



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

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

DATE: May 8, 2014

SUBJECT: **Agenda Item 20, May 21-22, 2014 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) (“River Protection Workgroup” or “RPW”); 2) the Upper Colorado River Wild and Scenic Stakeholder Group (“UCRW&S”); and 3) the Lower Dolores Plan Working Group (“LDPWG”). Updates on these processes are set forth below.

Working Group Updates

Upper Colorado Stakeholder Group Update

The BLM Kremmling Field Office’s Proposed Resource Management Plan (“RMP”)/Final Environmental Impact Statement (“EIS”) was released on March 21, 2014 and the Colorado River Valley Field Office’s Proposed RMP/Final EIS was released on March 24, 2014 with both the Records of Decision (“RODs”) expected out in September 2014. The joint BLM and USFS Final Wild and Scenic Rivers Suitability Report (“Suitability Report”) was released with each of the BLM’s RMP/EISs. The USFS White River National Forest also issued a Draft ROD for adoption of the Suitability Report on April 7, 2014. These documents reflect that the BLM and USFS have chosen to rely upon the *Upper Colorado River Wild and Scenic Stakeholder Group Management Plan* (“SG Plan”) in concert with their land management authorities to protect the subject Colorado River segments. However, some inconsistencies between these documents and the SG Plan do exist.

The UCRW&S Group held its regular meeting on March 21, 2014 in Summit County and its next regular meeting is scheduled for May 15, 2014 at the same location. The UCRW&S Group meeting included approval of 2014 Intercept Survey forms, the 2012 Annual Monitoring Report,



and a suite of conceptual flow definitions. The meeting also included a discussion on finances and updates by the various workgroups. The UCRW&S Group also sent a letter (attached) to the BLM and USFS on May 1, 2014 with comments and a request for clarification on the RMP/EISs and the Suitability Report to address the inconsistencies mentioned above. For more information, see the following link: <http://www.upcowildandscenic.com>.

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

The RPW Steering Committee held its last regular meeting on March 13, 2013. The RPW Steering Committee's next meeting is scheduled for May 16, 2013 in Durango, CO. The Steering Committee is currently engaged in negotiations and development of consensus approaches for the protection of the five rivers and specific outstanding remarkable values ("ORVs") in the San Juan River basin. The Wilderness Society and San Juan Citizen's Alliance are expected to bring a new proposal to the group as part of negotiations at the next meeting. The Hermosa Creek Watershed Protection Act (HR1839) was heard in Committee and it is a high priority for Rep. Tipton to get a vote on the bill this spring. For more information, see the following link: <http://ocs.fortlewis.edu/riverprotection>.

Lower Dolores Plan Working Group Update

The Lower Dolores Plan Working Group's Legislative Subcommittee continues to meet monthly, and has worked through a long list of issues related to the proposed National Conservation Area ("NCA"). This list was generated by the Group and also in several meetings last year with the local BLM office (Tres Rios). The issues include how to address roads in the NCA, utility corridors, and the fact the NCA involves both BLM and USFS lands. For some issues, the Subcommittee crafted a legislative principle, and for others, actual proposed legislative language. Simultaneously, the re-drafted Native Fish Implementation, Monitoring and Evaluation Plan has been reviewed by both local water boards (MVIC and DWCD) and by local boaters, among others. The Legislative Subcommittee has approved the Plan. It is anticipated that the Plan will be finalized in June 2014. A subgroup of the Legislative Committee has met three times to work on draft water/fish/flow language for the NCA legislation. Boundary meetings are occurring with landowners one-on-one. Outreach is being done with Montrose County, where the current Wilderness Study Area is located which, under the current NCA proposal, would become permanent Wilderness. A full DRD meeting combined with a Lower Dolores Plan Working Group meeting will be scheduled in the upcoming months to update everyone, discuss ideas and hear any concerns. Additional information on the Lower Dolores Plan Working Group can be found at <http://ocs.fortlewis.edu/drd/meetings.asp>.

Wild and Scenic Alternatives Fund Update

The Terms and Conditions Developed by the Colorado Water Conservation Board for the Allocation of Funds from the Wild and Scenic Alternatives Fund ("Terms and Conditions") require that the Board:

- "Annually review information regarding the Fund, in May of each year.
- Each year consider and make any necessary revisions to these terms and conditions.

