

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Acting Deputy Director
Ted Kowalski, Chief Interstate and Federal Section
Rebecca Mitchell, Water Policy Coordinator EDO

DATE: July 7, 2010

SUBJECT: **Agenda Item 29, July 20-21, 2010 Board Meeting**
Interstate & Federal /Stream and Lake Protection Sections –
Wild and Scenic Rivers

Bill Ritter, Jr.
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Background

The CWCB Staff continues to work with several different stakeholders to develop resource protection mechanisms as alternatives to federal determinations by the U.S. Bureau of Land Management (BLM) or U.S. Forest Service (USFS) that certain river segments are “suitable” for designation under the Wild and Scenic River Act. Stakeholder groups are currently discussing alternatives in the Dolores River basin, the San Juan River basins (separated into five different basins), the Upper Colorado River basin, and the lower Gunnison, Dolores, and Colorado River basins. Updates on these four processes, which are in different stages, are provided below.

Staff Recommendation

The Staff seeks the Board’s input on the various processes.

Upper Colorado Stakeholder Group Update (Upper Colorado River)

The Stakeholder Group has made remarkable progress since the Board’s last meeting in May, but as of the date of this memo, Staff does not yet have a “review draft” of the Management Plan Alternative. It is the Staff’s hope that we will have a review draft available prior to the Board meeting on July 20-21, 2010. There are several meetings and conference calls scheduled for July, and once staff receives a review draft, we will share it with the Board immediately thereafter. The Stakeholder Group hopes to submit a final Management Plan Alternative to the BLM and the USFS in the summer of 2010. The USFS expects to publish a Draft EIS by January 2011, so the Stakeholder Group may continue working until then, if necessary.

Lower Dolores Working Group Update (Dolores River from McPhee Dam to Bedrock)

The Lower Dolores Working Group’s Legislative Committee has been working to develop a legislative alternative to the WSR Preliminary Suitable Finding. This legislation would support the stakeholder objectives of protecting of identified Outstandingly Remarkable Values (ORVs) – including flow-dependent ORVs—and continuing to respect and protect private property

Interstate & Federal • Watershed Protection & Flood Mitigation • Stream & Lake Protection • Finance
Water Information • Water Conservation & Drought Planning • Water Supply Planning

rights, water rights and Dolores Project allocations. The Committee has presented a series of drafts to the larger Working Group for consideration and approval. Concurrently, the Working Group has compiled a report that it intends to submit to the Dolores Public Lands Office (“DPLO”) by July 14. Among other things, the report contains recommendations to the DPLO related to protection of the ORVs and other values in the Dolores River corridor, including archaeology and cultural resources; scenery; rafting; and fish, wildlife and ecological issues, including invasive species. The report recommends management goals and objectives for the River corridor in connection with the DPLO’s Management Plan. As an alternative to a finding of suitability for the Dolores River, the report’s consensus recommendation is to “pursue special legislation to protect the ORVs as well as water rights, agriculture and private property rights, recognizing that preliminary suitability will stay on the table until the special legislation passes.” The Working Group’s intent is that the special legislation would permanently remove the possibility of a finding of suitability for the Dolores River, while ensuring protection of the ORVs. The report contains an outline of the components of the proposed special legislation, which still is in draft form pending final negotiation and consensus on all aspects of the proposal. The full Working Group will meet on July 26 to discuss the latest version of the legislative proposal draft.

Information on the activities of the Lower Dolores Working Group, including the finalized report described above (report will be posted when final), detailed meeting summaries and presentation materials can be found on the Dolores River Dialogue Website at: <http://ocs.fortlewis.edu/drd/> at the link entitled “Lower Dolores Plan Working Group.”

River Protection Workgroup Update (Hermosa Creek)

The River Protection Workgroup (“RPW”), has continued to conduct work on the San Juan River basin, and has begun work on the Vallecito Creek/Pine River basin. The San Juan River basin group will have a field trip on July 22, 2010. In addition the San Juan River basin group will host a workshop on the Federal Wild and Scenic Rivers Act and alternatives to Wild and Scenic designation. The CWCB Staff will assist with this workshop. The Vallecito Creek/Pine River basin group started work in June, and will be meeting over the summer. The Hermosa Creek basin is still working on draft legislation that would address the land protections and that may be offered for Congressional approval this Congressional session. The CWCB Staff will share the draft legislation once it is ready for review. For more information, see the following link: <http://ocs.fortlewis.edu/riverprotection/>.

Grand Junction Stakeholder Process (Lower Colorado River)

This stakeholder process has concluded. Significant progress has been made on all priority river segments, as evidenced by multiple consensus letters to the BLM. The latest signed letters since the May 2010 CWCB meeting address: Colorado River Segment 3, Dolores River, East Creek, West Creek, Ute Creek, and North Fork West Creek. Copies of these letters and of “Final Stakeholder Recommendations for Management Provisions for Maintaining ORVs and Stakeholder Uses and Values” are attached to this memo. As you may recall, letters already have been sent to the BLM regarding the Colorado River Segment 1, Colorado River Segment 2, Little Dolores River, Roan, Carr and Gunnison Segment 2. Also, since the last CWCB meeting, this group finalized and came to terms on management alternatives and plans for the Colorado River Segment 3, East, West, North Fork West, and Ute Creeks, and the Dolores River. Below is a summary of the resolutions on those streams:

Colorado River Segment 3

The stakeholders recommended:

- management options to the BLM to protect not only ORV's but also the identified stakeholder uses and values;
- to the congressional delegation that legislation should be enacted to adjust the boundaries of the NCA and wilderness;
- that the BLM not find this segment not suitable through 2014, by which time it is anticipated that Congress will have passed the previously referenced legislation; and
- that if Congress does not act in the previously mentioned time frame, the BLM undertake formal reconsideration of suitability.

