

Chapter 8 Suitability Criteria-based Data and Determinations – WRNF

This section presents the data collected for each eligible segment in a narrative format and the Forest Service determination of suitability. The data collection was guided by the 13 specific criteria described in Section [7.1](#).

Impacts that would occur from designating or not designating the suitable river segments have been analyzed in the EIS associated with the BLM CRVFO RMP. Public review and comment on suitability determinations included in the *BLM Draft RMP/EIS* were considered before final suitability determinations were made by the WRNF.

The suitability criteria listed in Section [7.1](#) are presented in an abbreviated manner in Sections [8.1.2](#), [8.1.3](#), [8.2.2](#), and [8.2.3](#) below.

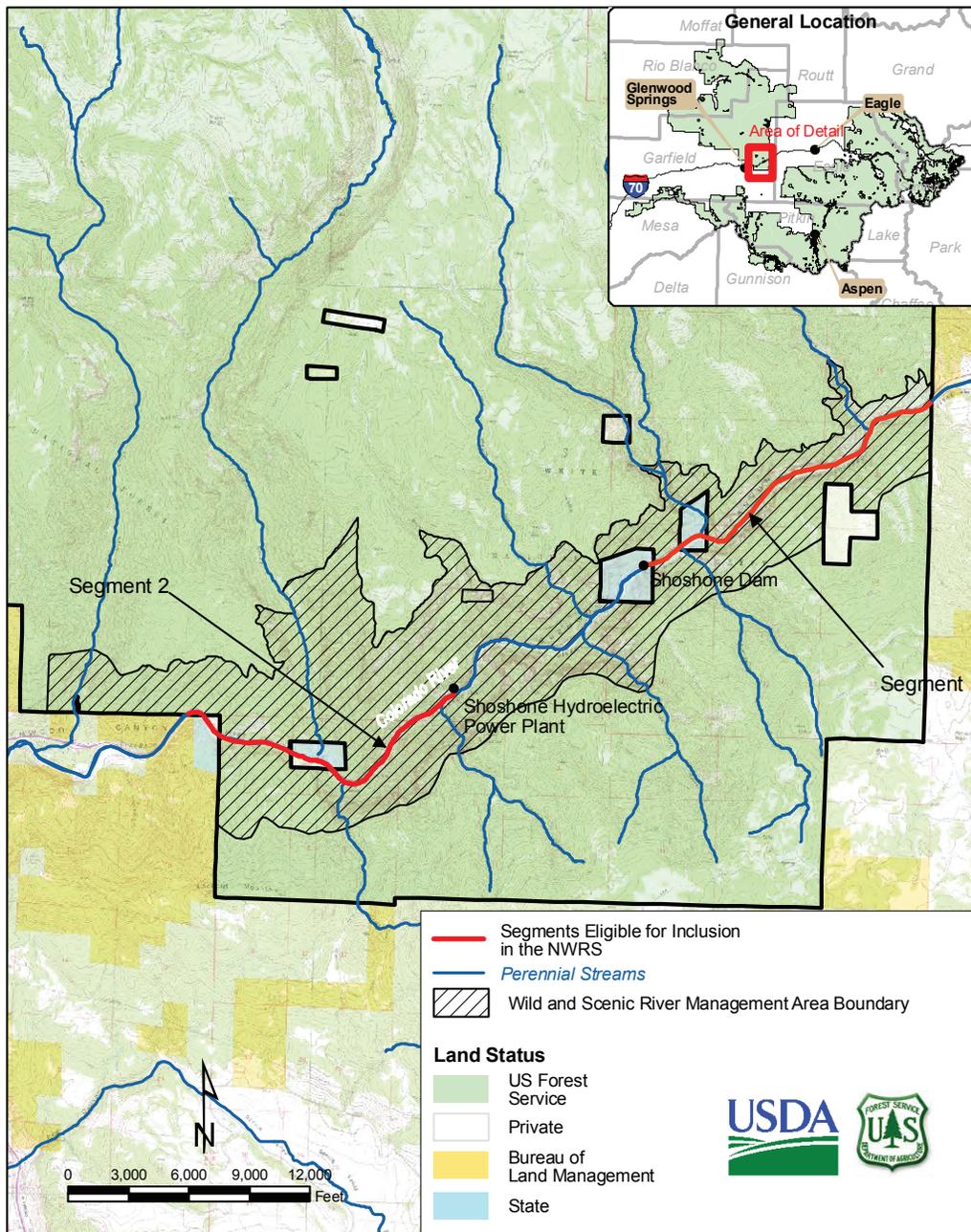
8.1 Colorado River

As described previously, an interagency process was conducted by the BLM and USFS to assess the suitability of two eligible Colorado River Segments on the WRNF. The two WRNF segments are directly adjacent to BLM's Colorado River Segment #7 which includes sections both upstream and downstream of WRNF Segments 1 and 2 ([Figure 8-1](#)). The WRNF eligible segments exclude the section from the upstream end of the Shoshone Dam to the Shoshone Hydroelectric Power Plant as this section is not free flowing due to power plant operations.

Before publication of the *BLM Draft RMP/EIS* for the KFO and CRVFO, the BLM and Forest Service received a proposal from the Upper Colorado River Wild and Scenic Stakeholder Group for a management plan designed to protect the ORVs associated with the Colorado River between Gore Canyon and No Name (BLM's Colorado River Segments 4 through 7 and Forest Service Colorado River Segments 1 and 2). The BLM and Forest Service included the *Stakeholder Plan* in the *BLM Draft RMP/EIS* under Alternative B2 for impact analysis and public comment purposes. In addition, the *BLM Draft RMP/EIS* included a copy of the full text of the *Stakeholder Plan*, which identifies members of the stakeholder group and actions proposed to maintain the ORVs. The BLM and Forest Service have made a decision to adopt the *Stakeholder Plan*. As part of that decision, the BLM and Forest Service have elected to defer any suitability determination and maintain the segments as eligible for all Colorado River segments addressed by the *Stakeholder Plan*.

In accordance with the White River LRMP, Colorado River segments 1 and 2 are managed as one continuous 6,526.23 acre area. These segments will remain eligible and will continue to be managed as a 4.4: *Recreation Rivers—Designated and Eligible* management area as prescribed in the Forest Plan. Further detail about management of this area is provided in [Appendix B](#).

Figure 8-1 WRNF Colorado River Segments 1 and 2



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**Colorado River Segments 1 and 2
 White River National Forest, Colorado**

Study Corridor:
 6,526.23 acres

Figure 8-1

Total Eligible Length: 6.48 miles
Total Study Corridor (includes Segments 1 and 2): 6,526.23 acres

8.1.1 Description of Outstandingly Remarkable Values

8.1.1.1 *Recreational*

Outstanding recreational values throughout both Colorado River segments include white-water boating, scenic viewing, and hiking opportunities. The scenic 13 mile Glenwood Canyon known as the gateway to western Colorado can be seen via interstate 70 the railroad, the Colorado River, and the Glenwood Canyon Recreation Trail. Hundreds of thousands of visitors enjoy the canyons natural scenic values as well as the interstates design features which has been recognized as one of the most extraordinary highway projects ever constructed in US. Transportation, environmental, recreational and economic considerations all were taken into account before the completed highway opened in 1992. Construction methods never before used in the U.S were done to preserve the Canyon's values.

Recreation values within the canyon were well preserved and opportunities enhanced as part of the Glenwood Canyon project. While infrastructure exists along the river corridor, visitors within and outside the region are provided outstanding opportunities for high quality recreation experiences and settings.

Paralleling Interstate 70 from Glenwood Springs to Dotsero, the Glenwood Canyon Recreation Trail provides visitors with outstanding access to the scenery of Glenwood Canyon. The paved trail is used by hikers, walkers, runners, cyclists, inline skaters, anglers, and kayakers and features a network of recreation facilities and improvements such as picnic areas, trailheads, river and fishing access points, interpretive sites, and restroom facilities. The trails careful design and placement that screens the visitor from the interstate maintained opportunities for high quality recreation experiences and allows recreationists to not only participate in their activity, but to view river activities as well as the scenic and geologic values. In addition to opportunities on the Glenwood Canyon Recreation Trail, the canyon is a starting point to many popular hiking trails onto adjacent forest lands like Hanging Lake, No Name and Grizzly Creek.

From the Shoshone Hydroelectric Power Plant to Glenwood Springs, the river provides some of Colorado's premier white water boating that is enjoyed by increasing numbers of kayakers and rafters and is supported by a host of commercial outfitters (see description of Recreation Activities for more information). Both segments 1 and 2 provide relatively flat water canoeing opportunities as well. The rafting industry contributes to the city of Glenwood Springs recreation and tourism markets and associated economies. According to Glenwood Springs Chamber Resort Association, the rafting industry accounts for between \$6 and \$7 million each year (*Post Independent, June 3, 2008*).

Watchable wildlife opportunities are readily available within this segment that include; peregrine falcon (*Falco peregrinus anatum*), bighorn sheep (*Ovis canadensis*), deer, elk (*Cervus elaphus*), bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*).

8.1.1.2 *Scenic*

Glenwood Canyon has some of the most scenic canyonlands in Colorado and displays rarely exposed pre-Cambrian formations. The sheer walls of the canyon can range from 1,000 to 2,500 feet towering over the river, making it the largest canyon on the Upper Colorado River. As noted above, visitors traveling on the interstate or recreational path view the canyon from the north bank of the river. From the south bank of the river, passengers can view the canyon from the Amtrak train, which makes frequent runs through the canyon, providing an exceptional sightseeing experience. In 1944, Cyrus Osborn of GM while traveling thru Glenwood Canyon conceived the first successful dome car called the “Vista Dome later called the “Silver Dome” in the California Zephyr. The canyon inspired his idea to provide a full 180 degree view for passengers from above the train.

An interagency Scenery Analysis of the I-70 corridor analyzed and reported Glenwood Canyon views as one of (4) outstanding examples of canyon environments in the corridor. The canyons landscape Scenic Attractiveness was rated Class A which is a rare example of landscape type in the region.

The Scenic Integrity Objectives for Glenwood Canyon are “High” which has the objective of retention. Current administrative protections focus on not only maintaining scenic values and landscape character, but also the application of consistent architectural themes for all development within the corridor.

The design and construction of the Interstate 70 through the canyon is regarded as one of the most impressive engineering feats in the interstate highway system. The I-70 project emphasized environmental aesthetics, to ensure the highway would complement the flow and natural beauty of Glenwood Canyon and is considered to be one of the most scenic sections of roadway in the country.

In 1936 Garfield County Commissioners designated Glenwood Canyon as a “scenic area.”

8.1.1.3 *Geologic*

The canyon was formed by a combination of geologic uplifting and the erosive action of the Colorado River. Geologic activity in the canyon included folding, faulting, as well as the intrusion of molten rock beneath the landscape and volcanic outbursts of lava at the surface. Faulting is indicated throughout by the abrupt changes of angle of the rock layers. The canyon displays rarely exposed pre-Cambrian formations and more commonly exposed sediments of limestone, sandstone, and shale. The stratified remnants of these layers form the sheer walls of the present canyon, which can range from 1,000 to 2,500 feet. Any area with layers of limestone and dolomite can be expected to have caves as well as springs, and Glenwood Canyon has both well-known and undiscovered caves. One of Glenwood Canyon’s most scenic and popular attractions, Hanging Lake was

created by mineral deposition from Dead Horse Creek that created a travertine dam after tumbling over and through the limestone cliffs at Spouting Rock and Bridal Veil Falls. Dead Horse Creek, when it tumbles over and through a cliff at Spouting Rock, produces a plunge-pool and a natural dam. There are hot springs at both ends of the canyon, at Glenwood and Siloam. These hot springs are not necessarily related to local volcanism, but rather are due to surface water working deep enough into the earth to become heated and returned to the surface along faults and joints in the rock.

The majestic geologic valleys joining Glenwood Canyon are Tie Gulch, French Creek, Dead Horse Creek, Cinnamon Creek, Devil’s Hole Creek, Deadman’s Creek, Grizzly Creek, and No Name Creek.