- Determine if the purposes for which the Fund was established have ceased, and if so, de-authorize the Fund.”

Below is a summary table detailing the status of the monies in the Wild and Scenic Alternatives Fund:

Amount in fund on July 1, 2013 ¹	\$480,749.00
Funds spent this fiscal year for Dolores Workshop	(\$4,280.00)
Funds spent this fiscal year to date by UCRW&S ²	(\$34,768.24)
Remaining funds	\$441,700.76
Encumbered funds under PO with RPW	(\$40,000.00)
Encumbered funds under PO with UCRW&S	(\$98,940.00)
Unencumbered funds remaining	\$302,760.76

¹\$400,000 annual refresh on July 1 plus existing encumbered funds

² Funds used by UCRW&S from other grants are not reflected

The Terms and Conditions of the Wild and Scenic Alternative Funds are attached for the Board’s review. Staff believes that these Terms and Conditions are necessary and adequate in their current form.

As described in the updates above, the existing Wild and Scenic Stakeholder groups are developing or implementing alternatives to Wild and Scenic designations and anticipate the need for additional funding in the future. Lastly, as other federal agencies update their management plans in the future, they will be required to evaluate the eligibility of rivers within their jurisdiction for inclusion in the National Wild and Scenic Rivers System. The BLM has indicated that the next rivers to be evaluated for eligibility are the Upper Gunnison River and the Arkansas River through the Royal Gorge.

Staff Recommendation

Regarding the Wild and Scenic Alternatives Fund, the Staff recommends that the Board:

- 1) Acknowledge that the need and purpose of the Wild and Scenic Alternatives Fund still exists and is expected to continue in the future, and
- 2) make no revisions to the existing Terms and Conditions.

Attachments

May 1, 2014

Rob R. Buirgy, Project Manager
Upper Colorado River Wild and Scenic Alternative Management Plan
462 Blue Lake Trail, Lafayette, CO 80026
rbuirgy@gmail.com, (720) 441-7510

Steve Bennett, Field Manager
BLM Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

Stephanie Odell, Field Manager
BLM Kremmling Field Office
2103 E. Park Avenue
P.O. Box 68
Kremmling, Colorado 80459

Scott Fitzwilliams, Forest Supervisor
U.S. Forest Service, White River National Forest
120 Midland Ave, Suite 140
Glenwood Springs CO 81601

Re: Upper Colorado River Wild and Scenic Alternative Management Plan - Stakeholder Group's Comments and Request for Clarification

Dear Mr. Bennett, Ms. Odell and Mr. Fitzwilliams,

I am writing on behalf of the Upper Colorado River Wild and Scenic Stakeholder Group (Stakeholder Group) to thank the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) for adopting the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan (SG Plan) and to request that certain clarifications be adopted in the agencies' final Records of Decision (RODs) to ensure consistency with the SG Plan.

Background

The members of the Stakeholder Group, representing a diverse range of interests, have worked together since 2008 to develop a plan to protect the outstandingly remarkable values (ORVs) identified by the agencies for BLM segments 4 through 7 and USFS segments 1 and 2 of the Colorado River. The product of that effort is the SG Plan that has been preliminarily adopted by the agencies as the preferred management alternative for these segments of the Colorado River.

While the Stakeholder Group has completed a substantial number of tasks identified in the SG Plan, the Plan actually takes effect (“effective date”) “upon issuance of records of decision by BLM and the USFS approving this Plan without material change as the management alternative for Segments 4 through 7 of the Upper Colorado River.” *SG Plan at p. 6*. Thus, consistency between the SG Plan and the agencies’ approving documents is critical to the continuation of the SG Plan and participation by key stakeholders.

Stakeholder Group Comments and Clarification Requests

The Stakeholder Group has reviewed the Proposed Resource Management Plan (PRMP)/ Final Environmental Impact Statement (FEIS) for the Kremmling and Colorado River Valley field offices of BLM; the draft Record of Decision (draft ROD) issued by the USFS; and the Final Wild and Scenic Rivers Suitability Report (February 2014).