Dolores River

The stakeholders:

- identified a series of management provisions and recommended that the BLM incorporate those provisions into the new RMP for the Grand Junction Field Office to maintain the ORVs and stakeholder uses and values;
- recommended that a larger stakeholder dialogue be convened to address suitability and other issues and concerns related to the Dolores River on a broader geographic scale, as resources, impacts, and opportunities do not begin and end at the boundaries of BLM field offices or other administrative units; and
- did not make a recommendation to BLM regarding suitability for any eligible portions of the Dolores River in the Grand Junction Field Office, as it is believed discussions regarding suitability for these segments should be addressed in the larger dialogue outlined above. The stakeholders understand that this means that the existing National Park Service finding of suitability on the Dolores River between Gateway and the state line would remain in effect while the collaborative discussions are underway.

East Creek, West Creek, North Fork West Creek, and Ute Creek

The stakeholders identified a series of management provisions for each of these creeks and recommended that the BLM incorporate those provisions into the new RMP for the Grand Junction Field Office to maintain the ORVs and stakeholder uses and values. Despite substantial discussion and much effort to find common ground, the stakeholders were unable to come to an agreement regarding suitability for these creeks. Therefore, the stakeholders have agreed not to submit a recommendation regarding suitability to BLM for these creeks, and individuals and groups who have participated in the stakeholder process will submit their own recommendations regarding suitability to the agency. The content of any such recommendations will reflect the preferences of those who sign them and will not be a recommendation from the stakeholder process. Additional information is available at:

<http://keystone.org/spp/environment/water/LowerColoradoWSR>.

Staff Recommendation

The Staff seeks the Board's input on the various processes.

Attachments

**ATTACHMENTS
TO
AGENDA ITEM 29**

July 20-21 2010 Board Meeting

LOWER COLORADO RIVER WILD AND SCENIC STAKEHOLDER COLLABORATIVE

June 30, 2010

Congressman John Salazar
1531 Longworth House Office Building
United States House of Representatives
Washington, DC 20515

Re: Wild and Scenic River Suitability Evaluation
Colorado River Segment 3

Dear Congressman Salazar,

The Lower Colorado River Wild and Scenic Stakeholder collaborative is a dedicated group of individuals and organizations working together to identify management options for several stream segments that the Bureau of Land Management Grand Junction Field Office (BLM) found to be eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS) during its recent inventory and analysis.

The group seeks to outline management options to recommend to the BLM as a means of maintaining not only the outstandingly remarkable values (ORVs) that the agency has identified but also the stakeholder uses and values that currently exist in and along these stream segments. Ranchers, farmers, environmental advocates, water providers, representatives of local and state government, and other stakeholders have collaborated to find management approaches that meet both the needs of BLM and the needs of the broader stakeholder community.

One key eligible stream segment carefully reviewed by this stakeholders group is Colorado River Segment 3, extending from Loma to the Utah state line, essentially tracing McInnis Canyons National Conservation Area and the Black Ridge Canyons Wilderness.

The stakeholders have submitted to the BLM the attached recommendations for the protective management of this segment under its pending resource management plan.

In addition to, and complementing, those administrative recommendations, the stakeholders respectfully request that you undertake legislation to adjust the boundaries of the NCA and wilderness along this river segment.

Specifically, we recommend:

- a. Adjusting the national conservation area boundary to the north and south edges of the water of the Colorado River (changing with the river's volume and level such that the NCA never includes the river itself);

- b. Similarly adjusting the wilderness boundary (southern portion of the NCA) to the southern edge of the water of the river (changing with the river's volume and level to ensure that the wilderness never includes the river);
- c. Consider including limited variations in this new (river's edge) wilderness boundary to accommodate activities and facilities, if necessary, at certain, high-use areas (e.g., Black Rocks and Mee Canyon);
- d. Adding legislative language affirming that:
"Where the Colorado River is used as reference for defining the boundary of the Conservation Area and the Wilderness, the boundary shall be located at the water's edge and change according to the river's level. Regardless of the level of the Colorado River, no portion of the Colorado River is included in the Wilderness or in the Conservation Area."
- e. Clarifying BLM's authority to manage invasive species (weeds) in the NCA and wilderness, using whatever tools necessary; and
- f. Legislatively releasing Colorado River Segment 3 from "suitability" under the Wild and Scenic Rivers Act and from associated wild and scenic study and planning processes.

Taken together, these measures will accomplish several important things: improving the care and management of the land and helping guide other aspects of our wild and scenic recommendations. This proposal will:

- Make absolutely clear that the Colorado River, and any water in the river, will never be included in or affected by the adjacent location of the NCA or the wilderness;
- Make absolutely clear that land south of the river is in the NCA and in the wilderness, thus clarifying management, ensuring reliable protection for wilderness and the values there, and providing clear, understandable boundaries for users;
- Provide management flexibility at select high-use areas;
- Ensure continued administrative access, including motorized access and use of motorized and mechanical tools when needed—by the BLM, state agencies, and local agencies for, but not limited to:
 - emergency response and rescue;
 - law enforcement;
 - fire fighting;
 - response to insects and disease;
 - recreation management; and
 - general management;
- Allow continued grazing in the NCA and wilderness, as practiced now and before the original designations, including motorized use agreements for administration of the allotments within the NCA;
- Ensure continued authority of the State of Colorado (DOW) to manage and regulate hunting, fishing, and wildlife management in the NCA and wilderness;

- Ensure continued recreational opportunities as currently available in the NCA and wilderness, including the possibility of some non-wilderness installations at high-use areas;
- All while:
 - Greatly improving the clarity and efficiency of BLM management of the NCA and wilderness; and
 - Confirming wilderness protection for lands south of the river recommended by the BLM since 1987 for wilderness designation.

