



COLORADO

Parks and Wildlife

Department of Natural Resources

Water Resources Section
6060 Broadway
Denver, CO 80216

November 1, 2024

Mr. Rob Viehl, Section Chief
Colorado Water Conservation Board
Stream and Lake Protection Section
1313 Sherman Street, 7th Floor
Denver, CO 80203

Subject: Instream Flow Recommendation for Unnamed Tributary to East Fork Dry Creek in Water Division 4, Ouray & Montrose Counties to be presented at the January 2025 CWCB Meeting

Dear Mr. Viehl:

The information contained within and referred to in this letter forms the scientific and biological basis for an instream flow (ISF) recommendation on the unnamed tributary (UT) to East Fork Dry Creek in Water Division 4. Field investigations relating to this ISF recommendation were initiated by Colorado Parks and Wildlife (CPW) staff in 2019 and completed by CPW and Colorado Water Conservation Board (CWCB) staff in 2022. UT to East Fork Dry Creek is a first order stream that supports native Colorado River cutthroat trout. This ISF recommendation was first presented to interested parties at the ISF Workshop in January 2020. CPW and CWCB staff conducted outreach to the Montrose County Commissioners in 2022 and Ouray County Commissioners in 2024. It is CPW staff's opinion that the information contained in this letter is sufficient for the CWCB's staff to recommend an ISF appropriation to the Board on UT to East Fork Dry Creek as it specifically addresses the findings required in Rule 5(i) of the Instream Flow Program Rules.

CPW participates in the ISF Program and develops ISF recommendations for the Board's consideration in an effort to address CPW's legislative directives "... that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors ... and that, to carry out such program and policy, there shall be a continuous operation of planning, acquisition, and development of wildlife habitats and facilities for wildlife-related opportunities" [§33-1-101 (1) C.R.S.], and "... that the natural, scenic, scientific, and outdoor recreation areas ... be protected, preserved, enhanced and managed for the use, benefit, and enjoyment of the people of this state and (its) visitors ... and that, to carry out such program and policy, there shall be a continuous operation of acquisition, development, and management of ... lands, waters, and facilities." [§33-10-101 (1) C.R.S.].

In addition to these broad statutory guidelines, CPW's strategic planning document (CPW Strategic Plan, 2015) explains the agency's current goals to, "[c]onserve wildlife and habitat to ensure healthy sustainable populations and ecosystems" in order to, "protect and enhance water resources for fish



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and wildlife populations,” by pursuing, “partnerships and agreements to enhance instream flows, protect reservoir levels, and influence water management activities,” and to, “[a]dvocate for water quality and quantities to conserve aquatic resources.” In addition to the CPW Strategic Plan, the agency’s fish and wildlife conservation activities are also informed by the State Wildlife Action Plan (2002, Revised 2015). The aforementioned documents direct CPW to advocate for the preservation of the state’s fish and wildlife resources and natural environment, and therefore link CPW’s mission to the goals and priorities of CWCB’s Instream Flow and Natural Lake Level Program.

Recommended Segments & Land Status

CPW is proposing an ISF recommendation on an unnamed tributary (UT) to East Fork Dry Creek from the headwaters (located at UTM 12S 227553.33E 4241879.05N) to the confluence with East Fork Dry Creek (located at UTM 12S 227567.86E 4245975.82N). The reach is approximately 2.75 miles in length. The proposed reach is mainly on public lands managed under the Uncompahgre National Forest. The ISF reach does pass through a small private land inholding near the confluence with East Fork Dry Creek.

Colorado Cutthroat Trout Conservation Goals

In 2001, CPW entered into a multi-state and multi-agency conservation agreement and strategy concerning Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*). Colorado’s partners in this plan and agreement include the natural resource management agencies from Utah and Wyoming, a number of federal agencies including the USFS, USFWS, BLM and NPS, and the Ute Indian Tribe of the Uintah and Ouray Reservation. The purpose of the strategy is to provide a framework for the long-term conservation of the Colorado River cutthroat trout (CRCT), and to reduce or eliminate the threats that warrant its status as a sensitive species or species of concern by federal resource agencies. Essentially, the parties agreed that in order to prevent listing of the subspecies, and to reach desired recovery goals without hindering further development of our state resources, continued implementation of the conservation strategy was necessary.