We are pleased with the agencies’ acceptance of the SG Plan as submitted and their commitment to follow the plan as written. *Final Suitability Report p. 11-18, Response to Comment Code 231*. We concur with and very much appreciate the agencies’ description of the Plan as a “remarkable cooperative effort” that “maintains the broadest possible base of support for cooperative management of the river corridor.” *Final Suitability Report pp. 3-51 to 3-53, 3-64 to 3-67, 3-116 to 3-119, 3-129 to 3-132, 8-16, 8-28*.

We believe that the clarifications requested in this letter will ensure that the SG finds the agencies’ documents consistent with the SG Plan. We request the agencies’ careful consideration of these points.

1. Concerns regarding suitability

Certain statements in the PRMP/FEISs describe Segments 4 through 7 as being either “suitable” or subject to a future “option to recommend for designation.” [See, e.g., KFO PRMP/FEIS pp. 4-518, 4-693, 4-706, 4-742, 4-756, 4-804, 4-852, 4-882, 4-938, 4-940, and 4-1001]. *This language is a concern for many members of the SG. The SG therefore requests clarification that suitability determinations have been deferred for the Colorado River segments and that the option to make a determination on suitability, and any potential option to recommend for designation, could occur only following (a) termination of the SG Plan, and (b) as recommended in the SG Plan, the adoption of a streamlined NEPA process that*

would allow the opportunity to provide comment and feedback to the agencies on the merits of suitability, including comments expressing opposition to or support of a finding of suitability.

2. SG Plan Endowment Fund

The Suitability Report contains a provision for “certification” of the stakeholders’ intent to make contributions to the Endowment Fund within 6 months of the report. [See Final Suitability Report pp. 3-55, 3-68, 3-120, 3-133, 8-20, and 8-32]. *We request clarification that this provision would be satisfied by execution of the template “Memorandum of Understanding for Participation in the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan” (SG MOU) by enough entities to support participation in the Plan by all Interest Groups.* A copy of the proposed SG MOU is attached.

The Suitability Report states that the Endowment Fund will be “used exclusively for projects and studies that protect and enhance the ORVs.” [See p. 3-51; see also p. 3-55 referencing implementation of “projects and studies” as an effectiveness criterion]. This language could be interpreted to preclude legitimate uses of the Endowment Fund identified in the SG Plan. *We request that this language be revised in the ROD to refer to use of endowment funds “consistent with the limitations on use contained in Sections VIII.A.3 and VIII.A.4 of the SG Plan.”*

3. Botanical ORV Indicator

The Suitability Report refers to development of an ORV Indicator for the botanical ORV in Colorado River Segment 6. [See Final Suitability Report pp. 3-54, 3-67, 3-119, 3-132, 8-19, and 8-31]. We understand and share in the agencies’ goal to ensure all ORVs are protected. *We request that this be revised and clarified to state that: “The SG Annual Monitoring Report will address how the SG is proceeding to periodically assess and confirm that the management measures under the Plan, in coordination with the BLM and USFS other land management actions, are protective of the botanical and other ORVs.”*

4. Measures in Glenwood Canyon

The Suitability Report and Colorado River Valley Field Office (CRVFO) PRMP/FEIS refer to the SG development of cooperative measures that “comprehensively address the status and trends of the ORVs present within Glenwood Canyon” that “are supported and implemented by major water users within the Eagle River watershed, such as City of Aurora, Colorado Springs Utilities, and other participants in the Eagle River MOU.” [See Final Suitability Report pp. 3-55, 3-68, 3-120, 3-133, 8-20, 8-32; CRVFO PRMP/FEIS, p. 4-705]. *We request that this language be revised to track the language in the SG Plan: “The long term measures and cooperative measures process will be implemented within the Eagle River watershed*

consistent with the requirements of the SG Plan, and the status and trends in Segment 7 will be addressed in the SG Annual Report to the BLM and USFS.”

