

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Board Members

FROM: Ted Kowalski and Linda Bassi

DATE: March 6, 2008

SUBJECT: **Agenda Item 26, March 17-18, 2009 Board Meeting**
Water Supply Protection Section –
Wild and Scenic River Alternative Processes

Bill Ritter, Jr.
Governor

Harris D. Sherman
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Dan McAuliffe
CWCB Deputy Director

Background

As we have discussed at several meetings over the last eighteen months, there are three locally developed stakeholder processes that are meeting to explore alternatives to wild and scenic designation—one in the upper Colorado River basin, one in the San Juan River basin, and one in the Dolores River basin. There are two different BLM field offices (Kremmling and Glenwood Springs) that have initiated NEPA analysis through their planning processes and these federal agencies are considering whether four different river segments of the Upper Colorado River (as well as many other rivers and creeks) are appropriately suitable for designation under the Wild and Scenic River Act. In addition, the United States Forest Service has announced that they are evaluating the suitability for Wild and Scenic designation of the Colorado River through Glenwood Springs as well as Deep Creek, and the Forest Service is participating in BLM's process and the associated Stakeholder Group ("SG") process. In the San Juan River basin and the Dolores River basin, the United States Forest Service and the Bureau of Land Management are revising their resource management plans and are considering whether a number of river segments might be suitable for wild and scenic designation. With regard to these three processes, the CWCB Staff (Ted Kowalski and Linda Bassi) have continued to attend the meetings with the various stakeholders, who include representatives of environmental interests, local governments, recreational interests, federal agencies, state agencies, and water providers, in order to explore alternatives for protecting the outstandingly remarkable values ("ORVs") associated with the various river segments. In the Upper Colorado River alternative process, the SG is pursuing data collection this spring to help develop additional information about the recreational fishing and recreational boating ORVs. The resources with this process may be leveraged with a grant request that the Board will consider from the Colorado River basin associated with the non-consumptive needs assessment.

Staff Recommendation

The Project Manager for the Upper Colorado River alternative process, Rob Buirgy, and the Staff will update the Board on the status of the three alternative processes, and will be available for questions. Additional written information follows, below.

Upper Colorado River Alternatives Process Update

This process has been occurring under an accelerated pace as the BLM and USFS would like to have as much information as possible for analysis by June 30, 2009, in order to consider the SG alternative in the Draft Environmental Impact Statement. The SG has formed two subcommittees, one to address monitoring and implementation and one to address governance of the SG under the plan. The biggest effort to date, has been addressing how flow guides might be developed in such a way that they will be used in other circumstances to penalize water users, and how to base the ORVs solely on the ORV indicators, rather than other resource guides, such as the flow guides. It is the Staff's opinion that an extension of time from the USFS and BLM may be necessary and beneficial. Similar alternative processes such as the Voluntary Flow Program in the Arkansas Basin and the South Platte Protection Plan took many years to develop. There is no consensus at this point, about whether to seek an extension of time, but the group will be revisiting this issue on March 13 and March 20. If there were consensus on whether to seek an extension of time, there is no guarantee that the USFS or BLM would grant such a request. Nevertheless, it is the Staff's opinion that such an extension is in the best interests of the State and all of the stakeholders, as such extension could only increase everyone's comfort level with the final outcome, and as a result make this effort, and the resultant benefits, more long lasting.