The objectives of the strategy are to identify and characterize all CRCT core and conservation populations, secure and enhance conservation populations, restore populations, secure and enhance watershed conditions, public outreach, data sharing, and coordination. CPW believes that flow protection via establishing an ISF water right is a conservation action that will “secure and enhance watershed conditions” and will support the core conservation populations of CRCT which are resident to the East Fork Dry Creek basin. Information about the species and CPW’s conservation strategy can be found here: [CPW Cutthroat Trout Research](#). CPW believes that securing ISF water rights for CRCT is a critical step in the overall preservation and conservation of these important native trout.

Natural Environment and Biological Summary

UT to East Fork Dry Creek is a tributary of the Uncompahgre River which flows northerly off the Uncompahgre Plateau towards the town of Montrose. It is a first order headwaters stream which is snow-melt dominated and influenced by late-summer monsoonal moisture. The mean basin elevation is 9,500 feet. The basin receives approximately 24 inches of mean annual precipitation. Its contributing basin is 2.3 square miles and is forested with dense stands of conifer and aspen. The creek supports a healthy riparian environment.

UT to East Fork Dry Creek is a relatively high-gradient, confined channel with substrate that ranges from cobble to gravel and sand. Fish habitat is complex with lots of large woody debris in the channel, as well as beaver dam complexes and undercut banks. Large woody debris and undercut banks provide



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cover for trout. There is ample overhead shading supporting suitable stream temperatures. The creek supports a diverse macroinvertebrate community with stonefly, caddisfly, midges, and round-worms observed in the field.

UT to East Fork Dry Creek supports a self-sustaining population of Colorado River cutthroat trout of the Gunnison Basin lineage. CRCT are state species of special concern and considered federally sensitive species (State Wildlife Action Plan, 2015). Length-frequency data indicates multiple age classes surveyed by CPW in 2017 (see attached), which reinforces that the cutthroat trout in UT to East Fork Dry Creek are a self-sustaining population. Multiple cutthroat trout were observed during the 2020 site visit taking refuge in large pools.

R2Cross Background

Initial biological instream flow recommendations were developed using the R2Cross methodology (Espgren, 1996¹). R2Cross uses field data that has been collected in a riffle habitat type. Riffles are often the limiting habitat features in streams during low flow events, so maintaining specific hydraulic conditions across riffle habitat types will also maintain aquatic habitat in pools and runs for most life stages of fish and macroinvertebrates (Nehring, 1979²). The R2Cross model uses field data, including a survey of cross-sectional channel geometry, a longitudinal slope of the water surface, and a flow measurement, as input to a single transect hydraulic model. R2Cross uses Ferguson's Variable-Power Equation (Ferguson, 2007³) to model a stage-discharge relationship and compute corresponding hydraulic parameters of average depth, average velocity, and percent wetted perimeter over modeled stages. Maintaining these three hydraulic parameters at specified levels should ensure conditions that allow movement of fish longitudinally across riffles and adequate depths, velocities, and oxygenation for production of macroinvertebrates and development of trout eggs. Baseflow recommendations are typically developed based on the flows that meet two of three hydraulic criteria and summer flow recommendations are based on hydraulic criteria that meet three of three hydraulic criteria (as described in Nehring 1979 and Espgren 1996).

In 2019 through 2022, CPW and CWCB staff conducted site visits and collected R2Cross datasets on UT to East Fork Dry Creek. Datasets from 2019 were not included in preliminary flow recommendations. This is because 2019 was an extremely wet year. There was still snow on the ground during the survey and streamflow conditions were very high (near bankfull). Data from 2020 was also not used because it was an extremely dry year and streamflow was too low for an accurate flow measurement. The preliminary results of the R2Cross analysis are summarized below using two cross-sections from 2021 and 2022.

¹ Espgren, G.D., 1996, Development of Instream Flow Recommendations in Colorado Using R2CROSS, Colorado Water Conservation Board.

² Nehring, B.R., 1979, Evaluation of Instream Flow Methods and Determination of Water Quantity Needs for Streams in the State of Colorado, Colorado Division of Wildlife.

