

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
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TO: Colorado Water Conservation Board Members

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

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

DATE: May 2, 2013

SUBJECT: **Agenda Item 22, May 14-15, 2013 Board Meeting**
Interstate, Federal & Water Information/Stream & Lake Protection Sections –
Bureau of Land Management (BLM)'s Grand Junction Field Office (GFO)
Recommendation on Suitability to Include a Portion of the Dolores River in the
National Wild and Scenic Rivers System (NWSRS)

Background

The Bureau of Land Management (BLM)'s Grand Junction Field Office (GFO) released its Draft Resource Management Plan (RMP)/Environment Impact Statement (EIS) on January 25, 2013. This Draft RMP/EIS's recommended alternative (Alternative B) includes finding 11.53 miles of the Dolores River suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS) to protect Scenic, Fish, Recreation, Geologic, Paleontological Outstanding Remarkable Values (ORVs). Comments on the Draft RMP/EIS are due on June 24, 2013. A draft comment letter from the CWCB to the BLM GFO is attached for the Board's consideration.

Note that other portions of the Dolores River are also being evaluated for suitability for inclusion in the NWSRS by the BLM's Uncompahgre Field Office (UFO) and the San Juan Public Lands Center (SJPLC)/Tres Rios Field Office (TRFO). The attached maps illustrate the reaches of the Dolores River that are being evaluated by each Field Office as well as existing and proposed instream flows (ISFs). Also attached are summary tables that include details on the status of each NWSRS process and existing and proposed ISFs for the Dolores River. We hope this information is useful to the Board in considering the Dolores River as a whole.

Also attached is a letter to the CWCB from the Southwestern Water Conservation District regarding this matter.

Staff Recommendation

Staff recommends that the Board authorize Director Gimbel to send the attached comment letter to the BLM GFO.

Attachments

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May 1, 2013

Katie Stevens
Grand Junction Field Manager
2815 H Road
Grand Junction, Colorado 81506

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Subject: Grand Junction Field Office (GFO) Draft Resource Management Plan (RMP)/
Environment Impact Statement (EIS)
Dolores River

Dear Ms. Stevens:

The Colorado Water Conservation Board (CWCB) would like to take this opportunity to comment on the Bureau of Land Management (BLM)'s recommended alternative (Alternative B) that finds 11.53 miles of the Dolores River suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS), as presented in the Grand Junction Field Office's (GFO) Draft Resource Management Plan (RMP)/Environment Impact Statement (EIS). The 11.53 miles of river consist of a short reach near the state line ("state line reach") and a longer section of river adjacent to the Sewemup Wilderness Study Area ("Sewemup reach"). These segments of the Dolores River are being recommended by the BLM under the NWSRS recreational classification to protect Scenic, Fish, Recreation, Geologic, and Paleontological Outstanding Remarkable Values (ORVs).

Representatives of the Colorado Department of Natural Resources (DNR) participated in the Lower Colorado River Wild and Scenic Collaborative Stakeholder meetings ("Stakeholders") that resulted in a letter from the Stakeholders to the BLM regarding the Dolores River dated June 30, 2010. A copy of that letter is attached for your convenience. At that time, the Stakeholders did not make a recommendation to BLM regarding suitability for the subject Dolores River reach, but rather suggested that a larger Dolores River stakeholder dialogue be convened to discuss suitability. This recommended larger Dolores River stakeholder process never materialized. As a result, individual stakeholders are now at liberty to comment individually. The CWCB, a DNR agency, provides the following comments regarding the BLM's preliminary suitability determination for the Dolores River.

