

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Ted Kowalski, Chief, Interstate & Federal Section
Linda Bassi, Chief, Stream & Lake Protection Section
Suzanne Sellers, Interstate & Federal Section

DATE: May 2, 2011

SUBJECT: **Agenda Item 8, May 17-18, 2011 Board Meeting**
Interstate & Federal /Stream & Lake Protection Sections –
Wild and Scenic Rivers

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Background

The CWCB Staff continues to work with stakeholder groups to develop resource protection methods that could serve 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. There are currently four stakeholder groups that are continuing to work on wild and scenic protections: 1) the San Juan River basin group (separated into four different basins) (“RPW group”); 2) the Upper Colorado River basin group (“the Upper Colorado Stakeholder Group”); 3) the Gunnison Basin Wild and Scenic Rivers Group; and 4) the Lower Dolores Working Group.

The Staff has provided updates on several of the processes below:

Staff Recommendation

This item is only informational. No Board action is required.

River Protection Workgroup Update (various sub-basins of the San Juan River)

The River Protection Workgroup (“RPW”), has continued to conduct work on the San Juan River basin, and will hold the next meeting on May 24, 2011 in Pagosa Springs, Colorado. This meeting will consider and discuss the draft report for the San Juan River sub-basin. The Vallecito/Pine sub-basin will hold its next stakeholder meeting on June 22, 2011. To date, attendance at these meetings has been low, but there will be one held in June to see if the summer season may attract more stakeholders interested in this river basin. The Animas River sub-basin will hold its initial kick-off meeting on June 23, 2011, in Silverton, Colorado. For more information, see the following link: <http://ocs.fortlewis.edu/riverprotection/>

Upper Colorado Stakeholder Group Update (Upper Colorado Stakeholder Group)

As Staff reported to the Board at the March 2011 Board meeting, the Upper Colorado Stakeholder Group submitted a Wild and Scenic Management Plan Alternative (Management Plan Alternative), which was supported unanimously by the individual staff members and representatives of the stakeholders. At the March 2011 Board meeting, a copy of the transmittal letter and the Management Plan Alternative was provided to the Board. The Board voted unanimously to endorse the plan as follows:

“The Board endorses the Upper Colorado Stakeholder Group Wild and Scenic Management Plan Alternative. By this endorsement, the CWCB is not determining whether to appropriate an instream flow water right on the Colorado River or whether to commit funds to this Management Plan. This endorsement is contingent on the endorsement of the management plan, which is in substantial compliance with the February 28, 2011 Upper Colorado Wild and Scenic Stakeholder Management plan, also recognizing this alternative to the wild and scenic cannot go forward without the support and endorsement of the stakeholders.”

A key part of this plan relies upon the CWCB appropriating and filing an application for instream flow water rights for the Colorado River for segments between Kremmling and Dotsero prior to December 31, 2011. The Board will receive a separate briefing on this issue at the Board meeting, but we have made great progress to date. We look forward to discussing this issue with the Board at the upcoming Board meeting.

Uncompahgre Wild and Scenic Stakeholders' Update

The Uncompahgre Wild & Scenic Stakeholders' ("Stakeholders") group held meetings in Delta, CO on February 24, March 9 & 23 and April 5 & 13, 2011 to address those segments in the Gunnison River Basin within the Dominguez-Escalante National Conservation Area (NCA). The stakeholder group reached consensus on all of the segments considered and has prepared a letter to the Bureau of Land Management (BLM) recommending that the following segments are "not suitable": Gunnison River Segments 1 & 3, Rose Creek, Big Dominguez Creek Segments 1 & 2, Little Dominguez Creek Segments 1 & 2, Escalante Creek Segments 1 & 2 and Cottonwood Creek. The Dry Fork of Escalante Creek was dropped from consideration by the BLM. Several of the environmental advocacy organizations that routinely participate in wild & scenic stakeholders groups around the state did not participate in these stakeholder meetings. For more information, see this link:

http://www.blm.gov/co/st/en/nca/denca/denca_rmp/DENCA_Wild_Scenic_River_Eligibility.html

Lower Dolores Working Group Update

The Legislative Committee of the Lower Dolores Working Group has hired three scientists to work on "A Way Forward," an inquiry into the status of native fish on the Lower Dolores River combined with a multi-stakeholder consensus-building process. The scientists are: Dr. Kevin Bestgen, Colorado State University; Dr. William Miller, Miller Ecological Consultants, Inc., and Dr. Phaedra Budy from Utah State University. The Group also established a diverse Scientific and Water User Panel, which reviewed, edited and approved the list of inquiry questions and body of work/information that will form the basis for "A Way Forward." Members of the Panel include representatives of the Colorado Division of Wildlife, USGS, Bureau of Reclamation, The Nature Conservancy, the Dolores Water Conservancy District, and the Division of Water

Resources. On April 6, 2011, the scientists presented their Phase I report to the Panel and Legislative Committee. Each scientist independently reviewed literature and available data and information on: (1) the status of the native fish (roundtail chub, bluehead sucker, and flannelmouth sucker) on the Dolores River from McPhee Reservoir to Bedrock (divided into 6 reaches; (2) the hydrology of the Dolores River; (3) historical McPhee Reservoir operations; and (4) other information related to the Dolores River. Based upon that review, each scientist presented his/her conclusions on the following topics:

1. Status of the roundtail chub, bluehead sucker, and flannelmouth sucker on each reach of the Dolores River from McPhee Reservoir to Bedrock
2. What status is needed to ensure persistence of each species
3. How current status can be improved
4. Opportunities for improvement

Generally, the scientists reached similar conclusions, including the following:

Status of Native Fish

1. Native fish community shows a declining population trend.
2. Native suckers are declining in occurrence spatially.
3. No reaches have strong populations of any of the native fish species.

How Current Status Can Be Improved (please note that the scientists made these suggestions based upon biology without the benefit of full knowledge of constraints imposed by current McPhee Reservoir operations)

1. Non-native fish removal (but admittedly cannot remove all)
2. Flow manipulation to maintain habitat (peak flow management)
3. Attempt to re-create more natural annual, seasonal and daily flow and temperature patterns (change thermal conditions to favor native fish).

After the presentations, attendees engaged in a discussion that included the following topics: (1) potential impacts of changing river management on non-native fish (i.e. would moving warm water habitat upstream expand smallmouth bass habitat?); (2) spill management options; (3) developing an adaptive management tool; (4) how to ensure successful native fish spawns; and (5) the need to figure out which existing constraints on river management are changeable.

The next steps in this process are for the scientists to become fully informed on the Project and hydrologic constraints and then to synthesize the best management opportunities for improving the status of the native fish within those constraints. The desired outcome of “A Way Forward” is a list of “do-able” alternatives to improve the status of native fish on the Lower Dolores that will define which actions can be included in the legislation to establish a National Conservation Area as an alternative to the WSR suitability status, and which actions will be pursued outside of the legislative process.