5. Interdisciplinary Team Review of SG Plan

The documents establish an Interdisciplinary Team to conduct an annual review to determine progress and concerns related to Plan effectiveness. *We request that the ROD clarify that the Federal agencies envision this as an interactive process whereby the Interdisciplinary Team would work with the SG and would bring any preliminary concerns to the SG before finalizing their recommendations. The details of this would be worked out in the anticipated MOU to be developed between the SG and the Federal agencies.*

6. Elevation to Federal Agencies

The Suitability Report implies that the SG Plan contains provisions for elevating certain issues to BLM and USFS. [See Final Suitability Report pp. 3-51, 3-64, 3-116, 3-129, and 8-15]. *We request that it be clarified that the BLM and USFS will participate as non-voting members of the SG Plan’s Governance Committee in seeking to resolve such issues under the SG Plan’s elevation process.*

7. Resource Guides

The Suitability Report describes the Resource Guides as establishing ranges for factors such as flow rates, water temperature, and water quality that are generally thought to be supportive of maintenance of the ORVs. (See Final Suitability Report pp. 3-50, 3-63, 3-115, 3-128, 8-15, and 8-27). *We request that the descriptive language track with the language in the SG Plan and, accordingly, state that: “The Resource Guides establish ranges for factors such as flow rates, water temperature, and water quality that serve as one source of information for management of the ORVs under the SG Plan.”*

8. Proposed Alternative

There are several places within the PRMP/FEIS documents that do not specify whether Alternative B-1 or B-2 is the preferred alternative. [See, e.g., KFO PRMP/FEIS, Volume 1, Chapter 2, Table 2-2, p. 2-460, 4-559, 4-639, and 4-956]. *To avoid confusion, we request that the agencies clarify that B-2 is the preferred alternative.*

9. Potential reinstatement of the Suitability Process

The Suitability Report provides that if, over time, the BLM and USFS conclude that the SG Plan is not sufficiently protecting free-flow, ORVs, and water quality in the river corridor to comply with BLM and USFS policy regarding eligible rivers, it may become necessary for BLM and USFS to proceed with a decision on suitability through initiation of a land use plan amendment process. However, elsewhere in the PRMP/FEISs, there is language suggesting

that the agencies might in effect “short circuit” the land use amendment process in making a suitability determination in response to a proposed new project. (See KFO PRMP/FEIS, p. 4-937; CRVFO pp. 4-706 to 4-707(Table 4.4.3-1). *We request that the language specific to new projects be removed, as this is covered under the general provision in the first sentence above.* (See, e.g., Final Suitability Report p. 3-56)

In addition to these clarifications, the Stakeholder Group has identified issues related to implementation that could be handled through the Memorandum of Understanding (MOU) to be developed with the agencies, including:

1. The MOU should define the process whereby the SG would work with the Interdisciplinary Team to assure that it has the necessary information and does not operate in a vacuum. This would include the specific process by which the Interdisciplinary Team would bring any preliminary concerns to the SG prior to finalizing its recommendations.
2. The MOU should identify the specific means by which parties that stand to be affected by any reinstated suitability process would receive notice of that process.

Finally, the Stakeholder Group wishes to acknowledge the agencies’ managers and staff and, in particular, Roy Smith and Kay Hopkins, for their outstanding efforts to communicate with the Stakeholder Group and find pathways to resolve issues.

We are looking forward to working with BLM and the USFS to manage this remarkable reach of the Colorado River.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob R. Buirgy". The signature is stylized with a large, looping "B" and a long, sweeping underline.

Rob R. Buirgy, Project Manager
Upper Colorado River Wild and Scenic Alternative Management Plan

Attachment: Memorandum of Understanding for Participation in the Upper Colorado River
Wild and Scenic Stakeholder Group Management Plan

Cc: Roy Smith, Water Rights Specialist, BLM Colorado State Office
Kay Hopkins, Wild and Scenic Rivers Program Manager, White River National Forest

MEMORANDUM OF UNDERSTANDING
FOR PARTICIPATION IN THE UPPER COLORADO RIVER
WILD AND SCENIC STAKEHOLDER GROUP MANAGEMENT PLAN

[To be executed as soon as practicable, but no later than 6 months following issuance of final Records of Decision for the Kremmling and Colorado River Valley Field Office RMPs that provide BLM/USFS approval of the SG Plan without material change. This timeframe may be extended by unanimous consent of the Stakeholder Group. Upon approval of this MOU for signature by the stakeholders, individual stakeholders may choose to sign this at any time prior to the above deadline.]