Due to the challenging nature of the discussions regarding wild and scenic suitability for this segment, the stakeholders are hopeful that Congress will pass legislation before the end of 2014, which would bring closure on this issue and make further deliberations unnecessary. This request for legislative change to the NCA and wilderness boundaries is part of a package of agreements that includes the attached management recommendations to BLM and a recommendation that if legislation does not pass by the end of 2014, BLM should undertake formal reconsideration (including broad stakeholder engagement) of suitability for Colorado River Segment 3.

The stakeholders in the collaborative process thank the Bureau of Land Management for the ongoing assistance provided by staff, who have generously shared their time to answer questions and to help the group understand BLM's RMP revision process and the wild and scenic inventory and analysis.

Also, thank you for your careful consideration of this legislative recommendation, which is an important component of the citizen collaboration on this matter. Please let us know how we can help with its successful implementation.

Sincerely,

The Lower Colorado River Wild and Scenic
Stakeholder Collaborative
(Participants listed below.)



Steve Smith
The Wilderness Society



Larry W. Clever
General Manager
Ute Water Conservancy District



Greg Trainor
City of Grand Junction
Director, Utilities and Street Systems



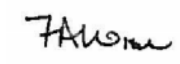
Steve Acquafresca
Mesa County Board of Commissioners



Jean Moores
Moores Mining, Ranching & Sawmill



John Stout
Land Owner on the Little Dolores above Pot Holes



F.A. Wise
Little Dolores Ranch



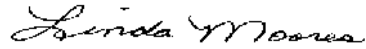
Susan Treece
Little Dolores Ranch



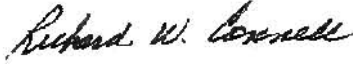
Jay Van Loan
Van Loan Ranches



Dori Van Loan
Van Loan Ranches



Linda Moores
Moores Mining, Ranching & Sawmill



Richard Connell
Director of Member Services, Regional Manager
Colorado Farm Bureau
Mesa County Farm Bureau



Oscar Massey
Massey Ranch



Richard Proctor
Manager
Grand Valley Water Users' Association



Eric Kuhn, General Manager
Colorado River Water Conservation District



Becky Long
Water Caucus Coordinator
Colorado Environmental Coalition



Thelma Hays
Mesa Conservation District Board
Land Owner



Craig Moores
Moores Mining, Ranching & Sawmill

cc: Senator Michael Bennet, Senator Mark Udall

LOWER COLORADO RIVER WILD AND SCENIC STAKEHOLDER COLLABORATIVE

June 30, 2010

Catherine Robertson
Grand Junction Field Manager
U.S. Department of the Interior
Bureau of Land Management
2815 H Road
Grand Junction, Colorado 81506

Re: Wild and Scenic River Suitability Evaluation
Colorado River Segment 3

Dear Ms. Robertson,

The Lower Colorado River Wild and Scenic Stakeholder collaborative is a dedicated group of individuals and organizations working together to identify management options for several stream segments that the Bureau of Land Management Grand Junction Field Office (BLM) found to be eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS) during its recent inventory and analysis.

The group seeks to outline management options to recommend to the BLM as a means of maintaining not only the outstandingly remarkable values (ORVs) that the agency has identified but also the stakeholder uses and values that currently exist in and along these stream segments. Ranchers, farmers, environmental advocates, water providers, representatives of local and state government, and other stakeholders have collaborated to find management approaches that meet both the needs of BLM and the needs of the broader stakeholder community.

One key eligible stream segment carefully reviewed by this stakeholders group is Colorado River Segment 3, extending from Loma to the Utah state line, essentially tracing McInnis Canyons National Conservation Area and the Black Ridge Canyons Wilderness.

The stakeholder collaborative recommends a series of detailed management prescriptions and adjustments (in attachment) to ensure reliable protections for the scenic, recreational, fish, wildlife, geological, and historical values identified in the BLM's wild and scenic eligibility report (ORVs).

In addition, the stakeholder collaborative has separately recommended that our congressional delegation undertake legislation to adjust the boundaries of the NCA and the wilderness, along with other clarifications. We believe that these measures will enhance protection for the ORVs

in the segment and will clarify the BLM's management authority and guidance for this important stream segment. A copy of our letter to Congressman Salazar is attached for reference.

Assuming these administrative measures are implemented and remain in place, the stakeholder collaborative further recommends that the BLM, as an interim measure, find Colorado River Segment 3 not suitable for designation under the Wild and Scenic Rivers Act. We recommend that this finding be retained through the end of 2014, by which time we anticipate Congress will have passed the referenced legislation and addressed suitability as recommended in our legislative proposal.

If, in that period, Congress implements the stakeholders' legislative recommendations, including congressional affirmation of a not-suitable finding for Colorado River Segment 3, no further action by the BLM will be necessary. The stakeholders recommend that, if Congress does not act on the legislative recommendation in that period, the BLM undertake formal reconsideration (including broad stakeholder engagement) of suitability for Colorado River Segment 3 and consider appropriate RMP amendment.

The stakeholders in the collaborative process thank the BLM Grand Junction Field Office, National Conservation Area, and Colorado State Office for the ongoing assistance provided by staff who have generously shared their time to answer questions and to help the group understand BLM's RMP revision process and the wild and scenic inventory and analysis.

Sincerely,

The Lower Colorado River Wild and Scenic
Stakeholder Collaborative
(Participants listed below.)