8.1.2 Description of Attributes of the River Corridor

Land Ownership and Land Uses

WRNF Acres: 6,526.23 acres (includes both segments)

CDOT Acres: 123 acres

Public Service Company of Colorado: 150 acres

Private: 114 acres

Within the management area for the Colorado River, which encompasses both Segments 1 and 2, there are two parcels owned and managed by the Colorado Department of Transportation (CDOT), one parcel managed by Public Service Company of Colorado, and two privately owned parcels south of the river. Because the Forest Service does not manage these parcels, they are not included in the 6,526.23 acres management area. The CDOT parcels consist of the rest areas at Hanging Lake (Segment 1) and Grizzly Creek (Segment 2). The trail head and picnic area at Hanging Lake are on forest service lands. Near the downstream end of Segment 1 is a dam that provides water to the Shoshone Hydroelectric Power Plant owned by Xcel Energy. The area surrounding the dam is in the ownership of Public Service Company of Colorado. Water used by the power plant is returned to the Colorado River at the plant just above Segment 2. The power plant itself is on National Forest land and Xcel Energy holds a permit for the use of the land. Across the river from the rest area at Grizzly Creek is privately-owned land as well as a parcel on the along the southeast boundary. Because the canyon walls are steep and the terrain is rugged, and the parcels are essentially inaccessible and there is little private use. The largest private land parcel within the canyon directly upstream of this segment (Bair Ranch) is under a conservation easement that was done through the BLM and Eagle County.

Under the *2002 WRNF LRMP* the management area is designated as 4.4: Recreation Rivers—Designated and Eligible. See Criterion 11 for standards and guidelines for managing the area. This management guidance applies only to Forest Service lands within the corridor.

The segment lies entirely within Garfield County and private lands are subject to local zoning ordinances. The segment passes through both Open Space and Agricultural/Residential/Rural Density zoning. The open space designation includes public and state lands and those lands unincorporated by the county. Uses require a special permit from the county. The Agricultural/Residential/Rural Density zone permits uses for agriculture, buildings for shelter, retail establishments for the sale of goods processed from raw materials produced on the lot, single-family dwellings in low density, guiding and outfitting, and pipelines (subject to review and approval). Garfield County also has restrictions on development within the 100-year floodplain, riparian areas, and wetlands (Garfield County 2008). At the time of this study Garfield County is undergoing a new 2030 Comprehensive Plan. Zoning requirements do not appear to have changed within the corridor and there is an emphasis to maintain natural resource values throughout the county and give special management attention and allow for public participation in projects within the corridor.

8.1.2.1 Mineral and Energy Resource Activities

There are no mineral developments along this stretch of river. The 2002 forest plan recommended the withdrawal of all its identified WSR Eligible Rivers (which includes the Colorado River in Glenwood Canyon) from mineral entry. Glenwood Canyon is mapped as having no known potential for Oil and Gas occurrence and is administratively unavailable for leasing as per the current forest plan direction.

Federal Energy Commission Projects

Additional lands in the river corridor are segregated under the authority of the Federal Energy Regulatory Commission (FERC). These lands are not withdrawn in the same manner as those withdrawn under the Waterpower and Reservoir Resource Withdrawals.

The FERC has authority to issue permits and licenses for proposed hydroelectric (waterpower) development projects pursuant to the Federal Power Act of June 10, 1920. At any time when an application is filed, the FERC can issue a license or a permit. Related projects segregated the land from operation of some or all the public land laws. The extent of the segregation depends on the status of the project.

The USFS, other agencies, and the public have a right to be involved in the planning process, but that process is separated from the one taking place in this document. USFS's responsibility is to note the public land records, and has no authority over the lands once they are included in a project.

There are several FERC withdrawals within the segments being considered for suitability. The withdrawals are in place for the French Creek Power Cache and the Shoshone-Palisade Transmission line.

While the Shoshone Dam and Hydroelectric Power Plant itself are within the canyon, the portion of the Colorado River where they are located is outside of the segments being considered for suitability as is it not free flowing. This is because flows in the Colorado River are diverted into a two mile tunnel at the Dam and returned to the River after running through two turbines at the Power Plant.

While this portion is excluded from WSR study, some background on the Shoshone Hydroelectric Plant is important as it holds one of the most senior water rights on the Colorado River benefitting flows both above the dam and below the hydroelectric plant.

The plant can generate up to 15,000 megawatts of electricity. Built in 1909, the plant's most senior water right is for 1,250 cubic feet per second (cfs) with a priority date of 1905. It also holds a more junior right to 158 cfs with a 1941 priority date. The seniority of the 1909 water right entitles the Power Plant to place a "call" on the river when flows are less than 1,250 cfs thus requiring the more upstream junior water rights to reduce their diversions or make reservoir releases to offset those diversions. This "call" for water generally ensures that at least 1,250 cfs flows down the upper portions of the Colorado River to the power plant's diversion dam. Because the use is not consumptive, operation of the plant also ensures that 1,250 cfs is available to meet the domestic, agricultural and industrial needs of the Grand Valley as well as those of four endangered fish species.

However, at this time, these flow rates are not guaranteed. If the Power Plant is not operational (for maintenance or other reasons) it cannot place a call on the river.

8.1.2.2 Water Resources Development

There are several water rights and diversions within this segment of the Colorado River and in tributaries to this segment.

The CDOT has water wells within the segment boundary that are used for irrigation and drinking water at the Grizzly Creek and Hanging Lake rest areas. Several diversions off the tributaries to the Colorado exist off of Grizzly Creek, outside of the segment boundary, and No Name Creek, inside the segment boundary. They are owned by the City of Glenwood Springs and the No Name Water Association. Water from these diversions is used for domestic, irrigation, fire, industrial, and other uses.

The Shoshone Hydroelectric Power Plant diverts water just downstream of Segment 1 at the Shoshone Dam to generate power for Xcel Energy. Once it is used by the plant, the water enters back into the Colorado River just above Segment 2. The water right associated with the plant is among the oldest in Colorado. This portion of the river is excluded from the WSR study process as it is not free flowing.

There are no known major water resource developments planned in the FS segments.

8.1.2.3 Transportation, Facilities, and Other Developments

Interstate 70 parallels the Colorado River through Glenwood Canyon, and there are two rest areas within the study area: Hanging Lake within Segment 1 and Grizzly Creek within Segment 2, both of which are maintained by the CDOT. A third highway pullout accesses the Shoshone Hydroelectric Power Plant and has a USFS managed boat ramp just upstream of Segment 2.

The WRNF stations employees at Grizzly Creek and the Shoshone boat ramp to facilitate efficient movement of private and commercial boaters through the area. The WRNF manages the Hanging Lake trail at the Hanging Lake rest area as well as the Grizzly Creek trail at the Grizzly Creek rest area and the No Name trail along No Name Creek.

The Glenwood Canyon Recreation Trail is a paved non-motorized trail that parallels the river and is managed by the CDOT.

The Denver and Rio Grande Railroad parallels the Colorado River on the opposite side of the river from Interstate 70. The track is used by both passenger and cargo trains. Along the railroad right-of-way are numerous communication, power lines and facilities for operation of the railroad.

8.1.2.4 Recreation Activities

The importance of Glenwood Canyon's recreation and scenic values has long been recognized not only by the Forest Service but by other state and local governments and private entities as well. Numerous recreation opportunities and supporting infrastructure are present throughout this stretch of the Colorado River. Millions of dollars in planning and construction practices have taken place over the years to preserve this river corridor and its important recreation values. Glenwood Canyon Recreation Trail is used by destination visitors and locals alike for hiking, bicycling, inline skating, fishing, and kayaking. Scenic driving and viewing is also enjoyed throughout the Canyon.

As previously discussed, the stretch from the Shoshone Hydroelectric Power Plant to Glenwood Springs provides some of Colorado's premier white water boating, enjoyed by increasing numbers of kayakers and rafters and supported by a host of commercial outfitters. Segments 1 and 2 provides relatively flat water canoeing and floating opportunities as well. The WRNF manages boat launch ramps at both the Shoshone Hydroelectric Power Plant and Grizzly Creek rest area. There are 20 companies with commercial rafting, kayaking, and fishing permits to use this stretch of river. The annual capacity for commercial rafting and kayaking is 73,350 service days and the average use between 2000 and 2008 was 56,522 service days. This does not include private boating use numbers at Shoshone and Grizzly Creek which are estimated to be approximately at 10,000 visitor days between Memorial Day and Labor Day.

The Colorado River Outfitters Association (CROA) 2009 Annual Report shows the economic contributions from use on the Colorado River at Glenwood Canyon as being the second highest in the State of Colorado. Direct expenditures are stated to be \$6,012,113 annually with an economic impact of \$15,391,010 (CROA, 2009).

Careful planning and special design measures were implemented during construction and continue during maintenance of the highway, rest areas, access points and the recreation trail to ensure scenic integrity is maintained throughout the entire corridor. CDOT manages the rest areas and recreation access for the entire canyon at Siloam Springs, Bair Ranch, Grizzly Creek, Hanging Lake and No Name as well as the recreation trail. Hiking to Hanging Lake on Forest Service lands attracts over 126,000 visitors per year.

In addition, recreation opportunities occur on private lands at No Name where a private resort offers a boat launch, zip line, camping and other activities. Downstream of No Name a picnic shelter is managed by the City of Glenwood Springs and the BLM CRVFO manages small fragmented parcels adjacent to the river. Bighorn Sheep are abundant in the western end of the canyon and CDOW manages a watchable wildlife program throughout the corridor and has provided interpretive signs at several locations.

8.1.2.5 Other Resource Activities

Existing uses within the corridor within the segments being considered for suitability largely consist of transportation (I-70, railroad, Glenwood Canyon Recreation Trail) and recreation activities.

Outside of the WSR study segments but within the river corridor, the 100+ year old Shoshone Hydroelectric plant is located 6 miles east of the town of Glenwood Springs. At No Name, there are private lands with a small development of predominately single family dwellings.

8.1.2.6 Special Areas

Hanging Lake was recently designated in 2011 by the National Park Service as a National Natural Landmark (NNL). This designation recognizes and encourages conservation of outstanding examples of our country's natural history. The program is of national scope and recognizes the best examples of biological and geological features on both public and private lands. Hanging Lake on forest service lands is a very popular local and tourist attraction within Glenwood Canyon adjacent to the Colorado River.

While Glenwood Canyon has long been recognized by federal, state and local agencies for its scenic values and has had extensive history of preservation efforts, there are no additional special area designations other than the Hanging Lake NNL in place outside of BLM and USFS administrative protection measures identified in their land use plans.

8.1.2.7 Socioeconomic Environment

This forest service segment of the Colorado River starts approximately 4 miles east of Glenwood Springs, (population 8,887), within Garfield County (population 55,063) (Colorado State Demography Office 2008a). The largest employment sectors in Garfield County are construction, government, and retail trade (Colorado State Demography Office 2008b).

Strong economic contributions have been tied to Glenwood Canyon's link to destination tourism markets and its numerous recreation opportunities.

8.1.2.8 Current Administration and Funding Needs if Designated

The current administering agency is the Forest Service. No land acquisition would be necessary in order to maintain the rivers identified ORV's but could be pursued if future opportunities arose for the two isolated/inaccessible private parcels south of the river.

8.1.3 WRNF Colorado River Segment 1

Segment Description: From the national forest boundary on the east end of Glenwood Canyon to the upstream end of the Shoshone Dam. This segment is adjacent to a BLM-managed Colorado River segment that was determined to be eligible in the *Final Wild and Scenic River Eligibility Report* for Kremmling and Glenwood Springs Field Offices, Colorado (BLM 2007).

Total Segment Length:	3.35 miles	Total Segment Area:	6,526.23 acres ¹
Length on National Forest Land:	2.97 miles	Area on National Forest Land:	6,526.23 acres ¹
Preliminary Classification:	Recreational		
ORVs:	Recreation, Scenic, Geologic		

8.1.3.1 Introduction

The purpose of this section is to explain the BLM and the USFS rationale for adopting the *Stakeholder Group Plan* in lieu of making a suitability determination for this stream segment. The *Stakeholder Plan* addresses management of the Colorado River between Gore Canyon and No Name, which is located within Glenwood Canyon. Specifically, the *Stakeholder Plan* addresses BLM's Colorado River Segments 4 through 7, as identified in BLM's *Final WSR Eligibility Report*, the *Interagency Draft WSR Suitability Report* (2010) and the USFS Colorado River Segments 1 & 2, as identified in the *2002 WRNF LRMP*.