Lower Dolores River Management Plan Update

The Dolores River Dialogue¹ ("DRD") has started an 18-month process to develop alternatives to Wild and Scenic designation on the Dolores River below McPhee Dam. The proposed alternatives will be submitted to the San Juan Public Lands Center ("SJPLC"), which is comprised of both the Bureau of Land Management ("BLM") and U.S. Forest Service ("USFS"), as part of the San Juan Public Lands Land Management Plan Revision process. While the January 2008 Draft Plan Revision contained a preliminary finding of suitability for the Dolores River from McPhee Dam to Bedrock, it also recognized the role of the DRD in finding alternatives to Wild and Scenic designation, stating that: "Should the DRD make substantial progress in identifying and securing needed protections of the ORVs, the recommendations of the group could be used to supplement or replace this preliminary finding of suitability." To that end, the DRD will work with the SJPLC to update the 1990 Dolores River Corridor Management Plan, and to develop alternative methods of protecting identified Outstanding and Remarkable Values ("ORVs") on the Dolores River. The updated Plan will be referred to as the Lower Dolores River Management Plan. To date, the CWCBC has dedicated \$99,980 of Wild and Scenic alternatives funding towards this process. The funds will be used to facilitate meetings, conduct scientific field work, develop criteria for McPhee Reservoir spill management, integrate the DRD's scientific data into the Plan, and formulate alternatives for protecting the ORVs identified on the Dolores River.

¹ The Dolores River Dialogue is a collaborative group of conservation, water management, land management, recreational and governmental representatives working since January 2004 to explore opportunities to manage McPhee Reservoir to improve downstream ecological conditions while honoring water rights and protecting agricultural and municipal water supplies and the continued enjoyment of rafting and fishing. The group includes the Dolores Water Conservation District, the Montezuma Valley Irrigation Company, the Division 7 Engineer, the Bureau of Reclamation, the Colorado Division of Wildlife, San Juan Public Lands, Montezuma County, Dolores County, the Colorado Water Conservation Board, Trout Unlimited, The Nature Conservancy, Fort Lewis College and the Dolores River Coalition.

The DRD held the first public meeting to form the Lower Dolores Management Plan Working Group (“Dolores Group”) in Dolores on December 15, 2008. Approximately 40 people attended the meeting, at which USFS/BLM staff explained the Wild and Scenic designation process, and DRD participants presented background information on the DRD’s past work, including data collection and scientific research on the Dolores River, and outlined the process the Group will use to develop ways to protect the ORVs. The Dolores Group includes diverse stakeholders with many perspectives and interests in the lower Dolores River Valley, including representatives from three surrounding counties (Dolores, Montezuma, and San Miguel); the Towns of Dove Creek and Dolores, the City of Cortez, water managers and water rights holders; grazing and property owner stakeholders; oil, gas, mineral and mining representatives; government agencies; recreationists; conservation groups; staff members from the USFS/BLM; and other interests. Topics addressed at the second and third meetings of the Lower Dolores Group included recreation on the lower Dolores River, and fish, ecology and wildlife on the Lower Dolores River.

The Dolores Group will participate in approximately 10 meetings and several field trips over the course of the next year. The goal of the Dolores Group is to gather information; identify values worthy of protection in the planning area; formulate ideas for protection of the values; and make recommendations to the USFS and BLM. Once the Dolores Group makes its recommendations, the Dolores Public Lands Office (the BLM/USFS Management Unit that is responsible for the subject reach of the Dolores River and for updating the Lower Dolores Corridor Management Plan) will initiate a formal Environmental Assessment process, solicit public involvement, and issue a decision notice likely by March 2010. For more information, see the DRD website at <http://ocs.fortlewis.edu/drd/default.asp>.

River Protection Workgroup

The River Protection Workgroup (“RPW”) has divided the basin into sub-basins for purposes of discussing the alternatives to wild and scenic designation, and the first basin of focus has been the Hermosa Creek basin. The RPW has been holding monthly public meetings and monthly steering committee meetings. After developing a common understanding of the values associated with the Hermosa Creek basin and a common understanding of the river protection tools available to the stakeholders, the RPW has begun to explore options. In addition, the steering committee is beginning to explore how to proceed with subsequent basins. The CWCB has dedicated \$80,000 toward this multi-year process. It is the hope of the RPW that a final plan will be submitted to the San Juan Public Lands Office (the BLM/USFS Management Unit that is responsible for the subject reaches of the San Juan River basins and for updating the San Juan Resource Management Plan) for consideration in the context of its plan revisions.