This Memorandum of Understanding (“MOU”) is entered into among the undersigned parties (referred to individually as “Signatory” or collectively as “Signatories”) to the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan (“SG Plan”). It is anticipated that the Stakeholder Group may develop a more comprehensive memorandum of understanding (or other form of agreement) or a formal legal entity, or both, to govern long-term administration of the SG Plan subsequent to expiration of the poison pill provisions in Section III.C.2.c of the Plan. While members of the State Interest Group are not currently Signatories to this MOU, it is anticipated that the agencies will continue to participate as members of the SG Plan and may choose to sign this MOU in the future.

1. Through execution of this MOU, each Signatory commits to participate as a member in the SG Plan.
2. By executing this MOU, each Signatory agrees to engage in good faith efforts to implement the SG Plan including, but not limited to, tasks outlined in Attachment B, Section 3 of the SG Plan.
3. Commencing 6 months from the effective date of the SG Plan, the Signatories agree to act under the SG Plan Governance Committee protocols for conducting business and making decisions under Part VI of the SG Plan in lieu of the requirement for unanimous consent by all individual stakeholder entities that have formally endorsed the SG Plan. This date for implementation of the governance structure and protocols may be modified by unanimous consent of the Stakeholder Group members.
4. Participation in the SG plan is voluntary. Any Signatory may withdraw from this MOU upon written notice to the other Signatories. The effect of any such withdrawals shall be governed by Section VI.K.2 of the SG Plan.
5. In order to become members of the SG Plan in the future, additional entities must: (1) receive an assignment by the Governance Committee to an Interest Group; (2) execute this MOU (or any amendment or replacement thereof); (3) follow the charter protocols for inclusion in the assigned Interest Group pursuant to the procedures as contemplated in Section VI.D of the SG Plan; and (4) follow the applicable

provisions in the SG Plan. A signature page executed by any such entity shall be affixed hereto and be treated as part of this MOU.

6. This MOU shall remain in effect until (A) it is replaced by a more comprehensive memorandum of understanding (or other form of agreement) or a formal legal entity, or both, to govern long-term administration of the SG Plan; (B) the MOU is amended and superseded in writing by the Signatories; (C) it is revoked by affirmative action of the Stakeholder Group; or (D) the SG Plan is terminated.
7. Other Provisions:
 - A. The Signatories hereto represent that they have legal authority to enter into this MOU and have legal authority to participate in the SG Plan.
 - B. This MOU sets forth a cooperative process and does not create a legal right of action for the Signatories or any third party.
 - C. This MOU is not intended to abrogate, impair, or restrict the legal and statutory responsibilities or authorities of any Signatory.
 - D. Funding commitments made to the SG Plan are subject to approval of the Signatories' governing bodies and subject to appropriations by applicable legislative bodies.
 - E. The Signatories are entering into this MOU on a voluntary and cooperative basis. Nothing in this MOU shall be interpreted as a determination that any ongoing or new activity has or has not caused, or will or will not cause, adverse impacts to the environmental resources or values addressed by the SG Plan. Nothing in this MOU shall be construed to alter the legal rights and remedies that each Signatory would otherwise have. No Signatory waives any legal rights or defenses by entering into this MOU or participating in the process contemplated hereby.
 - F. Modifications to the SG Plan may be made following the SG Plan decision-making protocols without requiring modification of this MOU.

IN WITNESS WHEREOF each party has caused this MOU to be executed by an authorized official on the day and year set forth below by signature.

By _____ Date _____

[Name and Contact Info.]

By _____ Date _____

[Name and Contact Info.]