The *Stakeholder Plan* was independently crafted by the Upper Colorado Wild and Scenic Stakeholders Group, and then submitted to BLM and USFS for consideration as part of the two agency's suitability analysis processes. The entire *Stakeholder Plan* and a list of entities participating in the stakeholder group was published as part of the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and as part of the *BLM Draft RMP/EIS* for the Kremmling Field Office. The environmental impacts associated with potential adoption of the *Stakeholder Plan* were analyzed under Alternative B2 in both documents. Alternative B2 analyzed impacts on both BLM and USFS lands.

Under the *Stakeholder Plan*, BLM and USFS intend to cooperate with the stakeholder group to protect the outstandingly remarkable values, free-flowing nature and water quality of these river segments. In this cooperative process, the stakeholder group will focus on water-related management activities that will sustain and enhance the ORVs.

¹The WRNF Land and Resource Management Plan manages this area, continuous with Segment 2, under management prescription 4.4 *Recreation Rivers—Designated and Eligible*.

BLM and USFS will focus on land management authorities, activities, and land use planning that will sustain and enhance the ORVs. Together, the focus of the federal agencies and the stakeholder group will provide a comprehensive and complementary river management approach.

This section also specifies how BLM and USFS will interact with the stakeholder group. In addition, the section specifies how BLM and USFS will monitor the effectiveness of the *Stakeholder Plan*. Finally, this section will address how the *Stakeholder Plan* interacts with land use planning decisions in the *BLM Proposed RMP and Final EIS* for the Colorado River Valley Field Office, the *BLM Proposed RMP and Final EIS* for the Kremmling Field Office and the *2002 WRNF LRMP* for White River National Forest to protect and enhance the outstandingly remarkable values (ORVs) associated with these river segments.

As part of adopting the *Stakeholder Plan*, BLM and USFS have elected to indefinitely defer any analysis and decision regarding the suitability of the river segments that are addressed by the *Stakeholder Plan*. Accordingly, this section replaces and supercedes the Colorado River portions of the Draft Wild and Scenic Rivers Suitability Analysis that appeared in the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office.

Even though the BLM and USFS have decided to adopt the *Stakeholder Plan*, BLM and USFS have also decided that the stream segments addressed by the *Stakeholder Plan* will remain in “eligible” status. BLM and USFS will rely upon the “eligible” status to fulfill their responsibilities for maintaining outstandingly remarkable values, stream corridor classification, free-flowing nature and water quality in these stream segments. Specifically, the USFS will rely upon the descriptions of ORVs and classifications for the Colorado River segments can be found in the 2002 Forest Plan.

8.1.3.2 History of Wild and Scenic Rivers Analysis

As mentioned above, the USFS published eligibility findings for the Colorado River corridor through Glenwood Canyon in 2002 as part of the *White River National Forest Land and Resources Management Plan*. The BLM published a Wild and Scenic Rivers Eligibility Report for the portion of the Colorado River corridor in the Kremmling Field Office and Colorado River Valley Field Office in March 2007. The BLM and USFS analyses were conducted pursuant to Section 5(d)(1) of the *WSR Act*, which specifies that Wild and Scenic River analysis will be performed as part of land use planning by federal land management agencies.

Upon finding that river segments are “eligible,” the *WSR Act* requires that BLM and USFS use their respective management authorities to manage the segments to maintain and enhance their identified values. The values that must be maintained and enhanced include the outstandingly remarkable values (ORVs) identified in the eligibility study process, the free-flowing nature of the segments, the water quality necessary to support the ORVs, and the classification (level of development) of each segment. Pursuant to Section 5(d)(1) of the *WSR Act*, these requirements remain in place as long as the stream segment remains in “eligible” status.

The BLM and USFS eligibility determinations for the river segments are as follows:

River Segment	Location	Outstandingly Remarkable Values	Classification
BLM Colorado River Segment 4	Gore Canyon to Pumphouse	Scenic, Recreational (Fishing, Floatboating, and Scenic Driving) Geological, Wildlife, Historic	Recreational
Colorado River Segment 5	Pumphouse to State Bridge	Scenic, Recreational (Fishing, Floatboating, and Scenic Driving) Geological, Wildlife, Historic	Recreational
Colorado River Segment 6	State Bridge to Dotsero	Scenic, Recreation (Floatboating and Scenic Driving), Botanical, Wildlife	Recreational
Colorado River Segment 7	Glenwood Canyon (Dotsero to approx. one mile east of No Name Creek.)	Geological, Scenic, Recreational (Floatboating)	Recreational
USFS Colorado River Segment 1	National Forest boundary at east end of Glenwood Canyon to upstream end of Shoshone Dam	Recreational, Scenic, Geological	Recreational
USFS Colorado River Segment 2	Shoshone Power Plant to National Forest boundary on west end of Glenwood Canyon	Recreational, Scenic, Geological	Recreational

As noted above, the prior BLM and USFS findings of eligibility for these Colorado River segments will remain in place as part of this planning decision. The only exception to managing under previous eligibility findings will be for Colorado River Segment 6. Subsequent to publication of the *Final WSR Eligibility Report*, BLM determined that the geologic and historic ORVs were not river-related, so those ORVs are formally removed from the *Final WSR Eligibility Report* by publication of this document. Guidance for protection of an eligible river is found in Forest Service Manual 1924.03 and Forest Service Handbook 190.12-92-1. Guidance for protection of an eligible river is also found in *BLM WSR Rivers Manual 6400*, Section 3.6.

In the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office, in which the USFS was a cooperator, multiple suitability alternatives for the Colorado River between Gore Canyon and No Name were analyzed. These alternatives included no action, a finding of “not suitable,” and a finding of “suitable.” In addition, a National Environmental Policy Act analysis of the *Stakeholder Plan* was conducted under Alternative B2. Under Alternative B2, BLM and USFS noted that the two agencies intend to defer any decisions regarding suitability if the *Stakeholder Plan* is adopted. Prior to publication of the *BLM Final RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office, BLM and USFS received and analyzed public comments regarding the *Stakeholder Plan*.

8.1.3.3 Overview of the Stakeholder Plan

The stakeholder group is comprised of multiple entities, which have divided themselves into the following interest groups:

- West Slope Water Conservancy/Conservation Districts and Landowners/Water Users
- Local Governments
- Trans-mountain Diverters
- Conservation/Environmental/Fishing
- Recreational Floatboating
- State Interests (Colorado Water Conservation Board, Colorado Division of Parks and Wildlife, and State or Division Engineer)

The stakeholder group has devised a governance structure that allows any member of the public to participate in one of the interest groups, and meetings of the stakeholder group will be publically noticed. Each interest group selects representatives to participate in the group’s decision-making process, which strives to be consensus-based.

Major Elements of the *Stakeholder Plan* include:

- **Long Term Protection Measures.** These measures include appropriation of a Colorado Water Conservation Board instream flow water right from Gore Canyon to approximately Dotsero, delivery of water to senior water rights located downstream from Colorado River Segments 4 through 7, and water delivery to the 15-Mile Reach in the Grand Valley pursuant to the upper Colorado River Endangered Fish Recovery Program.
- **Implementation of Voluntary Cooperative Measures.** The stakeholder group may implement actions such as acquisition of water rights for instream flow purposes, strategic timing of reservoir releases to meet winter storage targets, storage and subsequent release of waters used historically to irrigate lands that are being developed for other purposes, use of existing water management facilities to divert and store water for the benefit of the ORVs, and cooperative flow management by operators of water management facilities. Any voluntary cooperative measures implemented by water providers must be consistent with primary function of providing reliable water supplies to customers.
- **Establishment of “ORV Indicators.”** These indicators characterize the range and quality of ORVs and will be used to gage whether the ORVs are being protected.
- **Establishment of “Resource Guides.”** These guides establish ranges for factors such as flow rates, water temperature, and water quality that are generally thought to be supportive of maintenance of the ORVs. These guides will not create operational requirements, but rather will inform decision making by the stakeholder group.
- **Establishment of Monitoring Plan.** The plan will establish protocols for monitoring ORV Indicators and Resource Guides to assist in implementation of the plan.
- **Communication with BLM and USFS.** The stakeholder group intends to provide periodic reports to the BLM and USFS regarding the status of the ORVs and measures implemented by the stakeholder group to maintain and enhance ORVs. The plan also contains provisions for elevating issues to BLM and USFS, if significant changes in ORV status are noted. The stakeholder group proposes that BLM and USFS establish consistent and ongoing communication with the stakeholder group to optimize coordination between the agencies and the stakeholder group. For the same purposes, the stakeholder group also proposes a formal MOU between the stakeholder group and federal agencies that have a role in river management.
- **Endowment Fund.** The stakeholder group will create a \$1.5 million endowment fund, which will be used exclusively for project and studies that protect and enhance the ORVs.

- **New Projects.** The plan includes provisions for proponents of new water development projects to “opt-in” to the stakeholder group and plan. This will allow project proponents to get formal comments from the stakeholder group on the potential impact of the proposed project on ORVs, and allow the proponent to cooperate with the stakeholder group to avoid, minimize, or mitigate impacts to ORVs.

8.1.3.4 *Basis for BLM and USFS Adoption of Stakeholder Plan*

BLM and USFS selected this approach over other alternatives because:

- The *Stakeholder Plan* is the product of a remarkable cooperative effort which could potentially produce substantial benefits for the river corridor. As such, it has the best prospect of success for protecting river values by striking a reasonable balance between strong proponents for finding all segments suitable and worthy of designation into the National Wild and Scenic Rivers System, and strong opponents of a “suitable” determination or designation into the national system. In this manner, it maintains the broadest possible base of support for cooperative management of the river corridor. A very broad range of State government agencies, local governments, water providers, nonprofit entities, and private landowners have indicated to BLM and USFS that the *Stakeholder Plan* is their preferred approach to managing the river corridor. The BLM and USFS received letters of support for the *Stakeholder Plan* from nine local governments, 16 nonprofit organizations, three corporations, and two individuals.
- The *Stakeholder Plan* recognizes that the Upper Colorado River serves a very broad range of economic interests. Those interests include urban economies along the Front Range that are supported by transmountain diversions; local economies in Grand, Summit, Eagle, and Garfield counties that depend on diversions to support urban centers; diversions to support agricultural and ranching properties; and an extensive recreation-based economy that depends upon flows in the river. The plan strives to carefully balance these competing economic interests while maintaining the water-dependent natural environment that USFS and BLM are charged with managing. The plan specifically recognizes that in certain circumstances, operation of water facilities and water rights can enhance the outstandingly remarkable values.
- The proposed plan allows BLM and USFS, in a cooperative manner with the stakeholders, to address flow management issues over which BLM and USFS have very limited legal authority. Some of the ORVs identified on the Colorado River between Gore Canyon and No Name may be highly flow-dependent. Some of the participants within the *Stakeholder Plan* own and manage significant water facilities and water rights. Those stakeholders have committed to evaluate opportunities to manage those assets to assist in maintaining and improving the ORVs, consistent with their primary obligation to provide reliable water supplies to their customers.