In its Suitability Report (Appendix C of the Draft RMP/EIS), the BLM recognizes that the CWCB appropriated an instream flow (ISF) water right for the segment of the San Miguel River that contributes the majority of flow to the subject reach of the Dolores River. The CWCB's

water court application for that ISF water right (Case No. 11CW129) is set for trial on June 3, 2013. The CWCB has settled the case with all but one opposer and hopes to obtain a decree for the proposed ISF this summer. The Draft RMP/EIS also recognizes that the pending San Miguel ISF will protect flows to the confluence of the San Miguel and Dolores Rivers (for up to 325 cfs). The Dolores River also has an existing ISF water right (decreed in Case No. 75W1346 for 78 cfs) upstream of the subject reaches extending from McPhee Dam to the confluence with the San Miguel River. Although these ISF water rights do not overlap the subject reaches of the Dolores River, it is important to acknowledge that, at times, these ISF water rights may deliver significant flows to a point shortly upstream of the subject reach. Further, the BLM acknowledges that “no significant new water supply or water storage projects have been proposed for this stream segment;” thus, without any such projects, the pending ISF water right on the San Miguel River and the existing ISF water right on the Dolores River should effectively maintain flows to support the water-related ORVs in the subject Dolores River reach. Additionally, at the CWCB’s January 30, 2013 ISF workshop, the BLM and Colorado Parks and Wildlife (CPW) verbally recommended a new ISF water right for the Dolores River from the confluence of the San Miguel River to Gateway for flows ranging from 132 cfs to 900 cfs, and are expected to submit a formal recommendation for this ISF water right sometime this summer. This proposed ISF reach overlaps the Sewemup reach that is recommended for suitability by the BLM. If decreed, this newly proposed ISF on the Dolores River would maintain some flows to support the water-related ORVs in that reach.

The CWCB believes that a suitability determination for the subject Dolores River reach is not the best method for protecting the Dolores River corridor. The CWCB believes that the existing and pending ISF water rights on the San Miguel and Dolores rivers will provide adequate protections for the stream-flow related values in the subject segment. Further, the CWCB believes that the consensus-based recommended management provisions identified in the June 30, 2010 Stakeholder letter would adequately protect the non-stream flow related values associated with subject Dolores River reach’s ORVs.

Additionally, the CWCB understands that the BLM considers “Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS...” In its analysis presented in the Suitability Report, the BLM acknowledges that the “ability to change existing projects and construct new projects upstream could be affected if the [Dolores River] segment were designated and included a federal reserved water right.” This is particularly true for the state line reach. For these reasons, designation may impede the state’s objectives 1) to fully use its entitlements under its compacts or decrees and 2) to promote maximum utilization of waters of the state.

Based on the foregoing, the CWCB requests that the BLM not find the state line reach suitable for inclusion in the NWSRS. Additionally, the CWCB requests that the BLM defer finding the Sewemup reach suitable while the CWCB works on: (1) processing the BLM/CPW joint recommendation to appropriate an ISF that encompasses a portion of the subject Dolores River reach; and (2) coordinating with the stakeholder groups that provided input on the Dolores River to the three BLM field offices that address various reaches of the River in their Resource Management Plans.

Katie Stevens
May 3, 2013

Page 3

The CWCB would like to thank you for considering our comments and hopes that the BLM will reconsider its preliminary suitability determination for the Dolores River. We urge you to consider our comments in light of the fact that the BLM is required in their suitability analysis to consider “consistency of designation with other agency plans, programs, or policies and in meeting regional objectives” and “whether designation may impede the ‘goals’ of other tribal, federal, state, or local agencies.”

Please feel free to contact Suzanne M. Sellers of my staff if you have any questions.

Best regards,

Jennifer L. Gimbel, Director
Colorado Water Conservation Board

cc: CWCB Members

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

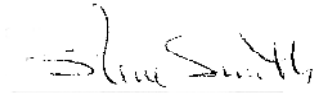
related to the Dolores River on a broader geographic scale, as resources, impacts, and opportunities do not begin and end at the boundaries of BLM field offices or other administrative units. The following is a list of specific considerations from the stakeholder group regarding this new collaborative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



Steve Smith
The Wilderness Society



Larry W. Clever
General Manager
Ute Water Conservancy District



Michael Preston, General Manager
Dolores Water Conservation District



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



Steve Acquafresca
Mesa County Board of Commissioners



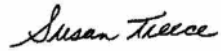
Jean Moores
Moores Mining, Ranching & Sawmill