³ Ferguson, R.I., 2007. Flow resistance equations for gravel- and boulder-bed streams. Water Resources Research 43. <https://doi.org/10.1029/2006WR005422>



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	Bankfull Top Width	Date Measured	Flow Measured	Flow Meeting Two Criteria	Flow Meeting Three Criteria
4	12.88 ft	6/1/2021	1.06 cfs	0.93 cfs	3.6 cfs
5	14.01 ft	5/25/2022	1.49 cfs	1.8 cfs	2.8 cfs
Recommended Flow Rates:				1.4 cfs	3.2 cfs

The initial biological flow recommendation during the baseflow period is 1.4 cfs. This will maintain percent wetted perimeter of 50 percent and average velocity of 1 foot per second (fps). The initial biological flow recommendation in the summer is 3.2 cfs, which will also maintain these hydraulic parameters, as well as average depths of 0.2 feet.

In order to make a preliminary determination whether water is available for the R2Cross-based flow recommendations and to determine the appropriate seasonal transition dates, CPW examined basic hydrologic data and water rights information for UT to East Fork Dry Creek. UT to East Fork Dry Creek does not have any gage data, and because it is high-elevation and undeveloped, CWCB staff relied upon regression equations for monthly flow estimates to determine the seasonality of the flow recommendations. CPW is not aware of the any active water rights within the ISF reach.

Water Availability

CPW's analysis indicates that the following flows are needed to protect the natural environment to a reasonable degree. Based on the hydrology from CSUFlow18 (Eurich et al., 2021⁴), there appears to be water availability limitations during the fall and winter periods. Therefore, CPW's adjusted flow recommendation are the following:

- **Early Spring Flow Recommendation (March 1 through March 31): 0.5 cfs**
 - Earlier spring snowmelt may be a reality in a changing climate. This flow recommendation will support sufficient wetted perimeter as fish transition to more metabolic activity coming out of overwintering conditions.
- **Rising Limb Flow Recommendation (April 1 through April 30): 1.6 cfs**
 - Maintains adequate wetted perimeter and velocity criteria, as well as average velocities greater than 1 fps. This will support fish as they transition into more metabolic activity as ice cover decreases and flows start to rise during the beginning of snowmelt runoff.
- **Summer Flow Recommendation (May 1 through June 30): 3.2 cfs**
 - Maintains adequate depth, velocity, and wetted perimeter during spring snowmelt through its recession. This flow rate will support fish when they are active feeding and spawning. Maintaining all three hydraulic criteria supports beneficial spawning conditions for cutthroat trout who spawn during this time period.

⁴ Eurich, A., Kampf, S.K., Hammond, J.C., Ross, M., Willi, K., Vorster, A.G. and Pulver, B., 2021, Predicting mean annual and mean monthly streamflow in Colorado ungauged basins, River Research and Applications, 37(4), 569-578.



- July Flow Recommendation (July 1 through July 31): **1.6 cfs**
 - This flow recommendation will maintain adequate wetted perimeter and velocity that allows of oxygenation supporting production of macroinvertebrates in riffles. Supporting food base productivity will support feeding and growth of cutthroat trout.
- Late Summer & Fall Flow Recommendation (August 1 through October 31): **0.5 cfs**
 - This flow recommendation has been reduced due to water availability constraints but will maintain adequate wetted perimeter in the channel providing sufficient areas of holding habitat and refuge in features like pools and glides.
- Baseflow Recommendation (November 1 through February 28): **0.25 cfs**
 - This flow recommendation has been reduced due to water availability constraints but will maintain adequate wetted perimeter during the overwintering period. Sufficient resting habitat will be maintained in deep pools and glides created from large woody debris in the channel.

The purpose of this letter is to formally transmit this ISF recommendation to CWCB for their Board's consideration. Based on CPW's opinion that there is a flow-dependent natural environment in UT to East Fork Dry Creek that can be preserved to a reasonable degree with an ISF water right in the recommended rates. Please refer to attachments which include; R2Cross field forms, R2Cross output, fish survey information, and photographs at each cross section location.

CPW personnel will be available at the January 2025 CWCB meeting to answer any questions that the Board might have regarding these flow recommendations. We appreciate your consideration.

Sincerely,



Katie Birch
CPW Instream Flow Program Coordinator
Attachments (as stated)