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The Wilderness Society



Larry W. Clever
General Manager
Ute Water Conservancy District



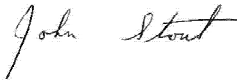
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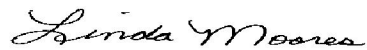
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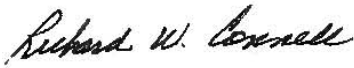
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Grand Valley Water Users' Association



Eric Kuhn, General Manager
Colorado River Water Conservation District




Sara Ransford
Property Owner
Horse Thief Ranch



Becky Long
Water Caucus Coordinator
Colorado Environmental Coalition



Thelma Hays
Mesa Conservation District Board
Land Owner


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Moores Mining, Ranching & Sawmill

Colorado River Segment 3
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

The Colorado River Segment 3 Working Group has prepared a separate document summarizing an approach to legislative change regarding the NCA and wilderness boundary.

Recommendations apply to all BLM lands in the river corridor, no matter how they are classified. ASSUME WHEN WE SAY “NCA” WE REFER TO THE RIVER’S EDGE; EXCEPTIONS WILL BE NOTED

When opportunities arise and are appropriate, cooperate with private landowners on a voluntary basis to use the conservation easement tool to maintain stakeholder uses/values and ORVs.

ORVs and Stakeholder Uses/Values	Management Options for Maintaining ORVs and Stakeholder Uses and Values
BLM Outstandingly Remarkable Values	
Scenic	<p>Retain NCA withdrawal from fluid and extractive mineral leasing and mining</p> <p>Pursue (where appropriate) additional riparian protections (such as a stabilized riparian area that is anchored against floods by native vegetation) to protect ORVs while controlling invasive species</p> <p>Change VRM II to VRM I for north side upstream of Salt Creek, ¼ mile from river in NCA, consistent with VRM I on the south side (to achieve VRM I rim to rim)</p> <p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those historic standards</p> <p>Minimize human impacts on vegetation</p> <p>Manage habitat to maintain desert bighorn sheep (in partnership with CDOW) – Keep existing livestock grazing allotments, maintaining land health standards and tools to achieve those standards</p>

Colorado River Segment 3
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

Recreational	<p>Actively manage recreation between NCA boundary and river's edge consistent with the authority provided in the NCA legislation</p> <p>Implement recreational permitting and enforcement to ensure compatible river use, provide education, and respect for private property; coordinate with other local, state, and federal agencies in implementation</p> <p>Continue current limitations within river corridor to quiet land-based recreational uses</p> <p>Continue managing camping along river</p> <p>Continue limiting recreation travel to designated roads and trails</p>
Fish	Continue to work with the Upper Colorado River Endangered Fish Recovery Program
Wildlife: BLM ORV re fish, raptors, and otters (and scenic ORV for desert bighorn sheep – see above)	<p>Maintain recreational uses at an adequate distance from sensitive eagle habitat and nest areas based upon best available science</p> <p>Protect eagle habitat, including nesting sites and trees</p> <p>Manage riparian corridor to maintain and enhance otter habitat</p> <p>Continue to work with the Upper Colorado River Endangered Fish Recovery Program</p>
Geological	<p>Add interpretive signage/materials for visitor education</p> <p>Maintain withdrawal from energy and minerals leasing per the NCA management plan</p> <p>Establish some restrictions or guidelines on bolting for recreational rockclimbing</p>
Historical	Conduct review and consultation pursuant to the National Historic Preservation Act to protect the integrity of historic resources and the cultural and historic significance of the railroad

Colorado River Segment 3
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

Stakeholder Uses and Values	
Recreation – biking, boating, hiking, using support vehicles, hunting, fishing, camping	Actively manage recreation between NCA boundary and river’s edge consistent with the authority provided in the NCA legislation
	Implement recreational permitting and enforcement to ensure compatible river use, provide education, and respect for private property; coordinate with other local, state, and federal agencies in implementation
	Continue current limitations within river corridor to quiet land-based recreational uses
	Continue limiting recreation travel to designated roads and trails
	Continue managing camping along river
	Encourage cooperative agreements among private property owners; recognize importance of private property rights
	DOW has wildlife management authority on all BLM property regardless of designation

Colorado River Segment 3
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

Water rights, use, and development	<p>The State of Colorado has jurisdiction regarding water rights, recognizing the supremacy of existing water rights.</p> <p>River flows through this segment are sufficient to protect the identified ORVs. Compact delivery requirements, target flows for endangered fishes, and return flows from senior Grand Valley water rights ensure adequate flows through this segment.</p> <p>BLM shall fully respect private water rights consistent with Colorado water law in making permitting and management decisions and allow the exercise of those rights that will not be in direct conflict with protection of ORVs and other stakeholder values.</p> <p>Nothing in these stakeholder recommendations supports any Federal agency to appropriate, manage, or otherwise acquire any Federal reserve water right in the Colorado River in Segment 3.</p> <p>In the event that the water conditions are significantly impacted due to unforeseen circumstances such as climate change and the current protections are no longer in place (i.e., ESA and CWA), BLM will work with other agencies managing this area (CWCB, CDPHE, DOW, BLM NCA management team, etc.) within state water law to:</p> <ol style="list-style-type: none"> 1. Recognize value of minimum instream flow 2. Work to get a minimum flow to protect the ORVs 3. Continue to manage the stream under the CWA and CAA requirements
Agriculture and livestock	<p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those historic standards</p> <p>Maintain multiple uses as has been done in the past and consider future uses</p>
Off-road vehicles	Continue to manage according to the existing NCA plan – no recreational motorized routes in the river corridor in the NCA
Noxious weed management	<p>Consider: Amending NCA legislation to include exceptions for invasive species management</p> <p>Consider: Recommend to BLM that all weed management options be retained for use when appropriate</p>

