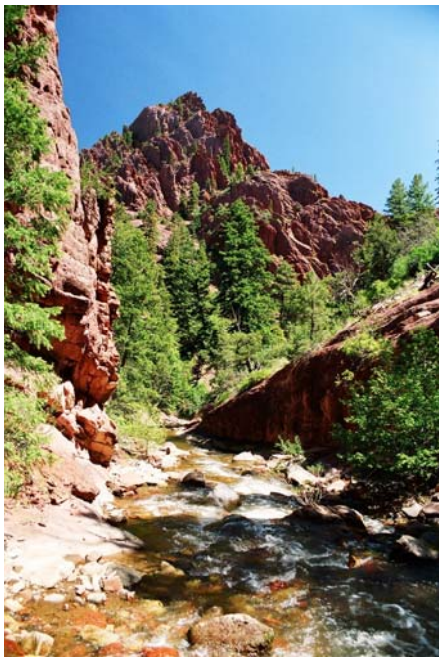
# WILD AND SCENIC RIVER SUITABILITY REPORT

## BLM: KREMMLING AND COLORADO RIVER VALLEY FIELD OFFICES, COLORADO

## USFS: WHITE RIVER NATIONAL FOREST



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# TABLE OF CONTENTS

Section Page


**READER'S GUIDE** ..... **RG-1**

**EXECUTIVE SUMMARY** ..... **ES-1**

**1. INTRODUCTION** ..... **1-1**

1.1 Project Area ..... 1-2
1.2 Why Conduct a Suitability Study and Why Now? ..... 1-2
1.3 What is a Wild and Scenic River? ..... 1-4
1.4 Steps in the Wild and Scenic Study Process ..... 1-4
1.5 Eligibility Phase ..... 1-4
1.5.1 Steps in the Eligibility Phase ..... 1-4
1.5.2 Results of Eligibility Phase ..... 1-6
1.6 Suitability Phase ..... 1-6

**2. METHODOLOGY** ..... **2-1**

2.1 Suitability Criteria Used to Evaluate River and Stream Segments ..... 2-1
2.2 Data Sources and Methodology ..... 2-3
2.2.1 Geographic Information Systems ..... 2-3
2.2.2 BLM Resource Interdisciplinary Team ..... 2-4
2.2.3 Informational Sources ..... 2-4
2.2.4 Other Agencies ..... 2-4
2.2.5 Public Input ..... 2-5
2.3 Suitability Determinations ..... 2-6
2.4 Interim Management of Suitable Segments ..... 2-6

**3. SUITABILITY CRITERIA-BASED DATA AND DETERMINATIONS** ..... **3-1**

3.1 Introduction ..... 3-1
3.2 Kremmling Field Office Suitability Data and Determinations ..... 3-3
3.2.1 Segment Name: Blue River (Segment 2) ..... 3-3
3.2.2 Segment Name: Blue River (Segment 3) ..... 3-11
3.2.3 Segment Name: Colorado River—Windy Gap to Hot Sulphur Springs (Segment 1) ..... 3-18
3.2.4 Segment Name: Colorado River—Byers Canyon (Segment 2) ..... 3-26
3.2.5 Segment Name: Colorado River—Below Byers Canyon to the Mouth of Gore Canyon (Segment 3) ..... 3-34
3.2.6 Segment Name: Colorado River Gore Canyon (Segment 4) ..... 3-45
3.2.7 Segment Name: Colorado River—Pumphouse to State Bridge (Segment 5) ..... 3-56
3.2.8 Segment Name: Kinney Creek ..... 3-66
3.2.9 Segment Name: Muddy Creek ..... 3-70
3.2.10 Segment Name: North Platte River ..... 3-74
3.2.11 Segment Name: Piney River ..... 3-77
3.2.12 Segment Name: Rabbit Ears Creek ..... 3-80
3.2.13 Segment Name: Spruce Creek ..... 3-83
3.2.14 Segment Name: Sulphur Gulch ..... 3-87
3.2.15 Segment Name: Troublesome Creek ..... 3-90

3.3 Colorado River Valley Field Office Suitability Data and Determinations ..... 3-94
3.3.1 Segment Name: Abrams Creek ..... 3-95
3.3.2 Segment Name: Battlement Creek ..... 3-99
3.3.3 Segment Name: Colorado River—State Bridge to Dotsero (Segment 6) ..... 3-103
3.3.4 Segment Name: Colorado River—Glenwood Canyon to Approximately One Mile East of No Name Creek (Segment 7) ..... 3-112
3.3.5 Segment Name: Deep Creek—From the BLM/Forest Service Land Boundary to the Deep Creek Ditch Diversion (Segment 2b) .. 3-123
3.3.6 Segment Name: Deep Creek—From the Deep Creek Ditch Diversion to the BLM/Private Land Boundary (Segment 3) ..... 3-130
3.3.7 Segment Name: Eagle River ..... 3-134
3.3.8 Segment Name: Egeria Creek ..... 3-139
3.3.9 Segment Name: Hack Creek ..... 3-143
3.3.10 Segment Name: Mitchell Creek ..... 3-146
3.3.11 Segment Name: No Name Creek ..... 3-149
3.3.12 Segment Name: Rock Creek ..... 3-151
3.3.13 Segment Name: Thompson Creek ..... 3-155
3.3.14 East Middle Fork Parachute Creek Complex ..... 3-160
3.3.15 East Fork Parachute Creek Complex ..... 3-166
3.4 Summary of Suitability Determinations ..... 3-174

