

STATE OF COLORADO

Bill Ritter, Jr., Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

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For Wildlife-
For People

TO: Colorado Water Conservation Board

FROM: Thomas E. Remington, Director

DATE: January 25, 2010

RE: Director's Report, Colorado Division of Wildlife, January, 2010 CWCB Meeting

The following are some of the issues and projects that the Division of Wildlife is involved in that may be of interest to the Board:

2010 Instream Flow Appropriations:

The DOW supports the State's Instream Flow and Natural Lake Level Program and believes the appropriation of the 22 new instream flow recommendations and the 3 instream flow water right enlargements will further the DOW's mission in protecting the state's valuable aquatic resources. DOW staff has worked with Trout Unlimited, the Bureau of Land Management and CWCB staff to bring these recommendations to the Board for their consideration. I have directed my staff to continue to work with the CWCB and all interested parties including TU, the BLM, and others to resolve any concerns and to assist the CWCB as needed to appropriate these valuable instream flow water rights.

Range-Wide Conservation Agreement (Roundtail Chub, Bluehead & Flannelmouth Suckers)

The CDOW is a signatory to a Rangewide Conservation Agreement and Strategy for the roundtail chub (*Gila robusta*), bluehead sucker (*Catostomus discobolus*), and flannelmouth sucker (*Catostomus latipinnis*), commonly referred to as the three species. This Conservation Agreement (Agreement) has been developed to expedite implementation of conservation measures for the three species throughout their respective ranges as a collaborative and cooperative effort among participating state resource agencies which include:

Arizona Game and Fish Department
 Colorado Division of Wildlife
 Nevada Department of Wildlife
 New Mexico Department of Game and Fish
 Utah Division of Wildlife Resources
 Wyoming Game and Fish Department

In addition to the state wildlife management agencies listed above, several federal agencies have also signed on to the agreement, namely several state offices of the BLM and the Bureau of Reclamation.

The operative component of this agreement is that threats that warrant the three species being listed as sensitive by state and federal agencies and that might lead to listing by the U.S. Fish and Wildlife Service as threatened or endangered under the Endangered Species Act should be minimized through implementation of conservation management actions and strategies. The goal of this agreement is to ensure the persistence of the three species throughout their ranges and to avoid the need for federal listing.

The CDOW is currently working on several conservation measures to significantly reduce or eliminate threats to the persistence of the three species and maintain populations sufficient to ensure their persistence within their respective historic ranges. The CWCB will hear about two of these conservation measures today:

- Agenda Item 6 – Fish and Wildlife Resources Fund Grant Application to design and construct a fish design and construct a fish passage structure through the Hartland Dam. The project goals include increasing fish habitat connectivity thus increasing fish populations, stream bank stabilization, recreational hazard mitigation, and maintenance of senior water rights. The project is supported by the US Fish & Wildlife Service, USDA, Hartland Irrigation Co., Colorado River Water Conservation District, CDOW, the Gunnison Basin Roundtable, Montrose and Delta Counties, and the cities of Montrose and Delta. The USFWS has identified the project as high priority to fund with American Recovery and Reinvestment Act stimulus money.
- Agenda Item 11(b) – Proposed Instream Flow filing to protect the natural environment to a reasonable degree on the lower San Miguel River. The lower San Miguel River supports naturally reproducing populations of all three species and is one of the last places in the Dolores River Basin where you find a healthy assemblage of all three species.

The CDOW is recommending that the CWCB approve the non-reimbursable Fish and Wildlife Resources Fund Grant request of up to \$560,000 for the purpose of providing matching dollars to the Hartland Diversion Reconstruction and Fish Passage Project.

The CDOW is also recommending that the CWCB eventually move forward with an instream flow filing on the lower San Miguel River from the confluence of Calamity Draw to the confluence with the Dolores River. As you will hear later today this instream flow recommendation has both strong public support to either move forward this year, delay action until next year, or to withdraw the recommendation completely. The CDOW is not opposed to delaying action on this recommendation to allow all interested parties more time to determine their future needs and address concerns. CDOW recognizes that this instream flow water right alone will not ensure the preservation of the three species but we do believe that it is a significant action to protect the occupied habitat. CDOW also believes that the success of any conservation management plan depends on the support of the local community. The CDOW is committed to work cooperatively with our sister state and federal natural resource agencies as well as the local community to prevent these three species from being federally listed as threatened or endangered; we will continue to develop conservation measures and strategies throughout western Colorado to preserve these three species. We will also commit all the necessary staff to assist the Board or Board staff to try and address the local concerns regarding this recommendation.

Ames Hydroelectric Plant Re-Licensing:

The CDOW has been heavily involved in the Federal Energy Regulatory Commission (FERC) Re-Licensing Process for the Ames Hydropower Plant near Telluride. PSCo, USFS, the State of Colorado, and interested groups have submitted a Final Settlement Agreement to FERC that all parties believe protects the Grand Mesa, Uncompahgre, and Gunnison National Forest (“GMUG”) from the ongoing impacts of continued Project operations and resolves issues regarding the appropriate protection, mitigation, and enhancement measures for the Project during the next license term. The Final

Agreement contains two parts: 1) the Agreement, which establishes the general terms and conditions governing the relationship among the parties and aids in the implementation of the Agreement's obligations on all the parties; and 2) Proposed License Conditions, which contain the obligations of PSCo and the other parties to the agreement.