Colorado River Segment 3
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

Energy development	<p>Continue current policy on easements regarding transferability and use.</p> <p>Check if area is already withdrawn from energy and minerals</p> <p>Check if there are existing mineral rights</p> <p>Consider: NSO</p> <p>Consider: Manage corridor as if in NCA</p>
Access to private property	Existing BLM rules for transportation easements across BLM lands are sufficient and will not change
Wildlife and wildlife viewing	<p>Manage to protect endangered, threatened, and sensitive species</p> <p>Maintain recreational uses at an adequate distance from sensitive raptor habitat and nest areas based upon best available science</p>

Colorado River Segment 3
Final Stakeholder Recommendations for
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<p>Riparian ecology</p> <p>(Riparian = Relating to or living or located on the bank of a natural watercourse (a river or sometimes a lake))</p>	<p>Manage riparian ecology:</p> <p>Pursue (where appropriate) additional riparian protections (such as a stabilized riparian area that is anchored against floods by native vegetation (willows and the like) to protect ORVs while controlling invasive species</p> <p>Change VRM II to VRM I for north side, ¼ mile from river in NCA, consistent with VRM I on the south side (to achieve VRM I rim to rim)</p> <p>Minimize human impacts on vegetation</p> <p>Maintain recreational uses at an adequate distance from sensitive eagle habitat and nest areas based upon best available science</p> <p>Protect eagle habitat, including nesting sites and trees</p> <p>Manage riparian corridor to maintain and enhance otter habitat</p> <p>Continue to work with the Upper Colorado River Endangered Fish Recovery Program</p> <p>Manage to protect endangered, threatened, and sensitive species</p> <p>Maintain recreational uses at an adequate distance from sensitive raptor habitat and nest areas based upon best available science</p>
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LOWER COLORADO RIVER WILD AND SCENIC STAKEHOLDER COLLABORATIVE

June 30, 2010

Catherine Robertson
Grand Junction Field Manager
U.S. Department of the Interior
Bureau of Land Management
2815 H Road
Grand Junction, Colorado 81506

Re: Wild and Scenic River Suitability Evaluation
Dolores River

Dear Ms. Robertson:

The Lower Colorado River Wild and Scenic Stakeholder Collaborative is a dedicated group of individuals and organizations working together to identify management options for several stream segments that the Grand Junction Field Office found to be eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS) during its recent inventory and analysis. The group seeks to outline management options to recommend to the Bureau of Land Management (BLM) as a means of maintaining not only the outstandingly remarkable values (ORVs) that the agency has identified but also the stakeholder uses and values that currently exist in and along these stream segments. Ranchers, farmers, environmental advocates, water providers, representatives of local and state government, and other stakeholders have collaborated to find management approaches that meet both the needs of BLM and the needs of the broader stakeholder community.

In order to make the best use of the time available before BLM's May 2010 deadline for feedback into the draft Resource Management Plan (RMP), the stakeholders identified nine of the 27 eligible stream segments on which to focus their efforts. Using the percentage of federal land along the segment, the number of ORVs, and the number and type of existing management provisions as guiding criteria, the group prioritized the following segments for their collaborative discussions: Roan Creek, Carr Creek, Gunnison River Segment 2, Colorado River Segment 3, Dolores River, Ute Creek, East Creek, West Creek, and North Fork West Creek. Working groups have identified the stakeholder uses and values that they want to maintain and gathered data to inform their deliberations. Additionally, small task groups are preparing separate letters to BLM regarding the Little Dolores River and Colorado River Segments 1 and 2.

Building on recommendations from the working group addressing this segment, the stakeholders have come to consensus recommendations regarding the Dolores River. First, the stakeholders have identified a series of management provisions that we recommend that BLM incorporate into the new RMP for the Grand Junction Field Office to maintain the ORVs and stakeholder uses and values. These management provisions are outlined in the attached table.

Second, in the addition to the management recommendations, the stakeholders also recommend that a larger stakeholder dialogue be convened to address suitability and other issues and concerns

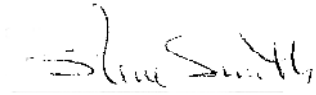
related to the Dolores River on a broader geographic scale, as resources, impacts, and opportunities do not begin and end at the boundaries of BLM field offices or other administrative units. The following is a list of specific considerations from the stakeholder group regarding this new collaborative process:

1. The new collaborative process should include broad representation from individuals and groups similar to (but not restricted to) those who have participated in this collaborative process, representing similar interests within the larger geographic focus of the new effort.
2. Understanding that BLM cannot convene such a group, the stakeholders recommend that the Colorado Water Conservation Board (CWCB) convene the group, and that staff from BLM field offices in the Dolores River watershed and Roy Smith actively participate in the collaborative process.
3. The stakeholders recommend that the new collaborative group clarify the geographic reach of its work and suggest that the group consider addressing all of the Dolores River (from McPhee Dam to the state line), all of the San Miguel River, and whatever tributaries to these rivers seem appropriate and necessary to the larger stakeholder group for a meaningful discussion.
4. The stakeholders recommend that the new collaborative group identify a definite deadline for completion of its work and suggest that the new group consider July 1, 2014 as its deadline. If there are no recommendations from the new collaborative group by the deadline identified in that process, BLM should undertake formal reconsideration (including broad stakeholder engagement) of whatever suitability decisions your field office makes regarding the eligible segments of the Dolores River and consider appropriate RMP amendment.
5. The stakeholders are not making a recommendation to BLM regarding suitability for any eligible portions of the Dolores River in the Grand Junction Field Office, as we believe discussions regarding suitability for these segments should be addressed in the larger dialogue outlined above. Further, stakeholders agreed not to comment individually on the question of suitability for the mainstem segments of the Dolores within the Grand Junction Field Office Resource Management Plan process. The stakeholders understand that this means that the existing National Park Service finding of suitability on the Dolores River between Gateway and the state line would remain in effect while the collaborative discussions are underway.