- The plan is likely to result in establishment of instream flow water rights. The proposed instream flow water rights will provide for direct protection of some of the critical aspects the ORVs, such as the fishery that supports the recreational floatboating ORV. The instream flow water rights will also provide some protection for parts of the hydrologic cycle relied upon by the botanical and wildlife ORVs. Without broad-based support for such an appropriation, it would be extremely unlikely for an instream flow water right to be established in a location downstream from major transmountain and west slope diversions.
- The plan reduces potential threats to ORVs that could be posed by long-term water development proposals. Beyond the water development projects for which federal permit applications have already been submitted (Windy Gap Firing Project proposed by Northern Colorado Water Conservancy District and the Moffat Tunnel Firing Project proposed by Denver Water), there are multiple other proposals for large scale water development projects within the upper Colorado River project watershed. Adoption of the *Stakeholder Plan* significantly reduces the probability that large projects, with potentially significant impacts to ORVs, will be constructed without rigorous consideration and protection of the ORVs. The *Stakeholder Plan* includes provisions that will allow proponents of proposed projects to work with the stakeholder group to avoid impacts to ORVs.
- The proposed plan offers significant additional resources for management, protection, and enhancement of the ORVs. The financial and personnel resources necessary to comprehensively document the characteristics of all of the ORVs, track their status over time, and to quantify their relationship to flow rates is beyond the current capacity of USFS and BLM. By cooperatively working with a broad-based set of partners who also have vested interests in protection of the ORVs, BLM and Forest Service can share resources, cooperatively identify outside sources of funding, prioritize critical work, and more quickly analyze threats to ORVs as they arise.
- The *Stakeholder Plan* has action-forcing measures that greatly increase the likelihood that the plan will be successful in protecting the ORVs. Specifically, the plan contains specific timeframes and procedures for identifying: changes in ORV status; measures that can be implemented to address ORV problems, and opportunities to operate facilities in a manner that will improve ORV status. In addition, the plan includes a mediation process and policy level review process to resolve disputes among stakeholders in the group. Finally, the plan contains a process through which unresolvable issues will be elevated to USFS and BLM management.

- The stakeholder group has already demonstrated significant progress toward protection of river-related values. Specifically, the stakeholder group proposed an instream flow water right to the Colorado Water Conservation Board for the segment of the river between Gore Canyon and Dotsero. An initial appropriation was made by the Colorado Water Conservation Board in July 2011, and no protests were received to the new appropriation. The CWCB finalized its appropriation in late 2011 and filed water right applications in the Colorado Water Court. In addition, the stakeholder has proceeded with formulation of a monitoring plan and has implemented studies designed to finalize its ORV indicators and resource guides. Finally, the stakeholder group is already involved in negotiations to design a protocol for operation of water facilities in the event that the Shoshone Power Plant in Glenwood Canyon goes offline. The water right associated with this plant is the most senior water right on the Upper Colorado River and has the effect of protecting flows in the river system.
- Adoption of the *Stakeholder Plan* complies with BLM and USFS policies regarding implementation of the *WSR Act*. The BLM and USFS Wild and Scenic Rivers manuals specifically require BLM and USFS to evaluate various river management options to identify the method that will best support the outstandingly remarkable values while acknowledging other uses of the river corridor. The BLM and USFS manuals also require protection of river values identified on eligible rivers until a final resolution on suitability. If the *Stakeholder Plan* succeeds, it could be the best possible approach for supporting the outstandingly remarkable values. While the *Stakeholder Plan* is implemented and evaluated, the “eligible” status of the river between Gore Canyon and No Name will help ensure that the outstandingly remarkable values are maintained.
- The *Stakeholder Plan* does not conflict with existed or planned uses of the river system.
- It is better to delay a decision on suitability and work within the cooperative atmosphere that has developed than to make a controversial decision that would likely force the cooperating entities into adversarial roles. In an adversarial process, future outcomes regarding protection and management of ORVs, as well as the ability to provide reliable water supplies to the public, would be much more uncertain.

8.1.3.5 *BLM and USFS Analysis Of and Response to Public Comments on the Stakeholder Plan*

Public comment on the *Stakeholder Plan* was strongly supportive in favor of adopting the proposed plan, with many commenters recognizing the unusual degree of collaboration among a wide range of stakeholders. Commenters who are strong advocates of comprehensive river protection also supported the *Stakeholder Plan*. Some commenters requested additional explanation of impacts associated with adoption of the *Stakeholder Plan*. For example, Eagle County requested additional explanation of potential impacts, if any, to its plans to increase visitor access and use of the Colorado River corridor. The Environmental Protection Agency requested analysis of the difference in impacts between alternatives B1 (determine that the river segments are suitable) and B2 (*Stakeholder Plan*). Responses to individual comments on the *Stakeholder Plan* are contained in the last section of this Suitability Report.

8.1.3.6 *Criteria for Determining Whether Stakeholder Plan is Effective*

BLM and USFS have identified criteria the agencies will use to make determinations as to whether implementation of the *Stakeholder Plan*, in concert with BLM and USFS land use authorities and plan decisions, is effective in fulfilling BLM and USFS requirements under the *WSR Act* for eligible river segments. Under the *WSR Act*, BLM and USFS requirements include maintenance and enhancement of the ORVs, maintaining the identified classification of the stream corridor, maintaining water quality, and maintaining free-flowing nature. The criteria are as follows:

- “ORV Indicators” and “Resource Guides” are finalized within the three- to five-year “Provisional Period” described in the *Stakeholder Plan*. In addition, the stakeholder cooperates with the federal agencies to develop an ORV indicator for the botanical ORV in Colorado River Segment 6. Finally, the stakeholder group utilizes the ORV indicator information to inform implementation of long-term and cooperative measures identified in the *Stakeholder Plan*.
- After the provisional period has elapsed, the ORV indicators convey that the ORVs are in a stable or improving status. If ORV indicators convey that ORV status is declining, then BLM and USFS will evaluate whether the cause appears to be attributable to land management issues, over which BLM and USFS have authority, or to water management issues, which is the focus of the stakeholder group. If the decline in ORV status appears to be attributable to water management issues, the BLM and USFS will evaluate whether the stakeholder group is making a proactive effort to identify the causes of decline and implement corrective measures.
- The Stakeholder Group is successfully implementing projects and studies that are designed to maintain and enhance the ORVs.

- The stakeholder group has developed cooperative measures that comprehensively address the status and trends of ORVs present within Glenwood Canyon. A supporting criterion is that the cooperative measures 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.
- Within six months of the *ROD* for both BLM Field Offices and the WRNF, the potential contributors certify to USFS and BLM that they intend to make contributions to the proposed endowment fund, along with their projected timeframe for making the contributions.
- Regularly scheduled coordination meetings envisioned by the *Stakeholder Plan* are held and the stakeholder group reports the results of those meetings to BLM and USFS.
- The stakeholder group is functioning as outlined in the Governance Section of the *Stakeholder Plan*, and the stakeholder group is successful in maintaining participation by a broad spectrum of entities in each of the identified interest groups.
- The stakeholder group works cooperatively with the federal agencies involved in management of the river corridor to create a Memorandum of Understanding that specifies how the federal agencies will interact with the stakeholder group.

BLM and USFS will convene an interdisciplinary team that will meet on an annual basis to review progress toward meeting the criteria outlined above. The interdisciplinary team will review all status reports and studies provided by the stakeholder group and will discuss any emerging threats to ORVs. In addition, the interdisciplinary team will review other information available to the agencies on the status of the ORVs, which may include visitor surveys, social setting evaluations, capacity studies, and data on commercial use. This information will be used by the interdisciplinary team to determine whether any changes in ORV status are likely attributable to flow rates and fish populations, which are the focus of *Stakeholder Plan*, or attributable to land management issues, which are the responsibility of BLM and USFS.

The interdisciplinary team will report back to BLM and USFS management with its assessment of progress toward the criteria outline above, along with recommendations as to whether any issues or concerns need to be elevated to the stakeholder group. It is the intention of BLM and USFS to fully engage with the stakeholder group before making any final decisions regarding the effectiveness of the *Stakeholder Plan*.

If, over time, the BLM and USFS conclude that the *Stakeholder Plan* is not protecting free-flow, ORVs, and water quality in the river corridor sufficient to comply with BLM and USFS policy regarding eligible rivers, it may become necessary for BLM and USFS to proceed with making a decision on suitability. In addition, if the stakeholder group dissolves, a suitability decision may be necessary. If that event occurs, BLM and USFS will initiate a land use plan amendment process. At that time, BLM and USFS will issue a

Draft WSR Suitability Report and the public will have the opportunity to comment on the proposed decision before a suitability decision is made.

8.1.3.7 BLM and USFS Interaction with the Stakeholder Group

BLM and USFS intend to interact with the stakeholder group under the auspices of a Memorandum of Understanding. The MOU will specify that BLM and USFS will designate liaisons to the stakeholder group who will not be voting members. The MOU will also specify cooperative procedures between the stakeholder group and the federal agencies on critical issues related to maintenance of the ORVs, such as monitoring plans and procedures, data sharing, public access to stakeholder group information, coordination on proposed projects, and prioritization of expenditures within the river corridor.

8.1.3.8 Authority

The authority to conduct the Wild and Scenic Rivers Study and plan for the management and use of public lands within the stream corridor for Colorado River between Gore Canyon and No Name derives from the following Acts, regulations, and manuals:

- *WSR Act of 1968*, as amended, P.L. 90-542 (16 U.S.C. 1271-87, et seq).
- *BLM WSR Manual 6400* and *USFS Land Management Planning Manual and Wild and Scenic River Evaluation Handbook* (FSM 1920; FSH 1909.12, Chapter 80). The BLM and USFS manuals allow suitability determinations to be deferred on certain rivers if the resource management plan specifies management measures to ensure protection of the ORVs until a suitability determination is made.
- Federal Land Policy and Management Act and implementing regulations found in 43 CFR Part 8351.
- Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management act of 1976 and implementing regulations found 36 CFR Part 219.
- National Environmental Policy Act and implementing regulations found in 40 CFR Part 1500-1508.
- Guidance from a technical report published by the Interagency Wild and Scenic Rivers Coordinating Council, entitled “The Wild and Scenic River Study Process” was also used.

8.1.3.9 Relationship of Adopted Stakeholder Plan to BLM and USFS Land Use Decisions within the Colorado River Stream Corridor

The BLM will manage Colorado River segments 4 and 5 pursuant to land use allocations and prescriptions made the in the final *ROD* for the Kremmling Field Office Resource Management Plan. The BLM will manage Colorado River segments 6 and 7 pursuant to land use allocations and prescriptions made the in the final *ROD* for the Colorado River Valley Field Office Resource Management Plan. Land use allocations and prescriptions that are relevant to the Colorado River segments can be found in sections related to recreation management, visual resource management, realty management, fluid and solid minerals management, and transportation management, among others. All land use allocations and prescriptions will be consistent with guidance found in *BLM WSR Manual 6400* (BLM 2012) for the management of eligible river segments.

The USFS will manage the (2) Colorado River segments in Glenwood Canyon under the existing prescriptions described in the *2002 WRNF LRMP*. Glenwood Canyon segments prescribed management is “4.4: Recreation Rivers—Designated and Eligible.” This management emphasis is to protect and perpetuate eligible river segments in their current division so that their recreation river qualities are not diminished. Standards and guidelines are described in the forest plan to sustain the identified ORVs. These management standards and guidelines will be used when considering management actions, projects, or new uses.

8.1.4 WRNF Colorado River Segment 2

Segment Description: From the Shoshone Hydroelectric Power Plant to the national forest boundary on the west end of Glenwood Canyon. This segment is adjacent to a Colorado River segment managed by the BLM that was determined to be eligible in the *Final Wild and Scenic River Eligibility Report* for Kremmling and Glenwood Springs Field Offices, Colorado (BLM 2007).

Total Segment Length:	3.13 miles	Total Segment Area:	6,526.23 acres ²
Length on National Forest Land:	2.46 miles	Area on National Forest Land:	6,526.23 acres ²
Preliminary Classification:	Recreational		
ORVs:	Recreation, Scenic, Geologic		

8.1.4.1 Introduction

The purpose of this section is to explain the BLM and the USFS rationale for adopting the *Stakeholder Group Plan* in lieu of making a suitability determination for this stream segment. The *Stakeholder Plan* addresses management of the Colorado River between Gore Canyon and No Name, which is located within Glenwood Canyon. Specifically, the *Stakeholder Plan* addresses Colorado River Segments 4 through 7, as identified in BLM's *Final Wild and Scenic Rivers Eligibility Report*, *Interagency Draft WSR Suitability Report* (2010), and Colorado River Segments 1 & 2, as identified in the 2002 *WRNF LRMP*.

The *Stakeholder Plan* was independently crafted by the Upper Colorado Wild and Scenic Stakeholders Group, and then submitted to BLM and USFS for consideration as part of the two agency's suitability analysis processes. The entire *Stakeholder Plan* and a list of entities participating in the stakeholder group was published as part of the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and as part of the *BLM Draft RMP/EIS* for the Kremmling Field Office. The environmental impacts associated with potential adoption of the *Stakeholder Plan* were analyzed under Alternative B2 in both documents. Alternative B2 analyzed impacts on both BLM and USFS lands.