John Stout
Land Owner on the Little Dolores above Pot Holes



F.A. Wise
Little Dolores Ranch



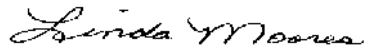
Susan Treece
Little Dolores Ranch



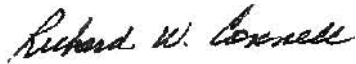
Jay Van Loan
Van Loan Ranches



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



Sara Ransford
Property Owner
Horse Thief Ranch



Becky Long
Water Caucus Coordinator
Colorado Environmental Coalition



Thelma Hays
Mesa Conservation District Board
Land Owner



Craig Moores
Moores Mining, Ranching & Sawmill

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>

Dolores River
Final Stakeholder Recommendations for
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June 30, 2010

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>

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

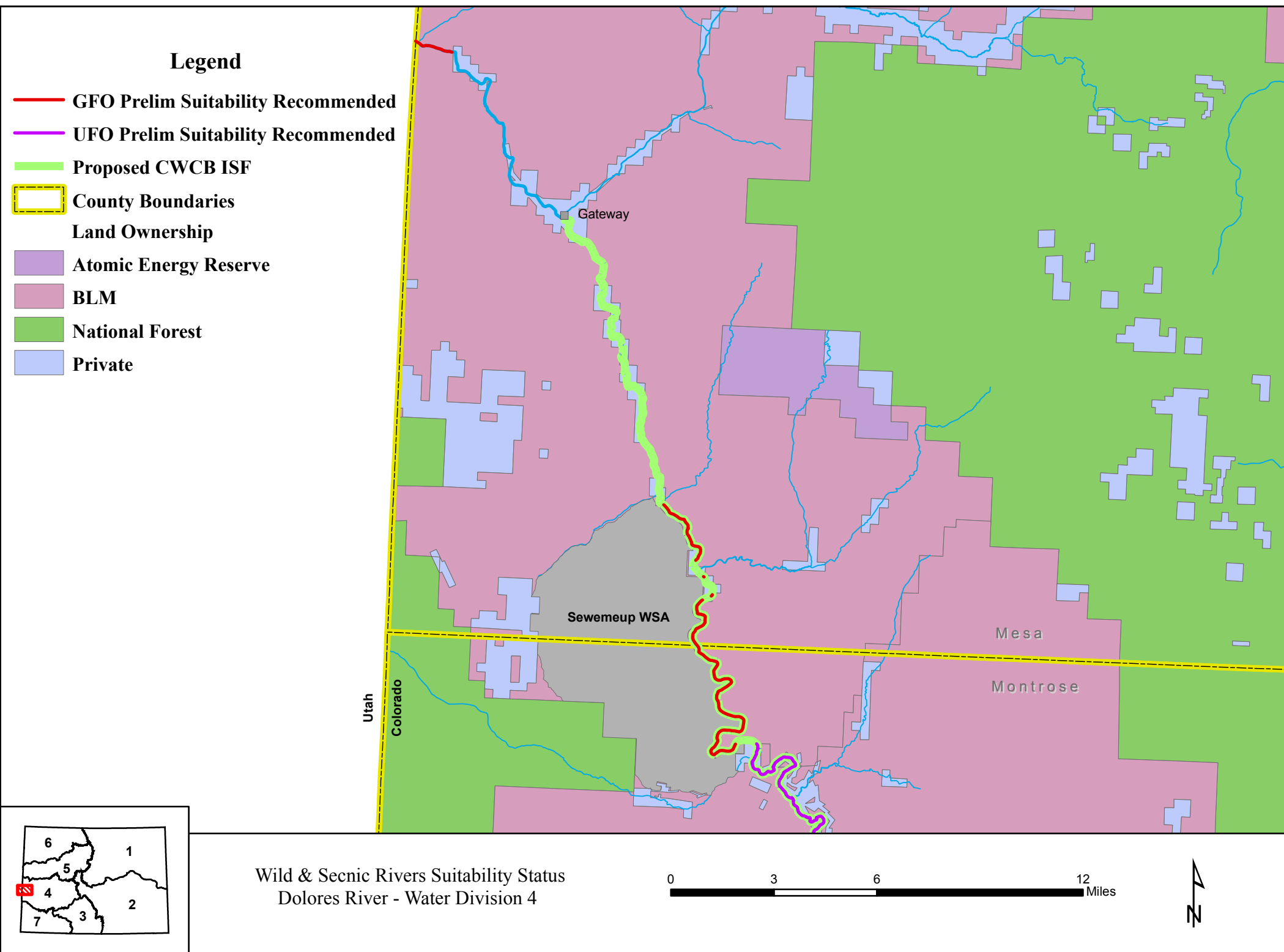
Fish (new BLM ORV)	<p>Work with CWCB to establish Colorado instream flow to maintain seasonal variability for protection of fish ORV</p> <p>Encourage voluntary flow management in coordination with other partners to benefit native fisheries within available water supplies</p> <p>BLM Grand Junction Field 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>