The stakeholders in the collaborative process thank the Grand Junction Field Office for the ongoing assistance provided by staff who have generously shared their time to answer questions and to help the group understand BLM's RMP revision process and the wild and scenic inventory and analysis.

Sincerely,

The Lower Colorado River Wild and Scenic
Stakeholder Collaborative
(Participants listed below.)



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The Wilderness Society



Larry W. Clever
General Manager
Ute Water Conservancy District



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Dolores Water Conservation District



Greg Trainor
City of Grand Junction
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Steve Acquafresca
Mesa County Board of Commissioners



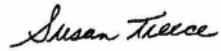
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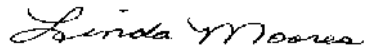
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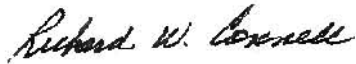
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Dolores River
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

Watershed-Based Dialogue on the Dolores River:

1. Streamflow-related values in the Dolores River should be addressed to ensure protection of the fish and recreation ORVs and other stakeholder uses and values.
2. Dolores River streamflow management issues are best addressed on a watershed basis and coordinated among BLM field offices.
3. Streamflows in this segment of the Dolores River are largely determined by current and potential future actions upstream on both the Dolores and the San Miguel and their tributaries. Additionally, upstream water rights may be affected by management actions within the Grand Junction Field Office segments.
4. Therefore, we recommend a broader watershed-based dialogue, with the BLM participating, to pursue effective and coordinated management of ORVs in this and other field offices.
 - a. CWCB could convene the larger dialogue and help outline benchmarks
 - b. Healthy fish populations at the confluence and other values that we have highlighted in this field office need attention in that larger conversation as do ORVs and stakeholder uses and values in other field offices.
 - c. Stakeholders: CWCB, BLM, water conservation districts, counties, landowners, water right owners, and others around this table and similar individuals and groups from other areas

Ensure that ACEC and SRMA management is coordinated and that there is an integrated approach throughout the Dolores watershed. The ACEC and SRMA should both “bend” to accommodate and complement the specific values in the other field office areas, as needed.

When opportunities arise and are appropriate, cooperate with private landowners on a voluntary basis to use conservation easements to maintain stakeholder uses/values and ORVs.

Dolores River
Final Stakeholder Recommendations for
Management Provisions for Maintaining ORVs and Stakeholder Uses and Values
June 30, 2010

ORVs and Stakeholder Uses/Values	Management Options for Maintaining ORVs and Stakeholder Uses and Values
BLM Outstandingly Remarkable Values	
Scenic	<p>Include specific protections for scenic values, such as:</p> <ol style="list-style-type: none"> 1. VRM Class II 2. An ACEC to protect riparian values (cottonwoods, meandering nature of creek) with additional stipulations for protection of these riparian values 3. Note: The proposed ACEC could protect 3 BLM ORVs in this segment (scenic, geological, and paleontological). <p>Establish controlled surface use or conditional no surface occupancy where necessary to protect the ORVs within ¼ mile of river and apply NSO restrictions within 100 meters of the river; apply CSU restrictions to protect scenic values as viewed from the scenic byway and the river's surface</p> <p>Customize restrictions within the viewshed to address varying location of scenic values</p>
Geological	<p>Include specific protections for scenic values, such as:</p> <ol style="list-style-type: none"> 1. VRM Class II 2. An ACEC to protect riparian values (cottonwoods, meandering nature of creek) with additional stipulations for protection of these riparian values 3. Note: The proposed ACEC could protect 3 BLM ORVs in this segment (scenic, geological, and paleontological). <p>Establish controlled surface use or conditional no surface occupancy where necessary to protect the ORVs within ¼ mile of river and apply NSO restrictions within 100 meters of the river; apply CSU restrictions to protect scenic values as viewed from the scenic byway and the river's surface</p> <p>Customize restrictions within the viewshed to address varying location of scenic values</p>

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Recreational	<p>For the SRMA being considered for the larger Dolores River area, establish different trail systems for different uses in different places:</p> <ul style="list-style-type: none"> • Maintain current opportunities and access for recreation throughout potential SRMA • In riparian area, continue opportunities for quiet recreation • Continue current restrictions on motorized recreation on BLM land in the riparian area • Maintain camping opportunities but manage camping in the riparian area to protect the ORVs or other sensitive resources <p>Keep existing grazing allotments; maintain federal agency land health standards and tools to achieve those historic standards.</p> <p>Implement a program for recreation in the river corridor to ensure proper river use, provide education, protect sensitive riparian areas, and respect for private property.</p> <p>Consider recreation access easements on private land in cooperation with private landowners</p>
Paleontological	<p>Include specific protections for scenic values, such as:</p> <ol style="list-style-type: none"> 1. VRM Class II 2. An ACEC to protect riparian values (cottonwoods, meandering nature of creek) with additional stipulations for protection of these riparian values 3. Note: The proposed ACEC could protect 3 BLM ORVs in this segment (scenic, geological, and paleontological). <p>Establish controlled surface use or conditional no surface occupancy where necessary to protect the ORVs within ¼ mile of river and apply NSO restrictions within 100 meters of the river; apply CSU restrictions to protect scenic values as viewed from the scenic byway and the river's surface</p> <p>Customize restrictions within the viewshed to address varying location of scenic values</p>