²The WRNF Land and Resource Management Plan manages this area, continuous with Segment 1, under management prescription 4.4 *Recreation Rivers—Designated and Eligible*.

Under the *Stakeholder Plan*, BLM and USFS intend to cooperate with the stakeholder group to protect the outstandingly remarkable values, free-flowing nature and water quality of these river segments. In this cooperative process, the stakeholder group will focus on water-related management activities that will sustain and enhance the ORVs. BLM and USFS will focus on land management authorities, activities, and land use planning that will sustain and enhance the ORVs. Together, the focus of the federal agencies and the stakeholder group will provide a comprehensive and complementary river management approach.

This section also specifies how BLM and USFS will interact with the stakeholder group. In addition, the section specifies how BLM and USFS will monitor the effectiveness of the *Stakeholder Plan*. Finally, this section will address how the *Stakeholder Plan* interacts with land use planning decisions in the *BLM Proposed RMP and Final EIS* for the Colorado River Valley Field Office, the *BLM Proposed RMP and Final EIS* for the Kremmling Field Office and the *2002 WRNF LRMP* for White River National Forest to protect and enhance the outstandingly remarkable values (ORVs) associated with these river segments.

As part of adopting the *Stakeholder Plan*, BLM and USFS have elected to indefinitely defer any analysis and decision regarding the suitability of the river segments that are addressed by the *Stakeholder Plan*. Accordingly, this section replaces and supercedes the Colorado River portions of the Draft Wild and Scenic Rivers Suitability Analysis that appeared in the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office.

Even though the BLM and USFS have decided to adopt the *Stakeholder Plan*, BLM and USFS have also decided that the stream segments addressed by the *Stakeholder Plan* will remain in “eligible” status. BLM and USFS will rely upon the “eligible” status to fulfill their responsibilities for maintaining outstandingly remarkable values, stream corridor classification, free-flowing nature and water quality in these stream segments. Specifically, the USFS will rely upon the descriptions of ORVs and classifications for the Colorado River segments that are found in the Forests 2002 Land Use Plan.

8.1.4.2 History of Wild and Scenic Rivers Analysis

The USFS published eligibility findings for the Colorado River corridor through Glenwood Canyon in 2002 as part of the White River National Forest Land and Resources Management Plan. The BLM published a *Wild and Scenic Rivers Eligibility Report* for the portion of the Colorado River corridor in the Kremmling Field Office and Colorado River Valley Field Office in March 2007. The BLM and USFS analyses were conducted pursuant to Section 5(d)(1) of the *WSR Act*, which specifies that Wild and Scenic River analysis will be performed as part of land use planning by federal land management agencies.

Upon finding that river segments are “eligible,” the *WSR Act* requires that BLM and USFS use their respective management authorities to manage the segments to maintain and enhance their identified values. The values that must be maintained and enhanced include the outstandingly remarkable values (ORVs) identified in the eligibility study process, the free-flowing nature of the segments, the water quality necessary to support the ORVs, and the classification (level of development) of each segment. Pursuant to Section 5(d)(1) of the *WSR Act*, these requirements remain in place as long as the stream segment remains in “eligible” status.

The BLM and USFS eligibility determinations for the river segments are as follows:

River Segment	Location	Outstandingly Remarkable Values	Classification
BLM Colorado River Segment 4	Gore Canyon to Pumphouse	Scenic, Recreational (Fishing, Floatboating, and Scenic Driving) Geological, Wildlife, Historic	Recreational
Colorado River Segment 5	Pumphouse to State Bridge	Scenic, Recreational (Fishing, Floatboating, and Scenic Driving) Geological, Wildlife, Historic	Recreational
Colorado River Segment 6	State Bridge to Dotsero	Scenic, Recreation (Floatboating and Scenic Driving), Botanical, Wildlife	Recreational
Colorado River Segment 7	Glenwood Canyon (Dotsero to approx. one mile east of No Name Creek.)	Geological, Scenic, Recreational (Floatboating)	Recreational
USFS Colorado River Segment 1	National Forest boundary at east end of Glenwood Canyon to upstream end of Shoshone Dam	Recreational, Scenic, Geological	Recreational
USFS Colorado River Segment 2	Shoshone Power Plant to National Forest boundary on west end of Glenwood Canyon	Recreational, Scenic, Geological	Recreational

As noted above, the prior BLM and USFS findings of eligibility for these Colorado River segments will remain in place as part of this planning decision. The only exception to managing under previous eligibility findings will be for Colorado River Segment 6. Subsequent to publication of the *Final WSR Eligibility Report*, BLM determined that the geologic and historic ORVs were not river-related, so those ORVs are formally removed from *Final WSR Eligibility Report* by publication of this document. Guidance for protection of an eligible river is found in Forest Service Manual 1924.03 and Forest Service Handbook 190.12-92-1. Guidance for protection of an eligible river is also found in *BLM WSR Manual 6400*.

In the *BLM Draft RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office, in which the USFS was a cooperator, multiple suitability alternatives for the Colorado River between Gore Canyon and No Name were analyzed. These alternatives included no action, a finding of “not suitable,” and a finding of “suitable.” In addition, a National Environmental Policy Act analysis of the *Stakeholder Plan* was conducted under Alternative B2. Under Alternative B2, BLM and USFS noted that the two agencies intend to defer any decisions regarding suitability if the *Stakeholder Plan* is adopted. Prior to publication of the *BLM Final RMP/EIS* for the Colorado River Valley Field Office and Kremmling Field Office, BLM and USFS received and analyzed public comments regarding the *Stakeholder Plan*.

8.1.4.3 Overview of the Stakeholder Plan

The stakeholder group is comprised of multiple entities, which have divided themselves into the following interest groups:

- West Slope Water Conservancy/Conservation Districts and Landowners/Water Users
- Local Governments
- Trans-mountain Diverters
- Conservation/Environmental/Fishing
- Recreational Floatboating
- State Interests (Colorado Water Conservation Board, Colorado Division of Parks and Wildlife, and State or Division Engineer)

The stakeholder group has devised a governance structure that allows any member of the public to participate in one of the interest groups, and meetings of the stakeholder group will be publically noticed. Each interest group selects representatives to participate in the group’s decision-making process, which strives to be consensus-based.

Major Elements of the *Stakeholder Plan* include:

- **Long Term Protection Measures.** These measures include appropriation of a Colorado Water Conservation Board instream flow water right from Gore Canyon to approximately Dotsero, delivery of water to senior water rights located downstream from Colorado River Segments 4 through 7, and water delivery to the 15-Mile Reach in the Grand Valley pursuant to the upper Colorado River Endangered Fish Recovery Program.
- **Implementation of Voluntary Cooperative Measures.** The stakeholder group may implement actions such as acquisition of water rights for instream flow purposes, strategic timing of reservoir releases to meet winter storage targets, storage and subsequent release of waters used historically to irrigate lands that are being developed for other purposes, use of existing water management facilities to divert and store water for the benefit of the ORVs, and cooperative flow management by operators of water management facilities. Any voluntary cooperative measures implemented by water providers must be consistent with primary function of providing reliable water supplies to customers.
- **Establishment of “ORV Indicators.”** These indicators characterize the range and quality of ORVs and will be used to gage whether the ORVs are being protected.
- **Establishment of “Resource Guides.”** These guides establish ranges for factors such as flow rates, water temperature, and water quality that are generally thought to be supportive of maintenance of the ORVs. These guides will not create operational requirements, but rather will inform decision making by the stakeholder group.
- **Establishment of Monitoring Plan.** The plan will establish protocols for monitoring ORV Indicators and Resource Guides to assist in implementation of the plan.
- **Communication with BLM and USFS.** The stakeholder group intends to provide periodic reports to the BLM and USFS regarding the status of the ORVs and measures implemented by the stakeholder group to maintain and enhance ORVs. The plan also contains provisions for elevating issues to BLM and USFS, if significant changes in ORV status are noted. The stakeholder group proposes that BLM and USFS establish consistent and ongoing communication with the stakeholder group to optimize coordination between the agencies and the stakeholder group. For the same purposes, the stakeholder group also proposes a formal MOU between the stakeholder group and federal agencies that have a role in river management.
- **Endowment Fund.** The stakeholder group will create a \$1.5 million endowment fund, which will be used exclusively for project and studies that protect and enhance the ORVs.

- **New Projects.** The plan includes provisions for proponents of new water development projects to “opt-in” to the stakeholder group and plan. This will allow project proponents to get formal comments from the stakeholder group on the potential impact of the proposed project on ORVs, and allow the proponent to cooperate with the stakeholder group to avoid, minimize, or mitigate impacts to ORVs.

8.1.4.4 *Basis for BLM and USFS Adoption of Stakeholder Plan*

BLM and USFS selected this approach over other alternatives because:

- The *Stakeholder Plan* is the product of a remarkable cooperative effort which could potentially produce substantial benefits for the river corridor. As such, it has the best prospect of success for protecting river values by striking a reasonable balance between strong proponents for finding all segments suitable and worthy of designation into the National Wild and Scenic Rivers System, and strong opponents of a “suitable” determination or designation into the national system. In this manner, it maintains the broadest possible base of support for cooperative management of the river corridor. A very broad range of State government agencies, local governments, water providers, nonprofit entities, and private landowners have indicated to BLM and USFS that the *Stakeholder Plan* is their preferred approach to managing the river corridor. The BLM and USFS received letters of support for the *Stakeholder Plan* from nine local governments, 16 nonprofit organizations, three corporations, and two individuals.
- The *Stakeholder Plan* recognizes that the Upper Colorado River serves a very broad range of economic interests. Those interests include urban economies along the Front Range that are supported by transmountain diversions; local economies in Grand, Summit, Eagle, and Garfield counties that depend on diversions to support urban centers; diversions to support agricultural and ranching properties; and an extensive recreation-based economy that depends upon flows in the river. The plan strives to carefully balance these competing economic interests while maintaining the water-dependent natural environment that USFS and BLM are charged with managing. The plan specifically recognizes that in certain circumstances, operation of water facilities and water rights can enhance the outstandingly remarkable values.
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- The plan is likely to result in establishment of instream flow water rights. The proposed instream flow water rights will provide for direct protection of some of the critical aspects the ORVs, such as the fishery that supports the recreational floatboating ORV. The instream flow water rights will also provide some protection for parts of the hydrologic cycle relied upon by the botanical and wildlife ORVs. Without broad-based support for such an appropriation, it would be extremely unlikely for an instream flow water right to be established in a location downstream from major transmountain and west slope diversions.
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- The proposed plan offers significant additional resources for management, protection, and enhancement of the ORVs. The financial and personnel resources necessary to comprehensively document the characteristics of all of the ORVs, track their status over time, and to quantify their relationship to flow rates is beyond the current capacity of USFS and BLM. By cooperatively working with a broad-based set of partners who also have vested interests in protection of the ORVs, BLM and Forest Service can share resources, cooperatively identify outside sources of funding, prioritize critical work, and more quickly analyze threats to ORVs as they arise.
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- Adoption of the *Stakeholder Plan* complies with BLM and USFS policies regarding implementation of the *WSR Act*. The BLM and USFS Wild and Scenic Rivers manuals specifically require BLM and USFS to evaluate various river management options to identify the method that will best support the outstandingly remarkable values while acknowledging other uses of the river corridor. The BLM and USFS manuals also require protection of river values identified on eligible rivers until a final resolution on suitability. If the *Stakeholder Plan* succeeds, it could be the best possible approach for supporting the outstandingly remarkable values. While the *Stakeholder Plan* is implemented and evaluated, the “eligible” status of the river between Gore Canyon and No Name will help ensure that the outstandingly remarkable values are maintained.
- The *Stakeholder Plan* does not conflict with existed or planned uses of the river system.
- It is better to delay a decision on suitability and work within the cooperative atmosphere that has developed than to make a controversial decision that would likely force the cooperating entities into adversarial roles. In an adversarial process, future outcomes regarding protection and management of ORVs, as well as the ability to provide reliable water supplies to the public, would be much more uncertain.

