COLORADO
Colorado Water Conservation Board
Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

John Hickenlooper, Governor

Robert Randall, DNR Interim Executive Director

James Eklund, CWCB Director

TO: Colorado Water Conservation Board Members

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

DATE: May 18-19, 2016 Board Meeting

AGENDA ITEM: 25. Wild and Scenic Rivers Update and Fund Annual Review

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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 (UCRW&S) Group; and 3) the Lower Dolores Plan Working Group (LDPWG). Updates on these processes are set forth below along with updates on the BLM's upcoming Royal Gorge Field Office Resource Management Plan (RMP) revision and the USFS' Rio Grande National Forest Plan Revision. Also, Staff's annual update on the use of the Wild and Scenic Alternatives Fund is presented below.

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, which are attached.

Discussion:

Upper Colorado River Wild and Scenic Stakeholder Group Update

The Upper Colorado River Wild and Scenic Stakeholder (UCRW&S) Group's held its first provisional period Annual Meeting for all stakeholders on March 23, 2016 in Summit County. The Annual Meeting included the election of Governance Committee Chair (Mely Whiting) and Vice-Chair (Alan Berryman) and the confirmation of the Executive Committee (Alan Berryman, Linda Bassi, Kathy Chandler-Henry, Nathan Fey, Peter Fleming, and Mely Whiting). The members voted to create two Ad Hoc Committees to address refinement of outstanding remarkable values (ORV) Indicators and Resource Guides: one focused on the Recreational

Fishing ORV (aka: Fishing Committee); and the other focused on the Recreational Floatboating ORV (aka: Floatboating Committee). Also during the meeting, the creation of bylaws was deferred and the 2016 Monitoring Plan and budget was approved. Lastly, Colorado Parks and Wildlife gave a presentation on its biosurvey results, and the BLM, Forest Service, and various workgroups and interest groups gave updates to the group. The next Governance Committee meeting is scheduled for June 15, 2016 in Summit County. Additional information on the UCRW&S Group can be found at http://www.upcowildandscenic.com.

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

The River Protection Workgroup (RPW) Steering Committee or Drafting Committee has not held a regular meeting since the January CWCB meeting; however, a subset of the Drafting Committee has been meeting to discuss specific concerns. The next meeting of the Drafting Committee is scheduled for March 12, 2016 in the Durango, CO.

The Drafting Committee is currently engaged in negotiations and development of consensus approaches for the protection of the five rivers, and specifically related ORVs in the San Juan River basin, while protecting the ability of water users, within Colorado, to fully use its compact entitlements. The group has been working on resolving the remaining differences between a proposal by Trout Unlimited and an alternate proposal by the Wilderness Society and the San Juan Citizen's Alliance. The RPW Steering Committee has come to a tentative agreement-in-principle that incorporates features from both of the proposals. The Steering Committee has now shifted to the "drafting phase" of a regional legislative package with the understanding that there are still some details to be worked through. The agreement-in-principal includes pursuing instream flow (ISF) rights, the removal of suitability, Wild and Scenic designation, and the maintenance of suitability within the five watersheds of the San Juan Basin.

The RPW was recently awarded a grant from the Wild and Scenic Alternatives Fund to conduct an Iron Fen water study that will help inform protection of that ORV. The RPW anticipates securing matching funds for the grant sometime in June.

Additional information on the RPW can be found at: http://ocs.fortlewis.edu/riverprotection.

Lower Dolores Plan Working Group Update

The Legislative Subcommittee of the Group has appointed a team of key stakeholders to work with attorney David Robbins on negotiating and reaching consensus on revisions to draft federal legislation that would establish a National Conservation Area ("NCA") (from below McPhee Dam to Bedrock) and remove the finding of Wild and Scenic suitability from the Dolores River. This smaller group will work to eventually bring a draft bill back to the Legislative Committee for vetting and review. Other stakeholders continue to provide input to the Legislative Committee, both formally and informally. The Native Fish Monitoring and Recommendation Team (formerly the "Implementation Team") will meet on May 11th to discuss this year's forecast and begin to discuss governance issues related to what type of organization structure will be necessary for the Team's inclusion in the federal legislation. On March 3rd, the Legislative Subcommittee held a meeting in Dove Creek with landowners in the corridor and had a productive exchange on boundary issues, concerns, and preferences. That input will continue to help the Legislative Subcommittee refine the map. Additional information on the Lower Dolores Plan Working Group can be found at: http://ocs.fortlewis.edu/drd/meetings.asp.

BLM's Royal Gorge Field Office Resource Management Plan (RMP) Revision

The BLM's Royal Gorge Field Office issued their Final Eligibility Report in December 2015. The Final Eligibility Report lists 19 streams, rivers, or segments as eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS). With this Final Eligibility Report completed, the BLM will start work on a Draft RMP for consideration and comment. The Draft Suitability report is expected to be released this fall. Upon release of the draft, it is likely that local stakeholders would seek a grant from the Wild and Scenic Alternatives Fund for the purpose of forming a stakeholder group.

USFS' Rio Grande National Forest Plan Revision

The USFS has recently completed the assessment phase for their upcoming Rio Grande National Forest Plan Revision. The USFS is planning to conduct wild and scenic river related inventories through a separate public engagement process concurrent with their development of alternatives during the formal forest plan development process. Depending on the timing of USFS' wild and scenic river inventories process, there is a possibility that local stakeholders would seek a grant from the Wild and Scenic Alternatives Fund for the purpose of forming a stakeholder group during the next fiscal year.

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 for this fiscal year (FY) and next fiscal year:

FY 15-16	
Amount in fund on July 1, 2015[1]	**$400,000.00**
Funds spent for Employee Travel	($198.28)
Funds spent this fiscal year to date by UCRW&S	($38,380.71)
Funds spent this fiscal year to date by RPW	($21,428.72)
Current Remaining funds	**$339.992.29**
Encumbered funds under existing PO with RPW	($12,552.28)
Encumbered funds under PO with UCRW&S	($5,000.00)
Encumbered funds under PO with LDPWG	($29,950.00)
Funds approved for RPW study, 2nd PO not yet issued	**($99,990.00)**
UCRW&S anticipated request in FY15-16	**($120,000.00)**
Potential Unencumbered Funds remaining June 30, 2016	**$72,500.01**

FY 16-17	
Unencumbered Funds on July 1, 2016[2]	**$400,000.00**
Funds approved for RPW, 2nd PO not yet issued	**($99,990.00)** [3]
UCRW&S estimated request in FY16-17	**($120,000.00)**
LDPWG estimated request in FY16-17	**($50,000.00)** [4]
Arkansas basin estimated request in FY16-17	**($30,000.00)**
Rio Grande basin estimated request in FY16-17	**($30,000.00)**
Unencumbered funds remaining for FY16-17	**$70,010.00**

[1]$400,000 annual refresh on July 1 (includes encumbered funds)
[2]$400,000 annual refresh on July 1 (does not include encumbered funds)
[3]included in event that PO not issued until after July 1, 2016
[4]up to $50,000

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's Gunnison Field Office and San Luis Valley Field Office will likely begin similar work in 2017.

Attachment