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Fish (new BLM ORV)	<p>Work with CWCB to establish Colorado instream flow to maintain seasonal variability for protection of fish ORV</p> <p>Encourage voluntary flow management in coordination with other partners to benefit native fisheries within available water supplies</p> <p>BLM Grand Junction Field Office and all other affected BLM and Forest Service field offices should coordinate agency actions and cooperative measures to protect and enhance flow-related ORVs in all segments of and tributaries to the Dolores River within available water supplies.</p> <p>BLM and other stakeholders should engage in collaborative, open, and transparent research-based science as a basis for addressing the fish ORV</p> <p>Stakeholder group write a letter to other BLM and US Forest Service field offices in support of the above coordination and cooperative measures.</p> <p>Riparian ACEC should ensure protections for fishery values.</p>
Stakeholder Uses and Values	
Recreation – Hunt, fish, raft, canoe, bike, bird watch, backpack, horse, trail development, gold panning, off-road vehicles, bridge, scenic	<p>Consider ACEC and SRMA alternatives to provide and protect recreational opportunities</p> <p>Consider private property rights when designing and implementing ACEC and SRMA</p>
Wildlife – elk, deer, raptors, desert big horn sheep, bear, etc.	<p>Continue scientifically-based best management practices, including habitat restoration projects, Dolores River Restoration Partnership work, non-native species management, and wildlife habitat management on public lands.</p> <p>When implementing these management practices, BLM should work collaboratively with DOW, other agencies, and private landowners to protect the wildlife resources of the area.</p>

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Fish / Otters / Other aquatic species	<p>Undertake habitat restoration efforts in riparian corridor providing more shade for fish and restoring native vegetation.</p> <p>The riparian ACEC should ensure protections for fishery values.</p> <p>Consider NSO in the riparian corridor.</p> <p>Balance other potentially competing uses and values.</p> <p>Encourage cooperative agreements among water community to protect fish without diminishing other uses/values</p>
Transportation – Rights of way, access, scenic byways, tourism	<p>Existing BLM rules for transportation easements across BLM lands are sufficient and will not change.</p>
Water Rights/Use – Colorado River Compact, agriculture, municipal water, diversions, storage facilities	<p>The State of Colorado has jurisdiction regarding water rights, recognizing the supremacy of existing water rights.</p> <p>BLM shall fully respect private water rights consistent with Colorado water law in making permitting and management decisions and allow the exercise of those rights that will not significantly harm ORVs and other stakeholder values.</p> <p>If additional water is needed in this segment, encourage acquisition or appropriation of water through Colorado water court, including employing state instream flow program.</p> <p>In the event that the water conditions are significantly impacted due to unforeseen circumstances, BLM will work with other agencies managing this area (Colorado Water Conservation Board (CWCB), the Colorado Department of Public Health and the Environment (CDPHE), the Division of Wildlife (DOW), etc.) within state water law to:</p> <ul style="list-style-type: none"> • Recognize potential value of an instream flow • Identify an instream flow and acquire if necessary

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Agriculture/Livestock – Grazing, open range access, water rights, crops, grapes, hay, alternative crops	Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those historic standards Respect Right to Farm provisions
Private/Resort/Residential/ Commercial – Air tours, infrastructure, wastewater treatment, subdivisions, resorts, associated commercial	Coordinate and cooperate with Mesa County on land use applications that affect BLM management plan for adjacent lands. Private property rights should be recognized.
Vegetative – Scenic, habitat, weed control	Retain all weed management options for use when appropriate
Extractive – Energy, potash, uranium, logging and related transportation	Address restoration and reclamation requirements through the State Division of Mineral Resources, in conjunction with BLM RMP tools and County permitting processes. Comply with County, State, and Federal laws addressing extractive resources
Wilderness values	Manage to retain and protect lands found to have wilderness characteristics
Additional stakeholder uses/values: Cultural heritage of the area, historical uses of the land and resources	To protect the integrity of historic and cultural resources, conduct review and consultation pursuant to National Historic Preservation Act and other federal regulations.

LOWER COLORADO RIVER WILD AND SCENIC STAKEHOLDER COLLABORATIVE

June 30, 2010

Catherine Robertson
Grand Junction Field Manager
U.S. Department of the Interior
Bureau of Land Management
2815 H Road
Grand Junction, Colorado 81506

Re: Wild and Scenic River Suitability Evaluation
East Creek, West Creek, North Fork West Creek, and Ute Creek

Dear Ms. Robertson:

The Lower Colorado River Wild and Scenic Stakeholder Collaborative is a dedicated group of individuals and organizations working together to identify management options for several stream segments that the Grand Junction Field Office found to be eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS) during its recent inventory and analysis. The group seeks to outline management options to recommend to the Bureau of Land Management (BLM) as a means of maintaining not only the outstandingly remarkable values (ORVs) that the agency has identified but also the stakeholder uses and values that currently exist in and along these stream segments. Ranchers, farmers, environmental advocates, water providers, representatives of local and state government, and other stakeholders have collaborated to find management approaches that meet both the needs of BLM and the needs of the broader stakeholder community.

In order to make the best use of the time available before BLM's May 2010 deadline for feedback into the draft Resource Management Plan (RMP), the stakeholders identified nine of the 27 eligible stream segments on which to focus their efforts. Using the percentage of federal land along the segment, the number of ORVs, and the number and type of existing management provisions as guiding criteria, the group prioritized the following segments for their collaborative discussions: Roan Creek, Carr Creek, Gunnison River Segment 2, Colorado River Segment 3, Dolores River, Ute Creek, East Creek, West Creek, and North Fork West Creek. Working groups have identified the stakeholder uses and values that they want to maintain and gathered data to inform their deliberations. Additionally, small task groups are preparing separate letters to BLM regarding the Little Dolores River and Colorado River Segments 1 and 2.