TERMS AND CONDITIONS DEVELOPED BY THE COLORADO WATER CONSERVATION BOARD FOR THE ALLOCATION OF FUNDS FROM THE WILD AND SCENIC ALTERNATIVES FUND

Background

In 2009, the General Assembly: 1) established the Colorado Water Conservation Board Wild and Scenic Rivers Act Alternatives Fund (“the Fund”); 2) provided that the Fund would be refreshed annually up to \$400,000; 3) stated that the Fund should be used to support cooperative and collaborative processes designed to protect outstandingly remarkable values (“ORVs”) associated with rivers within Colorado, while protecting Colorado’s ability to fully use its compact and decree entitlements; and, 4) provided that the Board may adopt terms and conditions for fund disbursements. In response to federal processes, local groups may form alternative resource protection groups (“alternatives groups”) that explore different avenues for resource protection. These terms and conditions are designed to assure that the Fund is used to support the efforts of these various alternatives groups in an equitable and efficient manner.

Introduction

Except for funds used by the CWCB staff for operational expenses, requests for use of the Fund shall be provided to the CWCB Director in writing. It is the goal of the CWCB to ensure wise and effective use of monies from the Fund. The CWCB strongly encourages the use of this Fund for projects that result in the compilation of the best available data at the earliest stages of the federal agencies’ plan revisions and processes to evaluate streams and rivers for eligibility and suitability for Wild and Scenic designation.

Administration of the Fund

The CWCB will:

- Annually review information regarding the Fund, in May of each year.
- Each year consider and make any necessary revisions to these terms and conditions.
- Determine if the purposes for which the Fund was established have ceased, and if so, de-authorize the Fund.

The CWCB Director will:

- Approve or deny the use of all funds, after consultation with the Board member(s) of basins involved with the project.

The CWCB Staff will:

- Ensure that the Fund is managed consistently with state statutes, applicable state fiscal rules, and these terms and conditions.
- Review applications and recommend use of the Fund. The CWCB Director must approve all applications to use the Fund.
- Enter into contracts with appropriate entities and ensure that the project identified in the application and work plan is implemented within the time and budget identified in the application.
- Ensure that sound fiscal, fiduciary and accounting practices are implemented.

Overview of the Fund Management

Eligibility Requirements for Project Sponsorship

The Staff may use the Fund to pay for travel costs or other operating expenses incurred by the Staff for activities related to participation in alternatives groups. In addition, non-federal entities may apply for use of monies from the Fund. Eligible entities that may sponsor projects and apply for allocations from the Fund include:

- Public (Government) - municipalities, enterprises, counties, and State of Colorado agencies.
- Public (Districts) - special, water and sanitation, conservancy, conservation, irrigation, and water activity enterprises.
- Private Incorporated - mutual ditch companies, homeowners associations, and non-profit corporations.
- Private - individuals, partnerships, and sole proprietors.
- Non-governmental organizations - are broadly defined as any organization that is not part of the government.

Project Sponsorship Process

Project sponsors may submit applications for monies from the Fund at any time. The Board will be notified of any requests for use of the Fund that are granted and/or denied, through the Director's report or a memorandum to the Board.

Written Request Submittal Requirements

To apply for use of the Fund, the project sponsor must submit a written request to the CWCB Director ("application" or "request for funds"). The CWCB Director's and Staff's review and analysis of the application, utilizing the terms and conditions, will form the basis for the CWCB Director's decision to fund, partially fund, or not fund the request. Therefore, project sponsors should prepare their applications to address these terms and conditions. The following paragraphs provide a general overview of the information that is needed to complete an application for use of the Funds.

Application information and requirements may vary depending upon the stakeholders involved, the status of a federal agency's Wild and Scenic review process, and other unique

circumstances that may exist. The project sponsor is encouraged to discuss the application with CWCB staff if any questions arise.

Description of Project Sponsor(s) and/or Stakeholders involved in the process

Each request for funding should include a description of the entity/entities that are involved in the process. The project sponsor may be a non-federal public or private entity. Given the diverse range of potential project sponsors, not all of the following information may be relevant. Where applicable and relevant, the description should include the following:

- Type of organization, official name, the year formed, the statute(s) under which the entity was formed, a contact person and that person's position or title, address and phone number.
- The project sponsor's background, interest and capacity, organizational size, staffing and budget, and funding.

Background

Purpose

This section should provide: 1) a brief overview of goals of the alternatives group; 2) the status of the federal agency (or agencies) Wild and Scenic process; and, 3) a description of the project the funds would support.

