitigation measures will be substantial and we are also seeking your assistance in identifying possible federal, state and private funding sources for the studies and mitigation actions.

References:

i Bureau of Reclamation, "Environmental Commitments and Mitigation Measures," FEIS, Vol. 1, Chapter IV, II. Measures, Fish and Wildlife, (2006), pp. IV-2, IV-3.

ii Bureau of Reclamation, "Fish and Wildlife Coordination Act Report," FEIS, Vol. 2, Appendix L, (2006), pp L-24 to L-30.

iii Bureau of Reclamation, "San Juan River Trout Fishery Monitoring Plan: Fish Health Assessment, Conclusions and Recommendations," FEIS, Vol. 2, Appendix M, Conclusions and Recommendations, (2006), pp. 33-36.

iv Environmental Protections Agency, Correspondence from EPA to BOR, Subject: Final Environmental Impact Statement (FEIS) for the Navajo Reservoir Operations, (May 25, 2006), pp 1-5. < http://www.epa.gov/region09/nepa/letters/navajo-resevoir-feis.pdf>

v Bureau of Reclamation, "Environmental Commitments and Mitigation Measures," FEIS, Vol. 1, Chapter IV, II. Measures, Fish and Wildlife, (2006), p. IV-3.

vi Bureau of Reclamation, "Executive Summary, FEIS," 250/5000 Alternative, (2006), pp. S12-S13.

vii Bureau of Reclamation, "Environmental Commitments and Mitigation Measures," FEIS, Vol. 1, Chapter IV, II. Measures, Reservoir Operations, (2006), p. IV-3.