Building on recommendations from the working group addressing these segments, the stakeholders have come to consensus recommendations regarding management for East Creek, West Creek, North Fork West Creek, and Ute Creek. The stakeholders have identified a series of management provisions for each of these creeks that we recommend that BLM incorporate into

the new RMP for the Grand Junction Field Office to maintain the ORVs and stakeholder uses and values. These management provisions are outlined in the attached tables.

Despite substantial discussion and much effort to find common ground, the stakeholders were unable to come to a consensus regarding suitability for these creeks. Therefore, the stakeholders have agreed not to submit a joint, collaborative recommendation regarding suitability to BLM for these creeks. Individuals and groups who have participated in the stakeholder process may submit their own recommendations regarding suitability to the agency. The content of any such recommendations will reflect the preferences of those who sign them and will not be a recommendation from the stakeholder process.

The stakeholders in the collaborative process thank Grand Junction Field Office for the ongoing assistance provided by staff, who have generously shared their time to answer questions and to help the group understand BLM's RMP revision process and the wild and scenic inventory and analysis.

Sincerely,

The Lower Colorado River Wild and Scenic
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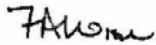
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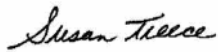
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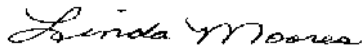
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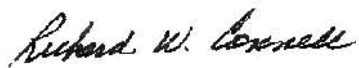
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West, North Fork West, Ute, and East Creeks
Final Stakeholder Recommendations for
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ORVs and Stakeholder Uses/Values	Management Options for Maintaining ORVs and Stakeholder Uses and Values
<p>West Creek</p> <p>ORVs: Scenic, geologic, wildlife, and vegetation</p> <p>Stakeholder uses and values: water rights/uses, diversions and existing structures, reservoirs, wilderness character, WSA/CWP, livestock grazing and permits</p>	<p><i>Note: The stakeholder group only addressed the contiguous eligible segments of West Creek between the two pieces of private property (see map for reference).</i></p> <p>Unaweep Seep ACEC is expected to get larger.</p> <p>All of the eligible segments are adjacent to the WSA or in lands with wilderness characteristics; manage to protect those characteristics</p> <p>Manage the area as if it were in the WSA, continuing to allow the ROW for utility corridor maintenance and improvements but minimize impacts to the wilderness values.</p> <p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those standards</p> <p>There is an instream flow of 6.0 cfs year-round with a 1977 priority. Work with CWCB to maintain and enforce State's instream flow.</p>
<p>North Fork West Creek</p> <p>ORV: Scenic</p> <p>Stakeholder uses/values: Water rights/uses, reservoirs, Palisades WSA, livestock grazing and permits</p>	<p>Eligible segments are in the Palisades WSA or lands with wilderness characteristics; manage to protect those characteristics</p> <p>VRM Class I</p> <p>There is an existing instream flow: 0.8 cfs Feb. 15 to March 31; 3.7 cfs April 1 to June 30; 0.8 cfs July 1 to July 31; 0.4 cfs August 1 to Feb. 14; Priority: January 28, 2004. Work with CWCB to maintain and enforce State's instream flow.</p> <p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those standards.</p>

West, North Fork West, Ute, and East Creeks
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Ute Creek: ORVs: Scenic, Vegetation Stakeholder uses/values: Water rights, water usage, private land access, livestock access, wilderness character, CWP, wildlife (bears, lions, deer, etc.).	<p>We recommend a riparian ACEC to address scenic and vegetation ORVs; manage with controlled surface use or other stipulations. We recommend a common sense boundary that incorporates a maximum of ¼ mile on either side of the creek.</p> <p>If BLM identifies wilderness characteristics, manage to protect those characteristics.</p> <p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those standards</p> <p>Ute Creek is largely inaccessible, which helps protect the ORVs</p> <ul style="list-style-type: none">• Manage to maintain this inaccessibility• Work with Mesa County to maintain County Road 6.3, which provides access to the scenic viewshed and the Uncompahgre National Forest• Allow continued use of power tools for stock trail maintenance
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West, North Fork West, Ute, and East Creeks
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<p>East Creek</p> <p>ORV: Geological</p> <p>Stakeholder uses and values: Recreational rockclimbing, water rights, water usage, Dominguez Canyon NCA, Bangs Canyon CWP, wilderness characteristics, agriculture and livestock on private land, road access to private land and bridges, desert big horn sheep, future research opportunities, cottonwood gallery</p>	<p>Establish a geological ACEC to include geologic features with a common-sense boundary (e.g., no ACEC over road); within the ACEC, controlled surface use</p> <p>Add an interpretive board for geologic feature (maybe at the scenic byway pullout)</p> <p>In order to avoid damage to the geologic features, improve forage value/production, and protect riparian areas, more actively manage motorized recreation:</p> <ul style="list-style-type: none"> • Close and restrict unnecessary and illegal motorized recreational routes • Close motorized recreational routes in the riparian corridor • Channel users to trails away from the riparian area and grasslands on the higher elevation • In staging areas, erect fencing and signage with specific management rules for day use • Continue to allow day use, such as sightseeing, picnicking, etc. <p>Manage human use to minimize conflicts with desert bighorn sheep and livestock</p> <p>Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those standards</p> <p>No new restrictions to existing access to private land and maintenance of existing infrastructure</p> <p>Coordinate with CDOT to facilitate safe road management and maintenance</p> <p>Explore closing P251, which seems unused and unnecessary</p> <p>No new restrictions to existing access for geological research</p> <p>Note: Rockclimbing does not occur in this segment.</p>
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