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BLM and USFS have identified criteria the agencies will use to make determinations as to whether implementation of the *Stakeholder Plan*, in concert with BLM and USFS land use authorities and plan decisions, is effective in fulfilling BLM and USFS requirements under the *WSR Act* for eligible river segments. Under the *WSR Act*, BLM and USFS requirements include maintenance and enhancement of the ORVs, maintaining the identified classification of the stream corridor, maintaining water quality, and maintaining free-flowing nature. The criteria are as follows:

- “ORV Indicators” and “Resource Guides” are finalized within the three- to five-year “Provisional Period” described in the *Stakeholder Plan*. In addition, the stakeholder cooperates with the federal agencies to develop an ORV indicator for the botanical ORV in Colorado River Segment 6. Finally, the stakeholder group utilizes the ORV indicator information to inform implementation of long-term and cooperative measures identified in the *Stakeholder Plan*.
- After the provisional period has elapsed, the ORV indicators convey that the ORVs are in a stable or improving status. If ORV indicators convey that ORV status is declining, then BLM and USFS will evaluate whether the cause appears to be attributable to land management issues, over which BLM and USFS have authority, or to water management issues, which is the focus of the stakeholder group. If the decline in ORV status appears to be attributable to water management issues, the BLM and USFS will evaluate whether the stakeholder group is making a proactive effort to identify the causes of decline and implement corrective measures.
- The Stakeholder Group is successfully implementing projects and studies that are designed to maintain and enhance the ORVs.

- The stakeholder group has developed cooperative measures that comprehensively address the status and trends of ORVs present within Glenwood Canyon. A supporting criterion is that the cooperative measures 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.
- Within six months of the *ROD* for both BLM Field Offices and the WRNF, the potential contributors certify to USFS and BLM that they intend to make contributions to the proposed endowment fund, along with their projected timeframe for making the contributions.
- Regularly scheduled coordination meetings envisioned by the *Stakeholder Plan* are held and the stakeholder group reports the results of those meetings to BLM and USFS.
- The stakeholder group is functioning as outlined in the Governance Section of the *Stakeholder Plan*, and the stakeholder group is successful in maintaining participation by a broad spectrum of entities in each of the identified interest groups.
- The stakeholder group works cooperatively with the federal agencies involved in management of the river corridor to create a Memorandum of Understanding that specifies how the federal agencies will interact with the stakeholder group.

BLM and USFS will convene an interdisciplinary team that will meet on an annual basis to review progress toward meeting the criteria outlined above. The interdisciplinary team will review all status reports and studies provided by the stakeholder group and will discuss any emerging threats to ORVs. In addition, the interdisciplinary team will review other information available to the agencies on the status of the ORVs, which may include visitor surveys, social setting evaluations, capacity studies, and data on commercial use. This information will be used by the interdisciplinary team to determine whether any changes in ORV status are likely attributable to flow rates and fish populations, which are the focus of *Stakeholder Plan*, or attributable to land management issues, which are the responsibility of BLM and USFS.

The interdisciplinary team will report back to BLM and USFS management with its assessment of progress toward the criteria outline above, along with recommendations as to whether any issues or concerns need to be elevated to the stakeholder group. It is the intention of BLM and USFS to fully engage with the stakeholder group before making any final decisions regarding the effectiveness of the *Stakeholder Plan*.

If, over time, the BLM and USFS conclude that the *Stakeholder Plan* is not protecting free-flow, ORVs, and water quality in the river corridor sufficient to comply with BLM and USFS policy regarding eligible rivers, it may become necessary for BLM and USFS to proceed with making a decision on suitability. In addition, if the stakeholder group dissolves, a suitability decision may be necessary. If that event occurs, BLM and USFS will initiate a land use plan amendment process. At that time, BLM and USFS will issue a *Draft WSR Suitability Report* and the public will have the opportunity to comment on the proposed decision before a suitability decision is made.

8.1.4.7 BLM and USFS Interaction with the Stakeholder Group

BLM and USFS intend to interact with the stakeholder group under the auspices of a Memorandum of Understanding. The MOU will specify that BLM and USFS will designate liaisons to the stakeholder group who will not be voting members. The MOU will also specify cooperative procedures between the stakeholder group and the federal agencies on critical issues related to maintenance of the ORVs, such as monitoring plans and procedures, data sharing, public access to stakeholder group information, coordination on proposed projects, and prioritization of expenditures within the river corridor.

8.1.4.8 Authority

The authority to conduct the Wild and Scenic Rivers Study and plan for the management and use of public lands within the stream corridor for Colorado River between Gore Canyon and No Name derives from the following Acts, regulations, and manuals:

- *WSR Act* of 1968, as amended, P.L. 90-542 (16 U.S.C. 1271-87, et seq).
- *BLM WSR Manual 6400* and *USFS Land Management Planning Manual* and *Wild and Scenic River Evaluation Handbook* (FSM 1920; FSH 1909.12, Chapter 80). The BLM and USFS manuals allow suitability determinations to be deferred on certain rivers if the resource management plan specifies management measures to ensure protection of the ORVs until a suitability determination is made.
- Federal Land Policy and Management Act and implementing regulations found in 43 CFR Part 8351.
- Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management act of 1976 and implementing regulations found 36 CFR Part 219
- National Environmental Policy Act and implementing regulations found in 40 CFR Part 1500-1508

- Guidance from a technical report published by the Interagency Wild and Scenic Rivers Coordinating Council, entitled “The Wild and Scenic River Study Process” was also used.

8.1.4.9 Relationship of Adopted Stakeholder Plan to BLM and USFS Land Use Decisions within the Colorado River Stream Corridor

The BLM will manage Colorado River segments 4 and 5 pursuant to land use allocations and prescriptions made the in the final *ROD* for the Kremmling Field Office Resource Management Plan. The BLM will manage Colorado River segments 6 and 7 pursuant to land use allocations and prescriptions made the in the final *ROD* for the Colorado River Valley Field Office Resource Management Plan. Land use allocations and prescriptions that are relevant to the Colorado River segments can be found in sections related to recreation management, visual resource management, realty management, fluid and solid minerals management, and transportation management, among others. All land use allocations and prescriptions will be consistent with guidance found in *BLM WSR Manual 6400* (BLM 2012) for the management of eligible river segments.

The USFS will manage the (2) Colorado River segments in Glenwood Canyon under the existing prescriptions described in the *2002 WRNF LRMP*. Glenwood Canyon segments prescribed management is “4.4: Recreation Rivers—Designated and Eligible.” This management emphasis is to protect and perpetuate eligible river segments in their current division so that their recreation river qualities are not diminished. Standards and guidelines are described in the forest plan to sustain the identified ORVs. These management standards and guidelines will be used when considering management actions, projects, or new uses.

8.2 Deep Creek

As described previously, the Forest Service is studying two segments of Deep Creek to determine their suitability. Deep Creek was determined to be eligible in 1995 from near its headwaters at Deep Lake downstream to BLM lands near the confluence with the Colorado River in a joint Forest Service and BLM eligibility evaluation (Forest Service and BLM 1995). The Forest Service portion of the study area begins at Deep Lake outlet and extends downstream to the WRNF boundary (Figure 8-2).

Total Eligible Length: 10.77 miles

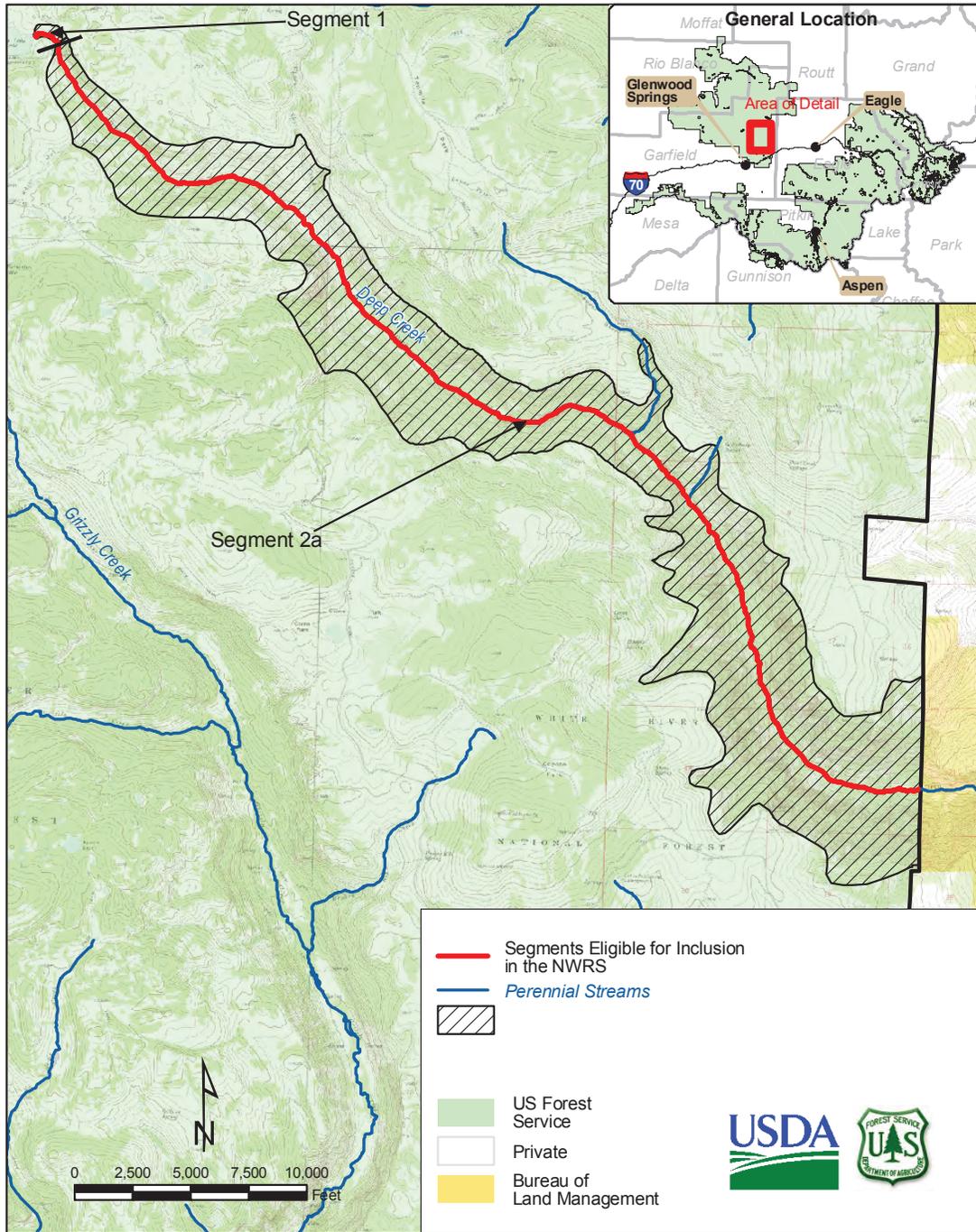
Total Study Corridor (includes Segments 1 and 2): 5,040.24 acres

8.2.1 Description of Outstandingly Remarkable Values

8.2.1.1 *Ecologic*

Deep Creek Canyon has one of the most pristine, intact canyon landscapes in Colorado, as described by the Colorado Natural Heritage Program (CNHP). The area contains high quality riparian communities with several state and globally rare species. Deep Creek is impressive because of the integrity of the landscape.

Figure 8-2 WRNF Deep Creek Segments 1 and 2a



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**Deep Creek Segments 1 and 2a
 White River National Forest, Colorado**

Segment 1	Segment 2a
Study Corridor:	Study Corridor:
16.96 acres	5,023.28 acres

Figure 8-2

The site contains an important occurrence of a plant community, montane riparian willow carr, which is vulnerable on a global scale. Large near-pristine stands of this low elevation riparian community, consisting of narrowleaf cottonwood (*Populus angustifolia*), redosier dogwood (*Cornus sericea*), with river birch (*Betula nigra*), are uncommon on Colorado's west slope. Thirteen other occurrences of natural communities have been identified within the Deep Creek Canyon, though the others are not state or globally imperiled and have a higher element occurrence rating (CNHP 2001).