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

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

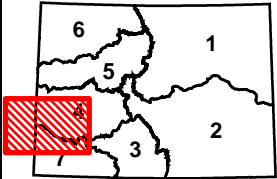
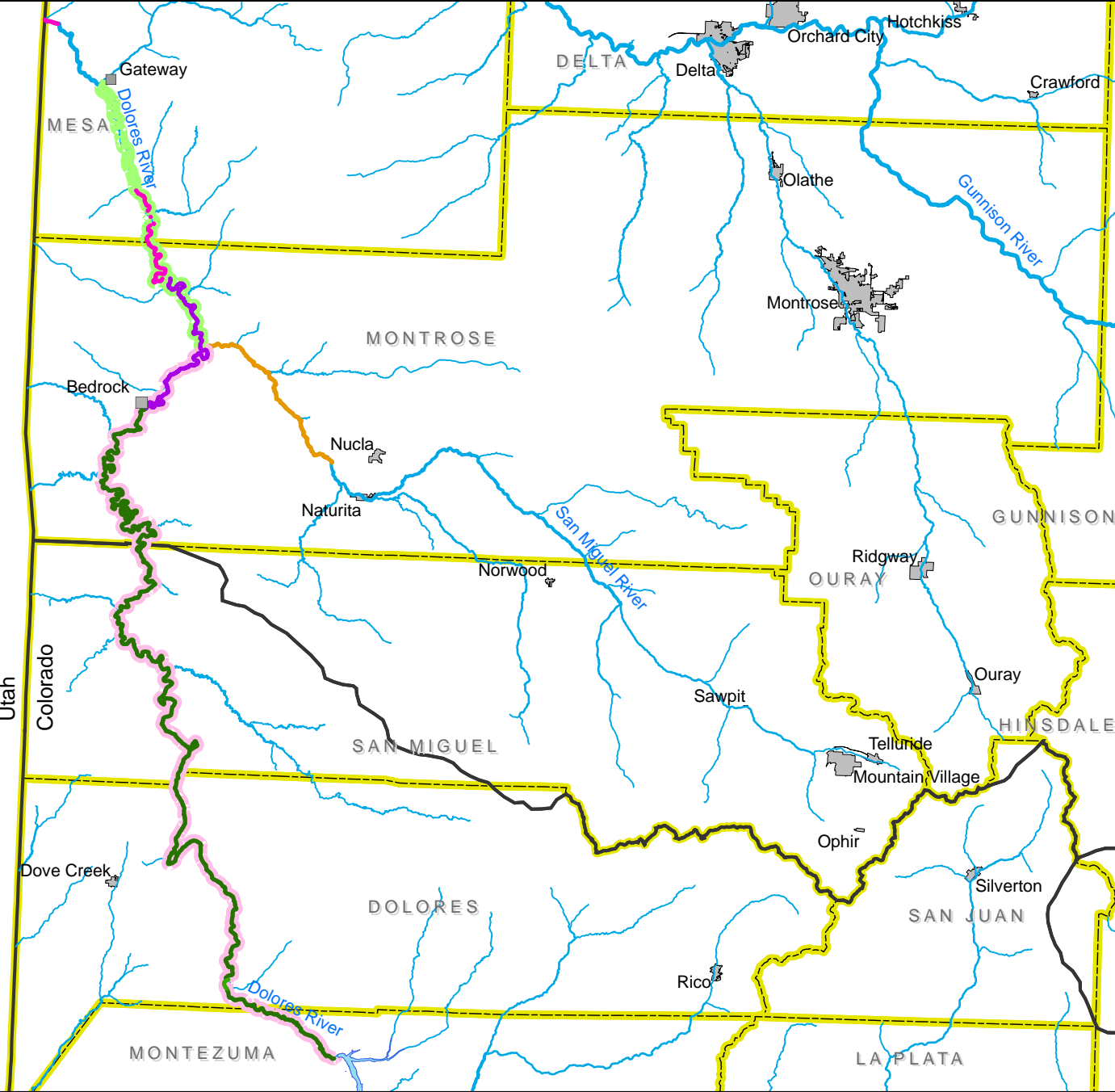
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Agriculture/Livestock – Grazing, open range access, water rights, crops, grapes, hay, alternative crops	Keep existing grazing allotments, maintaining federal agency land health standards and tools to achieve those historic standards Respect Right to 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.