2009 'Landowner of the Year' Recipient:

The Colorado Division of Wildlife named Russell, Tricia, Lyle and Jackie Davis recipients of the 2009 "Landowner of the Year" award. The Davis family received this award in recognition of their outstanding contributions to wildlife conservation, community service and innovative management of the Wineinger-Davis Ranch. Located in Lincoln and Crowley counties, the Wineinger-Davis Ranch is comprised of two separate, land parcels, totaling more than 12,000 acres. The ranch's native shortgrass prairie and riparian ecosystems are home to diverse wildlife species including pronghorn, swift fox, western burrowing owl, mountain plover, massasauga rattlesnake, plains leopard frog, bald eagle, ferruginous hawk, plains native fish and other reptiles and amphibians. As a working cattle ranch, Russell Davis and his wife Tricia, with help from Russell's father and mother (Lyle and Jackie) and brothers, manage day-to-day operations, running nearly 1,000 cattle on the property annually. While livestock production is key, the Davis' have developed the ranch into an environmentally friendly and diverse enterprise, keeping wildlife conservation a primary focus.

In cooperation with the Colorado Division of Wildlife, U.S. Fish and Wildlife Service and the Natural Resource Conservation Service, the Davis' implemented several habitat improvement projects on the ranch to benefit wildlife. Accomplishments include fence improvements and the use of "flash grazing" to protect riparian vegetation from overgrazing. In addition, the Davis' constructed new stock tanks to help mitigate adverse impacts to habitat adjacent to livestock watering areas.

The Davis' also take an active role in monitoring ranch wildlife by allowing conservation agencies and organizations access to conduct surveys and research on their property. For the past eight years, Division of Wildlife and Colorado Natural Heritage researchers performed mountain plover and other species research on the ranch. In 2006, the Davis family helped to establish the Karval Community Alliance, a public outreach program designed to promote wildlife education and activities. To date, the Alliance has hosted four Mountain Plover Festivals, inviting bird watchers and wildlife enthusiasts from across the state to view plovers and other native wildlife species on ranch property. In addition, participants receive an active, hands-on, learning experience, helping them to better understand the role ranchers and agricultural producers play in wildlife conservation.

To ensure the long-term protection of the ranch's wildlife resources, the Davis family converted the Wineinger-Davis Ranch to a perpetual conservation easement in 2004. Funded in part by Great Outdoors Colorado (Colorado Lottery) and supported by the Division of Wildlife's Species Conservation program, the easement requires present and future landowners to maintain native ecosystems by following land management practices beneficial to both wildlife and agriculture production. The easement also protects the ranch from future development.

Each year, the Colorado Wildlife Commission and the Colorado Agricultural Commission select a private landowner who has made outstanding contributions in providing beneficial habitat to Colorado's wildlife and/or providing public hunting and fishing access on private lands. This award is part of the Division of Wildlife's Landowner Recognition program, which works to improve communication between landowners, sportsmen and the Division.

Colorado Wildlife Commission Approves 2010 Big Game Regulations

The Colorado Wildlife Commission finalized 2010 big game regulations at its regular January meeting. The Commission approved a variety of changes, some providing expanded opportunities for hunters.

Key revisions include:

Hybrid Draw:

The Colorado Division of Wildlife established a "Hybrid" drawing for select elk and deer licenses for the 2010 hunting seasons. The purpose of the drawing is to give hunters the additional opportunity to draw a license for some of the state's premier elk and deer hunting areas. Hunters with five or more elk or deer preference points that select as their first choice a unit requiring 10 or more resident preference points for that species will be automatically included in the random drawing. Approximately 15 elk and three deer units qualify for the drawing.

New White-Tailed Deer-Only Units Opened:

For the first time, white-tailed deer-only seasons are available in the Arkansas River drainage between Pueblo and Canon City. Additional units have been added on the Eastern Plains.

Moose Regular Rifle Season:

The regular rifle season for moose has been extended to 14 days. The 2010 season opens Oct. 1 and continues through Oct. 14.

Third Rifle Combined Season:

The third rifle combined season for deer and elk has been extended to nine days, including two weekends. The 2010 season opens Nov. 6 and continues through Nov. 14.

Gunnison Basin Elk Hunts:

- Archery elk licenses are totally limited in units 54, 55 and 551.
- Either-sex, over-the-counter licenses with cap are available in unit 54 during the second rifle season.
- Additional cow licenses and late-season licenses are available in units 54, 55 and 551.

Muzzleloading Elk Licenses:

"Statewide" muzzleloading licenses are no longer available in 2010. All muzzleloading elk licenses are valid in specific Game Management Units (GMUs) or Data Analysis Units (DAUs) only. Either-sex licenses are also available in specific units.

Desert Bighorn Ram Licenses:

Unit S63 (Middle Dolores River) is now open for rifle hunters.

Nonresident Desert Bighorn Ram License:

A nonresident, desert bighorn ram license is available in unit S56 (Black Ridge).

Bighorn Sheep Ewe Licenses:

Ewe licenses are available in units S57 (Big Thompson) and S15, S16, S21, S28, S33 and S53 (San Juan Mountains).

Bighorn Sheep Ram Licenses:

Units S40 (Lone Pine), S39 (Mt. Silverheels) and S41 (Peru Creek) are open for rifle hunters.

Female-Only Goat Licenses:

Female-only (nanny) goat licenses are now available in units E15 and E16.

Pay-to-Play:

Hunters who do not want to accumulate preference points may opt out of paying the \$25 "Pay-to-Play" fee by selecting the appropriate check box on the big game drawing application. If this option is checked, the applicant will not receive a preference point.