Deep Creek Canyon also contains two globally vulnerable plant species, hanging garden sullivantia (*Sullivantia hapemanii*) and showy whitlowgrass (*Draba spectabilis* var. *oxyloba*), and two state-rare bats, the spotted bat (*Euderma maculatum*) and Townsend's big-eared bat (*Corynorhinus townsendii*). Hanging garden sullivantia is endemic to Colorado in Garfield, Gunnison, Montrose, Pitkin, and Rio Blanco Counties, where there are 45 documented occurrences and approximately 40,000 individuals (CNHP 2001).

A rare springtail (*Oncopodura subhoffi*) (a cave obligate invertebrate) has been documented at Groaning Cave. The springtail occurs at only two other caves, both in Fremont County, Colorado. Many of these caves provide important habitat for a variety of bat species.

Finally, the area contains suitable habitat for bald eagles (*Haliaeetus leucocephalus*) and peregrine falcons.

8.2.1.2 Scenic

The study area contains many outstanding landform, vegetation, and water features that give it high scenic values. Many visitors enjoy the scenery from various vantage points along Coffee Pot Road, including the developed Deep Creek Overlook which offers visitors unimpeded views of the canyon from 2,300ft above the canyon floor. The landscape exhibits a remarkably high degree of naturalness, and few man-made modifications are noticeable.

The canyon displays high relief, with 2,000 to 3,000 foot depth and a narrow bottom, bordered by prominent cliffs, massive rock outcrops, ledges, and steep talus slopes. The canyon sides are dissected by many side gulches and drainages, with rolling benches above the canyon rim. Several prominent geologic faults and unusual erosional formations are found within the canyon.

A variety of vegetation types with many plant species are found in the study area, greatly adding to its scenic values. A riparian belt is found along the creek, with a dense canopy of cottonwood (*Populus* spp.), spruce (*Picea* spp.), ponderosa pine (*Pinus ponderosa*), and a variety of understory vegetation. Aspen groves, grass meadows, and spruce-fir forest are found in the upper elevations and slopes. Gambel oak (*Quercus gambelii*), mountain brush, sagebrush (*Artemisia* spp.), and pinyon-juniper are found in the lower elevation slopes and benches. The perennial stream adds greatly to the visual quality of the area, both from rim and the floor of the canyon. The water is clear and clean, with numerous rushing cascades, still pools, and moss-covered banks bordered by diverse, lush, riparian vegetation.

8.2.1.3 Geologic

Deep Creek descends nearly 4,300 feet, from Deep Lake at 10,462 feet to its confluence with the Colorado River at 6,220 feet. This sharp elevation drop over 14.5 miles creates stunning cliffs and slopes that form the walls of the canyon. Important geologic features include rock formations and stratification that provide outstanding scenery. Deep Creek is in a karst area, and the canyon is carved through several sedimentary formations of pre-Cambrian to Pennsylvanian age. The limestone formations have fossil-bearing beds containing marine invertebrates, such as bivalves, trilobites, and snails. These formations also contain one of the highest concentrations of caves in Colorado. Some of the caves have remarkable formations and are reported to be among the deepest and longest caves in the state. Currently there are 40 known caves in Deep Creek Canyon, some of which have multiple entrances and differentiated caverns. The caves themselves contain a variety of formations; some are fragile, rare and unique.

All of these features provide excellent opportunities for speleology, are useful for studying the area's geology and past events, and have potential for contributing educational and scientific information. Some of the caves are candidates for listing as significant caves under the Federal Cave Resources Protection Act of 1988. The area includes several monoclines and faults, glacial, volcanic, erosional, and karst features that exhibit the geologic processes that formed the area's landscape. Within Segment 2a, towering canyon walls reach heights of more than 2,000 feet above the river. These walls and the surrounding rough terrain limit human access to the streambed itself, providing an undisturbed biological environment.

8.2.2 Description of Attributes of the Stream Corridor

8.2.2.1 *Land Ownership and Land Uses*

The management area for the two segments is entirely under Forest Service jurisdiction. Cattle and sheep grazing allotments are present in the area and are actively used, however due to the canyons topography grazing is not likely below the rim. Lands downstream of the Forest Service segments are managed primarily by BLM. Downstream of the BLM segment there is a small piece (350 acres) of private property at the confluence of Deep Creek and the Colorado River.

8.2.2.2 *Mineral and Energy Resource Activities*

No mineral or energy resource activities occur within the Deep Creek management area. The corridor has been withdrawn from mineral entry. Sand and gravel demand in the vicinity is high. At the time of this study, there is one gravel pit operating outside of the study corridor on private lands at the confluence of the Colorado River.

There is one Mineral and Public Land withdrawal (130 acres) for the recreation site at Deep Lake. The other withdrawals are for Mineral Entry for; Deep Creek Overlook (10 acres) and for Deep Creek Cave (170 acres).

8.2.2.3 *Water Resources Development*

Colorado River Water Conservation District (CRWCD) held a conditional water right for 200 cubic feet per second (cfs) for the Deep Lake Collection System, but this right has been abandoned in 2011. Designation of the segment would include a water right to protect the scenic, geologic, and ecologic values in the segment. This would affect the potential for future development. No plans for significant water development in the segment were identified during this study.

The Colorado Department of Natural Resources, Division of Wildlife, maintains an absolute water right for 3255.33 acre-feet of storage in the Heart Lake Reservoir upstream of Segment 1. In addition, the DD Ditch within Segment 2a has a decreed water right of 32 cfs. Other minor diversions exist throughout Segments 1 and 2a, but no known development projects are planned.

8.2.2.4 Transportation, Facilities, and Other Developments

Excluding the developed campground near Deep Lake west of Segment 1, there are no maintained transportation routes, facilities, or developments within the study corridor or management boundary. Access within the canyon is limited to forest development trail 1852 (Johnson Pasture) and a non-system trail along the lower portion of Deep Creek.

8.2.2.5 Recreation Activities

The most popular recreational use of Deep Creek Canyon is scenic viewing. The canyon can be viewed from roads along the canyon rim, including at one designated viewing site, Deep Creek Overlook. Because of the rugged terrain and lack of system trails, few people use the canyon for recreation. Caving is popular at a few locations within the corridor but access is limited and difficult. The high-use recreation season is the fall during hunting season, but even then, few people drop below the rim of the canyon due to the steep topography. A popular snowmobile trail crosses right below Deep Lake.

8.2.2.6 Other Resource Activities

Both cattle and sheep grazing allotments are present within the corridor, but grazing is essentially nonexistent in the canyon bottom.

8.2.2.7 Special Areas

In the *2002 WRNF LRMP Revision*, the WRNF found the Deep Creek area to be capable and available for recommended wilderness, though it was not recommended. The WRNF proposed the area as a Research Natural Area in its *2002 WRNF LRMP Revision* but did not designate it as such (Forest Service 2002). There are 4,906 acres of Inventoried Roadless Area (IRA) within the WSR study corridor (which totals 5,040 acres).

CNHP identified Deep Creek as a Potential Conservation Area (CNHP 2001). It has also been suggested to have wilderness characteristics that should be preserved. The BLM manages the portion of Deep Creek on BLM lands downstream of the National Forest segments as an Area of Critical Environmental Concern to protect scenic and geologic values.

Deep Creek's values have long been recognized and have resulted in numerous legislative proposals. In 1999 wilderness advocacy groups released a proposal to designate 22,000 acres in Deep Creek and adjoining lands as wilderness. In 2001 U.S. Rep. Scott McInnis introduced a bill to specifically designated 7,500 acres within Deep Creek Canyon as wilderness. In 2001 and the more recent H.R. 4289, Colorado Wilderness Act, includes 20,843 acres within Deep Creek area as proposed wilderness.

8.2.2.8 Socioeconomic Environment

Deep Creek is northwest of Dotsero in Garfield County, population 55,063 (Colorado State Demography Office 2008a). The study area is near predominantly agricultural and rural residential use. The predominant economic activities near Deep Creek are livestock grazing, crop raising, timber and firewood harvesting, and outdoor recreation (Forest Service and BLM 1995). There is additional economic activity related to the recently opened gravel pit on private lands near the confluence of the Colorado River.

8.2.2.9 Current Administration and Funding Needs, if Designated

The current administering agency is the Forest Service. No land acquisition would be necessary. Because the Forest Service already manages these segments as eligible, there would not be a significant increase in the cost of administering the area if it were designated. However, there would be some additional funding needed to prepare a comprehensive river management plan which is currently estimated to be \$250,000 based on low to moderate level of complexity. The amount necessary to administer the entire corridor as a WSR on a yearly basis estimated annual cost could be approximately \$25,000 or less given its complexity level.

8.2.3 WRNF Deep Creek Segment 1

Segment Description: From the Deep Lake outlet to 0.25 mile downstream. This segment was found to be eligible in a joint Forest Service and BLM eligibility evaluation (Forest Service and BLM 1995).

Total Segment Length: 0.24 mile **Total Segment Area:** 16.96 acres

Length on National Forest Land: 0.24 mile **Area on National Forest Land:** 16.96 acres

Preliminary Classification: Scenic

ORVs: Ecologic, Scenic, Geologic

8.2.3.1 Suitability Factor Assessment

1. Characteristics that do or do not make the area a worthy addition to the National System.

Deep Creek has outstandingly remarkable ecologic, scenic, and geologic values, as described above. The CNHP has described Deep Creek Canyon as having one of the most pristine, intact canyon landscapes in Colorado. The area contains high quality, significant riparian communities, with several state and globally rare species.

Segment 1 is a small portion of Deep Creek (0.25 mile) that has been identified as being separate from Segment 2a due to its proximity to the Deep Lake Campground. The developed campsites and road access along this 0.25-mile segment requires that it be classified as Scenic versus Wild, like Segment 2a. However, its contribution as part of the headwaters to the system is significant and should be considered in conjunction with the entire corridor.

The canyons fragile and unique physical characteristics and its intact ecosystem would contribute to the diversity of the national system. The social and scientific values are also worthy of legislative protection.

2. The current status of land ownership and use in the area.

The Forest Service manages all 16.96 acres of the land within this portion of the study corridor and all of the 0.24 mile of segment shoreline. The BLM manages the corridor downstream of this segment which was also found eligible in an interagency study in 1995. The BLM's management of the area as an ACEC is commensurate with the protection of the ORV's throughout the corridor.

The area has been withdrawn from mineral entry. Recreational hiking, caving, and camping at developed sites near the outflow of Deep Lake compose the majority of land use in the area.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.

Some conditional and absolute water rights exist upstream of the segment, as described in the Stream Corridor Description under the Water Resources Development heading. Designation of the segment would include a water right to protect the scenic, geologic, and ecologic values in the segment. This could affect the potential for future development and water management. No plans for significant water development in the segment were identified during this study.

Protecting adequate stream flows is essential to protecting the identified water-dependent ORVs. Colorado River Water Conservation District (CRWCD) held a conditional water right for 200 cubic feet per second (cfs) for the Deep Lake Collection System; this right was abandoned in 2011.

Protective administrative management area prescriptions available to the Forest Service through land use authorities do not include a water right.

Federal wilderness designation could also include a federal water right, depending upon the language used in the legislation.

BLM and USFS believe that any increase in visitation associated with designation of Deep Creek into the NWSRS would be very limited. Beyond the limited road access along the lower one mile of the creek and the point at which an access road crosses the creek near Deep Lake, the creek corridor is extremely rugged and inaccessible to all but the most adventurous and highly prepared visitors. BLM and USFS have no immediate plans to increase user access or encourage additional use. BLM and USFS believe that the additional visitor facilities and resources required to accommodate additional visitors would be limited and would not change the character of the stream corridor. Finally, BLM and USFS note that the outstandingly remarkable values are “ecologic, scenic and geologic.” USFS and BLM are required to maintain the “ecologic, scenic and geologic” values associated with the creek, and believe that significantly increased visitation and use would not be consistent with these values.

The area has been withdrawn from mineral entry and contains low potential for mineral development, so mineral development is not expected to be curtailed as a result of designation.

4. The federal agency that will administer the area should it be added to the National System.

The Forest Service would administer the area should the segment be added to the NWSRS. However, interagency planning and subsequent management efforts are expected for the entire corridor.

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies.

Shared costs of administration would not be required for this segment because the entire segment and study corridor are managed by the Forest Service.

