

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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Governor

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DATE: November 1, 2012

SUBJECT: **Agenda Item 28, November 13-14, 2012 Board Meeting**
Interstate, Federal & Water Information/Stream & Lake Protection Sections –
Wild and Scenic Rivers Update

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 three stakeholder groups that are continuing to work on Wild and Scenic protections: 1) the San Juan River basin group (separated into five different basins) (“RPW”); 2) the Upper Colorado River basin group (“the Upper Colorado Stakeholder Group”); and 3) the Lower Dolores Working Group. Updates on these processes are set forth below.

Staff Recommendation

The Staff recommends that the Board continue to support these processes.

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

The River Protection Workgroup (RPW) Steering Committee held a regular meeting on October 9, 2012 and its next meeting is scheduled for November 7, 2012. Regular agenda items included workgroup updates and a budget update. The Steering Committee also drafted a letter dated October 17, 2012 to respond to concerns raised about Trout Unlimited involvement with the RPW. Also during the meeting, the Steering Committee was given a preview of hydrographs that were developed by CWCB staff for the Animas River. The Steering Committee is beginning to plan the "Regional Discussion" which will take place after all five public workgroups have completed the dialogue for: Hermosa Creek; San Juan River - East and West Forks; Upper Animas River; Vallecito Creek/Pine River; and the Piedra River. There were discussions on whether self-facilitation, facilitation or a mediator would be most appropriate for the Regional

Discussion. The group also discussed ideas for the first several meetings, including presenting each of the 5 basin reports and mapping out the Regional Discussion process.

The proposed “Hermosa Watershed Protection Act”, a product of the Hermosa Creek RPW, was introduced to Congress by Senator Bennet in July 2012. The bill reflects a balance between conservation, economic development and other uses. The bill did not make it out of Committee and will be reintroduced during the next Congress.

The RPW for the Animas River held a regular meeting on September 13, 2012 in Silverton, CO. At the meeting, the workgroup discussed a draft outline for the final report, brainstormed their underlying interests and determined whether there was consensus on the options available for Mineral and South Mineral Creeks. Consensus was reached on further studying the iron fens and considering county code amendments to protect the groundwater associated with the iron fens. The group also contemplated whether an instream flow (ISF) may be used to protect the iron fens. Consensus was also reached on further studying the black swifts, exploring seasonal closure of the waterfalls used by Black Swifts, and exploring an ISF as a potential tool to protect the habitat for the Black Swifts. It is anticipated that this work group may conclude sometime around March 2013. The next meeting is scheduled for October 25, 2012 in Silverton, CO.

The RPW for the Piedra River held meetings on September 18, 2012 and October 15, 2012 in Pagosa Springs, CO and its next meeting is scheduled for December 11, 2012 at the same location. A field trip of the main stem of the Piedra was held on September 17, 2012. During these meetings, the work group continued to develop their segment by segment analysis and continued to identify whether the previously identified values are adequately protected for the main stem and Weminuche segments. An early compromise was offered that suggested dropping wild and scenic suitability status in exchange for expanding the Piedra Area (established by the 1993 Colorado Wilderness Act). It is anticipated that this work group may conclude sometime during the winter or spring of 2013. For more information, see the following link:
<http://ocs.fortlewis.edu/riverprotection>.

Upper Colorado Stakeholder Group Update (Upper Colorado Stakeholder Group)

On September 16, 2011, the Bureau of Land Management (BLM) issued its Colorado River Valley draft Resource Management Plan (RMP)/Environmental Impact Statement (EIS) and the Kremmling draft RMP/EIS. The preferred alternative for each document is Alternative B. Alternative B is further divided into two options; B1 and B2. Between the two documents, Alternative B1 would find four Colorado River segments suitable while Alternative B2 would defer Wild and Scenic River suitability determination, and adopt and implement the Stakeholder Group’s proposed Management Plan. Under either Alternative B1 or B2, two segments of Deep Creek would be found suitable. For more information or electronic copies of these documents, see the following links:
http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/kfo-gsfo/crv.html
and http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/kfo-gsfo/kremmling.html.

The Kremmling Record of Decision (ROD) is anticipated to be out in early 2013 and the Colorado River Valley ROD is anticipated to be out during the last quarter of 2013. The BLM’s Wild and Scenic Report, addressing both Kremmling and Colorado River Valley segments, is also expected out in early 2013.

The Stakeholder Group is working on monitoring efforts in the subject reaches; including gathering data collected by others (i.e. Colorado Parks and Wildlife fish biomass surveys) as well

as collecting their own data (i.e. creel surveys and recreation surveys). The Stakeholder Group performed a float boating survey as a “test case” during August and early September of this year. Next steps include analyzing this summer’s float boating survey data and developing a subcommittee to address flushing flows. The stakeholder group is also beginning to develop the 2012 Annual Report.

Lower Dolores Working Group Update

The “A Way Forward” (“AWF”) Implementation Team continues to conduct education and outreach efforts on its Implementation, Monitoring and Evaluation Plan, which the Team presented to the Board in September. Additional information on the Lower Dolores Working Group can be found at <http://ocs.fortlewis.edu/drd/meetings.asp>.