Project Area Description

The project area is generally the geographic area that is being discussed. This description should include a listing of the rivers that are under "Wild and Scenic" consideration by a federal agency. The description should include the following items:

1. A narrative description of the project area that includes the county (counties), the location of towns or cities, topography, land ownership along the river systems, and locations of major rivers.
2. An area map showing each of the items above, as well as the locations of existing facilities, proposed project facilities and river segments that are being considered for listing as eligible and/or suitable for Wild and Scenic designation.

Scope of Work

The request for funds must provide a scope of work. The scope of work should include a detailed summary of how the project will be accomplished. The scope of work must include a description of the activities and tasks that will be undertaken, logistics, and final product/deliverables to be produced with the monies distributed by the Fund for the various tasks.

The scope of work should include the following:

- Detailed summary of the work plan.
- Description of the work plan's goals and how the work will accomplish those goals.
- Description of how the work will be accomplished and major deliverables/products.
- A list of participants.
- A description of the selection process of the entity that will complete the scope of work, or if an entity has already been selected, then a list of the entity's qualifications to accomplish the project.
- A detailed budget by activity, level of effort, and rates. The budget shall also detail the source and amount of matching funds and/or in-kind contributions, if any. If applicable, the budget should also include any other outstanding or previously applied for funding that also supports the project.
- A detailed project schedule that includes key milestones.

Reporting

The project sponsor shall provide progress reports to the CWCB at least every 6 months, and on a more regular basis to the CWCB staff, beginning from the date of the CWCB approval of the project. The progress report shall describe the completion or partial completion of the tasks identified in the scope of work, including a description of any major issues that have occurred and any corrective action taken to address these issues.

Final Deliverables

At completion of the project, the project sponsor shall provide a final report to the CWCB that summarizes the project and documents how the project was completed. This report may include photographs, summaries of meetings and/or additional reports.

Evaluation Process for Allocation of Funds

Allocation of funds will depend upon availability of funds and an evaluation of the project using the terms and conditions in this section.

Matching Requirement:

Applicants will be required to demonstrate a 20 percent (or greater) match from other sources of the total amount of funds requested. Recognizing the limited resources of some entities, in-kind services will be eligible as matching funds, but written documentation of in-kind services will be required. Past expenditures directly related to the project may be considered as matching funds if the expenditures occurred within 12 months of the date the request for funds was submitted to the CWCB.

Evaluation Terms and Conditions

The following terms and conditions will be utilized to further evaluate requests for funds:

- a. The number and types of entities represented by the application and the degree to which the project will promote cooperation and collaboration among traditional consumptive water interests and/or non-consumptive interests.

- b. Whether the project could help in assuring that ORVs or potential ORVs are protected while protecting Colorado's ability to fully use its entitlements under compacts or decrees.
- c. Whether the project will still enable Colorado to fully use its compact and decree entitlements.
- d. Urgency of need for the project and/or any compelling "window of opportunity" that may be missed without the requested funding.
- e. The length of time needed to implement the project. Projects that can be accomplished within a specified time period will receive more favorable consideration for receiving monies from the Fund. In addition, projects that will be completed in a timely manner, rather than projects that have sought many lengthy delays, will receive more favorable consideration for receiving monies from the Fund.
- f. The expertise and ability of the project sponsor and participants to implement the project.
- g. The level of matching funds the project sponsor is providing. The greater the amount of matching funds, the more likely the project will receive monies from the Fund; provided that all other terms and conditions are satisfied.
- h. The degrees to which the project will help meet environmental or recreational needs as an alternative to protecting the ORVs through the Wild and Scenic designation process.
- i. The degree to which the project will assist in the administration of compact-entitled waters or address problems related to compact entitled waters and compact compliance, and the degree to which the project promotes maximum utilization of state waters.
- j. Whether the project will assist in, or not impair, the recovery of threatened and endangered wildlife species or Colorado State species of concern.
- k. Whether the project will complement or assist in the implementation of other CWCBC programs.

For additional information, questions or assistance please contact Ted Kowalski (Colorado Water Conservation Board), at (303) 866-3441 ext.3220 or email Ted at ted.kowalski@state.co.us.