6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.

All land within the corridor is National Forest land; no additional land would need to be acquired adjacent to this portion of the corridor.

7. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

This entire segment is on National Forest land. Additional participation by the state or its political subdivisions, although welcome, would not be required.

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.

There are no private lands within the segment corridor, so local zoning does not apply.

9. The state/local government's ability to manage and protect the outstandingly remarkable values on nonfederal lands.

There are no nonfederal lands within this segment.

10. Support or opposition to designation.

Various interests are concerned that a WSR designation will close the area to public use or that publicity generated by the process will increase visitor use leading to negative impacts on the ORVs.

The Wilderness Society; Wilderness Workshop; Colorado Environmental Coalition; Colorado Mountain Club; American Rivers, Inc.; Rocky Mountain Recreation Initiative; Center for Native Ecosystems; and Trout Unlimited have all expressed their support for designation of this segment.

Several legislative proposals, none of which were ultimately signed into law, have been introduced to protect Deep Creek and its associated values. In 2001, Congressman Scott McInnish introduced H.R. 2963 to establish the Deep Creek Wilderness Area, and a hearing was held on the proposed legislation that year. In 2003, Congressman McInnis and Congressman David Skaggs circulated draft legislative outlines that would designate Deep Creek as a component of the NWSRS. Congressman Diana Degette has introduced wilderness in the last 10 Congresses that would have designated Deep Creek as wilderness area.

While no other comments were received at the time of this report from water rights holders, it should be noted that existing, valid water rights are not affected by designation. Alterations to existing ditches or water withdrawal facilities may be approved under Section 7 of the Act as long as there is not direct and adverse effect to the values for which the river was designated.

11. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives.

Management for the protection of ORV's is consistent with the White River National Forest's current management of the river corridor as 3.4: *Scenic Rivers—Designated and Eligible* (Forest Service 2002 management prescription which is to protect and perpetuate eligible and designated WSR River segments (see [Appendix B](#)).

Management for protection the free-flowing nature and ORVs is consistent with the BLM management of segments downstream of the Forest.

12. The contribution to a river system or basin integrity.

Deep Creek is a tributary to the Colorado River. It is one of the few pristine and completely intact watersheds in the state that includes both high and low elevation lands. The creek provides an important link between aquatic and riparian habitats throughout the watershed.

13. The potential for water resources development.

Absolute water rights upstream from this segment include DD Ditch, which has a decree for irrigation use, and a storage water right for Heart Lake Reservoir. Heart Lake Reservoir is owned and managed by the State of Colorado to enhance scenic values, maintain fish populations, and provide recreation opportunities, all of which would be compatible with Wild and Scenic River designation. The CRWCD held a conditional water right for 200 cfs on the Deep Lake Collection System, but formally abandoned its water right in 2011.

8.2.3.2 *Final Determination*

Deep Creek is a rare example of an ecologically intact, lower elevation watershed that is worthy of permanent protection. Designation as part of the NWSRS would provide nondiscretionary protection for the creek, which would assist the Forest Service in preserving the ORVs, water quality, and its free flowing condition. The BLM is studying the suitability of the portion of Deep Creek downstream of this segment as part of this effort. Designation of this segment should take into account the BLM's determination downstream.

This segment is entirely in federal land ownership and there are no conflicting or incompatible land uses within the segment which have the potential to degrade the ORV's or prevent the agency from effectively managing the segment. Protecting adequate stream flows is essential to protecting the identified water-dependent geologic (karst) and ecosystem ORVs. Including the segment in the NWSRS would grant the federal government the necessary water rights to ensure enduring protection of this segment's river values. Provided a similar determination is made for National Forest Segment 2a and BLM segments 2b and 3, this segment is determined to be **suitable** under a Scenic classification.

8.2.4 WRNF Deep Creek Segment 2a

Segment Description: From Segment 1 to the Forest Service-BLM boundary. This segment was found to be eligible in a joint Forest Service and BLM eligibility evaluation (Forest Service and BLM 1995).

Total Segment Length: 10.53 miles **Total Segment Area:** 5,023.28 acres

Length on National Forest Land: 10.53 miles **Area on National Forest Land:** 5,023.28 acres

Preliminary Classification: Wild

ORVs: Ecologic, Scenic, Geologic

8.2.4.1 Suitability Factor Assessment

1. Characteristics that do or do not make the area a worthy addition to the National System.

This segment has outstandingly remarkable ecologic, scenic, and geologic values, as described above. The CNHP has described Deep Creek Canyon as having one of the most pristine, intact canyon landscapes in Colorado. The area contains high quality, significant riparian communities, with several state and globally rare species.

Access to this segment is extremely limited. There are no trails paralleling the segment, and topography and dense vegetation prohibit all but the most determined from traveling the creek channel for any significant distance.

Deep Creek Canyon contains one of the highest concentrations of caves that are reported to be among the deepest and longest in Colorado.

2. The current status of land ownership and use in the area.

The entire 10.53-mile, 5,023.28-acre study corridor is administered by the Forest Service, along with the area upstream of the segment. Downstream, the BLM manages a stretch of river as eligible for inclusion in the NWSRS to protect similar ORVs. The BLM segment is concurrently being studied for suitability as part of this effort.

The Colorado Army National Guard High-Altitude Aviation Training Site is authorized to conduct helicopter training for low-elevation flights and landings on spires within the canyon.

Recreational hiking and hunting compose the majority of land use in the area above the canyon rim. Cattle and sheep grazing allotments in the upland area and are actively used but grazing in the canyon bottom is essentially non-existent.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.

Some conditional and absolute water rights exist upstream of the segment, as described in the Stream Corridor Description under the Water Resources Development heading. Designation of the segment would include a water right to protect the scenic, geologic, and ecologic values in the segment. Designation could affect the potential for future development and water management. No plans for significant water development in the segment were identified during this study.

Protecting adequate stream flows is essential to protecting the identified water-dependent ORVs. Colorado River Water Conservation District (CRWCD) held a conditional water right for 200 cubic feet per second (cfs) for the Deep Lake Collection System; this right was abandoned in 2011. Protective administrative management area prescriptions available to the Forest Service through land use authorities do not include a water right.

Federal wilderness designation could also include a federal water right, depending upon the language used in the legislation.

Other resources such as cultural resources in the corridor could be identified, recorded and protected. If not designated, potential cultural resources could be at risk if not protected by other means, such as designation in the National Register of Historic Places.

BLM and USFS believe that any increase in visitation associated with designation of Deep Creek into the NWSRS would be very limited. . Beyond the road access along the lower one mile of the creek and the point at which an access road crosses the creek near Deep Lake, the creek corridor is extremely rugged and inaccessible to all but the most adventurous and highly prepared visitors. BLM and USFS have no immediate plans to increase user access or encourage additional use. BLM and USFS believe that the additional visitor facilities and resources required to accommodate additional visitors would be limited and would not change the character of the stream corridor. Finally, BLM and USFS note that the outstandingly remarkable values are “ecologic, scenic and geologic.” USFS and BLM are required to maintain the “ecologic, scenic and geologic” values associated with the creek, and believe that significantly increased visitation and use would not be consistent with these values.

The area has been withdrawn from mineral entry and contains low potential for mineral development, so mineral development is not expected to be curtailed as a result of designation.

4. The federal agency that will administer the area should it be added to the National System.

The Forest Service would administer the segment, should it be added to the NWSRS. However, interagency planning and subsequent management efforts are expected for the entire corridor.

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies.

Sharing administrative costs with state and local agencies is not expected to be necessary. It is expected that costs would be shared with BLM in administration of Deep Creek if their segments should also be designated.

6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.
7. All lands within the WRNF study corridor (segments 1 and 2a) are National Forest land. No additional lands would need to be acquired in this portion of the corridor. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

The Forest Service administers all lands within this segment; participation by the state or its political subdivisions, although welcome, would not be necessary.

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river’s outstandingly remarkable values by preventing incompatible development.

There are no private lands within the segment corridor, so local zoning does not apply.

9. The state/local government’s ability to manage and protect the outstandingly remarkable values on nonfederal lands.

There are no nonfederal lands within the segment corridor.

10. Support or opposition to designation.

Various interests are concerned that a WSR designation will close the area to public use or that publicity generated by the process will increase visitor use leading to negative impacts on the ORVs.

The Wilderness Society; Wilderness Workshop; Colorado Environmental Coalition; Colorado Mountain Club; American Rivers, Inc.; Rocky Mountain Recreation Initiative; Center for Native Ecosystems; and Trout Unlimited have all expressed their support for designation of this segment.

Several legislative proposals, none of which were ultimately signed into law, have been introduced to protect Deep Creek and its associated values. In 2001, Congressman Scott McInnis introduced H.R. 2963 to establish the Deep Creek Wilderness Area, and a hearing was held on the proposed legislation that year. In 2003, Congressman McInnis and Congressman David Skaggs circulated draft legislative outlines that would designate Deep Creek as a component of the NWSRS. Congresswoman Diana Degette introduced wilderness legislation in the last 10 Congresses that proposed wilderness designation for Deep Creek.

While no other comments were received at the time of this report from water rights holders, it should be noted that existing valid water rights would not be affected by designation.

11. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives.

Management for the protection of ORV’s is consistent with the White River National Forest’s current management of this segment of Deep Creek as management area “1.5: Wild Rivers–Designated and Eligible” (Forest Service 2002). This management prescription objective is to protect and perpetuate eligible and designated WSR River segments (see [Appendix B](#)). Management for protection the free-flowing nature and ORVs is consistent with the BLM management of segments downstream of the Forest.

12. The contribution to a river system or basin integrity.

Deep Creek is a tributary of the Colorado River and one of the few pristine and completely intact watersheds in the state that includes both high and low elevation lands. The creek provides an important link between the aquatic and riparian habitats throughout the watershed.

13. The potential for water resources development.

No plans for significant water development in the segment were identified during this study.

A private owner of DD Ditch within Segment 2a has a decree for 32 cfs for irrigation use. Heart Lake Reservoir is owned and managed by the State of Colorado to enhance scenic values, maintain fish populations, and provide recreation opportunities, all of which would be compatible with Wild and Scenic River designation. The CRWCD held a conditional water right for 200 cfs on the Deep Lake Collection System, but formally abandoned its water right in 2011.

Designation of the segment could include a junior federal water right to protect the scenic, geologic, and ecologic values in the segment. This water right could limit changes to the existing rights and could restrict the development potential of the conditional water rights.

8.2.4.2 *Final Determination*

Deep Creek is a rare example of an ecologically intact, lower elevation watershed that is worthy of permanent protection. Designation as part of the NWSRS would provide nondiscretionary protection for the creek, which would assist the Forest Service in maintaining the ORVs in the context of continuing landscape development in the watersheds next to the creek. The BLM is studying the suitability of the portion of Deep Creek downstream of this segment as part of this effort. Designation of this segment should take into account the BLM's determination downstream.

This entire segment is under federal ownership and there are no conflicting or incompatible land uses within the segment which have the potential to degrade the ORV's or prevent the agencies from effectively managing the segment. Protecting adequate stream flows is essential to protecting the identified water-dependent geologic (karst) and ecosystem ORVs. Including the segment in the NWSRS would grant the federal government the necessary water rights to ensure enduring protection of this segment's river values. Provided a similar determination is made for Forest Service Segment 1 and BLM segments 2b and 3, this segment is determined to be **suitable** under a *wild* classification.

8.3 Summary of Final Suitability Determinations

Below, in Table 8-1, is a summary of the final suitability determinations. The WRNF is deferring suitability determinations on USFS segments 1 and 2 on the Colorado River. The WRNF Colorado River segments 1 and 2 will remain eligible. The WRNF has evaluated and determined (2) Deep Creek segments 1 and 2a, to be suitable for inclusion in the NWSRS.

Table 8-1 Summary of Suitability Determinations

River or Creek	Segment	Segment Length (miles)	Suitability Determination	Preliminary Classification
Colorado River	Segment 1	3.35	Deferred-Remains Eligible	Recreational
	Segment 2	3.13	Deferred-Remains Eligible	Recreational
Deep Creek	Segment 1	0.24	Suitable	Scenic
	Segment 2a	10.53	Suitable	Wild

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