Legend

- GFO Prelim Suitability Recommended
- UFO Prelim Suitability Recommended
- SJPLC Suitable
- Pending CWCB ISF
- Decreed CWCB ISF
- Proposed CWCB ISF
- Water Divisions
- County Boundaries



Wild & Secne Rivers Suitability Status
Dolores River
McPhee Reservoir - CO/UT Boundary
Water Divisions 4 & 7

0 10 20 40 Miles



Table 1. Status of Wild and Scenic Rivers Designation for the Dolores River

Reach on Map	Segment	Segment Length (miles)	Current BLM Preferred Alternative	Status of Process	W&S Class	ORVs	Comment Due Date	Stakeholder Process	Stakeholder Group Planned Action
GJFO W&S suitable reaches	Dolores River	32.01 (18.62 BLM) miles	11.53 miles suitable (excludes private property): 1.15 miles at state line and 10.38 miles at Sewemup	DRMP/EIS Issued January 2013	recreation	Scenic, Fish, Recreation, Geologic, Paleontological	6/24/2013	Lower Colorado River Wild and Scenic Stakeholder Collaborative	No consensus on suitability; recommended larger Dolores River stakeholder group (did not come to fruition); recommended ISF; group dissolved
UFO W&S suitable reaches	Lower Dolores River	10.53 (6.93 BLM)	suitable excludes private property	SW RAC adoption on 2/25/11, DRMP/EIS due out in spring 2013	scenic	Scenic, Recreation, Geologic, Fish, Wildlife	TBD	RAC Subgroup	NA
	Dolores River, Segment 2	11.5(5.42 BLM)	5.3 miles suitable (all BLM lands)		recreational	Scenic, Recreation, Geologic, Fish, Wildlife, Vegetation			
	Dolores River, Segment 1	11.5 (9.56 BLM)	suitable excludes private property (11.8 miles)		wild	Scenic, Recreation, Geologic, Fish, Wildlife, Vegetation, Ecology, Archeology			
SJPLC (TRFO/SJNF) suitable reaches	Dolores River McPhee to Bedrock	109.02 (89.96 federal lands)	109.02 miles suitable (includes 11.8 miles above)	DLMP/DEIS dated 2007, updated 2011	wild, scenic & recreation	Fish, Recreation, Geology, Ecological, Archaeology	NA	Lower Dolores Plan Working Group (subgroup of DRD)	Drafting proposed legislation to establish NCA to protect ORVs and remove suitability status

Notes:

BLM = Bureau of Land Management ORV = Outstanding Remarkable Value GJFO = BLM Grand Junction Field Office UFO = BLM Uncompahgre Field Office
 SJPLC = San Juan Public Lands Center TRFO = BLM Tres Rios Field Office SJNF = San Juan National Forest DRMP/EIS = Draft Resource Management Plan / Environment Impact Statement
 W&S = Wild and Scenic SW RAC = BLM Southwest Colorado Resource Advisory Council TBD = to be determined NCA = National Conservation Area DRD = Dolores River Dialogue
 ISF = Instream Flow NA = Not Applicable

Table 2. Decreed Instream Flow (ISF) Water Rights

Case No.	Stream	Appropriation Date	Instream Flow (cfs)	Watershed	Counties
7-75W1346	Dolores River (McPhee Reservoir Dam to Confl. San Miguel River)	5/1/1975	78 (1/1 - 12/31)	Upper and Lower Dolores	Dolores, Montezuma, Montrose, San Miguel

Table 3. Proposed/Pending Instream Flow (ISF) Water Rights

Recommender	Stream	Appropriation Date	Instream Flow (cfs)	Watershed	Counties
BLM & CPW	Dolores River (Confl. San Miguel River to Confl. West Creek [at Gateway])	TBD	900 (4/15 - 6/14) 400 (6/15 - 7/31) 200 (8/1 - 8/31) 132* (9/1 - 2/29) 200 (3/1 - 4/14)	Lower Dolores	Mesa, Montrose
BLM & CPW	San Miguel River (Calamity Draw to Dolores River)	1/25/2011	325 (4/15 - 6/14) 170 (6/15 - 7/31) 115 (8/1 - 8/31) 80 (9/1 - 2/29) 115 (3/1 - 4/14)	San Miguel	Montrose

* Likely to change based on additional 2013 data collection

Notes:

CPW = Colorado Department of Parks and Wildlife

BLM= Bureau of Land Management

TBD = to be determined

ISF = Instream Flow

THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Formed by the State Legislature in 1941 to Protect, Conserve, and Develop Water in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO

West Building – 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302 – Fax (970) 259-8423

May 2, 2013

Board of Directors
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

RE: CWCB Meeting May 14-15th, 2013
Agenda Item 22, USBLM Wild & Scenic Proposal Dolores River

Dear Members of the Board,

It has come to our attention that the Grand Junction office of the Bureau of Land Management has identified two reaches of the Dolores River as meeting the criteria for Wild and Scenic (W&S) suitability in their Draft report dated December 2012. The reaches identified include portions of the river in Montrose and Mesa Counties. The Board of the Southwestern Water Conservation District (SWCD) discussed the preliminary suitability determination during teleconferences held on April 17th and May 1st, and have expressed concerns about the potential impacts of this determination to water users in the district upstream of these proposed W&S reaches.

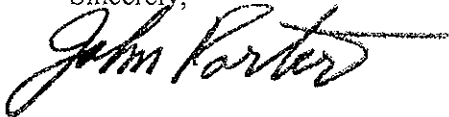
The possibility of adverse impacts to existing and future uses of water, with a finding of suitability or for designation as W&S, are well documented in the Executive Summary of the "Draft Wild and Scenic Suitability Report" prepared by the Grand Junction office of the BLM. Suitability or designation would impact not only the Dolores River, but all of the tributaries above these reaches including the San Miguel River. The SWCD has supported the protection of values, including ORV's such as those identified in this report, but believe these protections can be provided by alternative methods to the W&S process. The district has provided financial and in-kind support to alternative processes such as the River Protection Workgroups (RPW's) and the Dolores River Dialogue (DRD). The DRD was formed in 2004, and has been working on providing protections for values as an alternative to W&S suitability/designation in the reach below McPhee Reservoir (Dolores Project) to the confluence of the San Miguel River. These discussions have included the idea of a possible National Conservation Area (NCA) with specific protections for identified values through federal legislation. The SWCD believes that a new determination of preliminarily suitable for W&S below this reach would be counter-productive to these somewhat sensitive negotiations that are currently taking place. Additional information on the DRD process can be found at: <http://ocs.fortlewis.edu/drd/>.

At the SWCD teleconference on May 1, 2013, the board passed a motion taking a position of ***opposition to a preliminary finding of suitability for W&S on the two reaches of the Dolores River proposed by the BLM, and support the protection of the values identified through alternative processes.*** Comments will be provided directly to the BLM on their Draft RMP by the June 24th deadline established by the agency.

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The SWCD is hopeful that the CWCB will take a similar position during its May board meeting, and appreciate the opportunity to provide these written comments to your board for consideration.

Sincerely,



John Porter
President
Southwestern Water Conservation District



Bruce Whitehead
Executive Director
Southwestern Water Conservation District

Cc: SWCD board
Barry Spear, MBSS
John Whitney (Senator Bennet)
Wanda Cason (Senator Udall)
Darlene Marcus (Congressman Tipton)
Colorado River District
Mike Preston, DWCD