**4. LIST OF PREPARERS ..... 4-1**

**5. REFERENCES ..... 5-1**

**6. INTRODUCTION – WRNF ..... 6-1**

6.1 Project Area ..... 6-1
6.2 Why Conduct a Suitability Study and Why Now? ..... 6-1
6.3 Wild and Scenic Rivers Study Process ..... 6-2

**7. METHODOLOGY – WRNF ..... 7-1**

7.1 Suitability Criteria Used to Evaluate River and Stream Segments ..... 7-1
7.2 Data Sources and Methodology ..... 7-2
7.3 Public Input ..... 7-4
7.4 Suitability Determinations ..... 7-6
7.5 Interim Management of Suitable Segments ..... 7-6

**8. SUITABILITY CRITERIA-BASED DATA AND DETERMINATIONS – WRNF ..... 8-1**

8.1 Colorado River ..... 8-1
8.1.1 WRNF Colorado River Segment 1 ..... 8-10
8.1.2 WRNF Colorado River Segment 2 ..... 8-18
8.2 Deep Creek ..... 8-25
8.2.1 WRNF Deep Creek Segment 1 ..... 8-31
8.2.2 WRNF Deep Creek Segment 2a ..... 8-34
8.3 Summary of Draft Suitability Determinations ..... 8-38

**9. LIST OF PREPARERS – WRNF ..... 9-1**

**10. REFERENCES – WRNF ..... 10-1**

## APPENDICES

A Stakeholder Outreach

B WRNF WSR Segments
Current Management Direction – WRNF

## LIST OF FIGURES

Figure Page

1-1 Project Location ..... 1-3
1-2 Kremmling Field Office Eligible Segments, Map 1 ..... 1-10
1-3 Kremmling Field Office Eligible Segments, Map 2 ..... 1-11
1-4 Kremmling Field Office Eligible Segments, Map 3 ..... 1-12
1-5 Colorado River Valley Field Office Eligible Segments, Map 1 ..... 1-13
1-6 Colorado River Valley Field Office Eligible Segments, Map 2 ..... 1-14
1-7 Colorado River Valley Field Office Eligible Segments, Map 3 ..... 1-15
3.2-1 Colorado River Segment 4 ..... 3-46
3.2-2 Colorado River Segment 5 ..... 3-57
3.3-1 Colorado River Segment 6 ..... 3-104
3.3-2 Colorado River Segment 7 ..... 3-113
3.3-3 Deep Creek Segments 2b and 3 ..... 3-124
3.3-4 East Middle Fork Parachute Creek Complex ..... 3-161
3.3-5 East Fork Parachute Creek Complex ..... 3-167
8-1 WRNF Colorado River Segments 1 and 2 ..... 8-2
8-2 WRNF Deep Creek Segments 1 and 2a ..... 8-26

## LIST OF TABLES

Table Page

1-1 BLM Eligible Segments Studied for Suitability ..... 1-7
2-1 Interim Protection for Candidate Wild and Scenic Rivers ..... 2-6
3-1 Summary of Preliminary Suitability Determinations ..... 3-174
4-1 Wild and Scenic River Suitability Report Preparers ..... 4-1
6-1 Eligible Segments Studied for Suitability ..... 6-2
7-1 Open House Schedule and Attendance ..... 7-5
8-1 Summary of Draft Suitability Determinations ..... 8-38
9-1 Wild and Scenic River Suitability Report Preparers ..... 9-1

# LIST OF ACRONYMS

| Acronym or Abbreviation | Full Phrase |
|---|---|
| ACEC | Area of Critical Environmental Concern |
| BLM | United States Department of the Interior, Bureau of Land Management |
| cfs | cubic feet per second |
| CDOT | Colorado Department of Transportation |
| CFR | Code of Federal Regulations |
| CDOW | Colorado Department of Natural Resources, Division of Wildlife |
| CNHP | Colorado Natural Heritage Program |
| CRVFO | Colorado River Valley Field Office |
| CRWCD | Colorado River Water Conservation District |
| Denver Water | Denver Water Board |
| EIS | Environmental Impact Statement |
| FERC | Federal Energy Regulatory Commission |
| FLPMA | Federal Land Policy and Management Act of 1976 |
| Forest Service | United States Department of Agriculture, Forest Service |
| GSFO | Glenwood Springs Field Office (former name of Colorado River Valley Field Office) |
| KFO | Kremmling Field Office |
| NEPA | National Environmental Policy Act of 1969 |
| NHPA | National Historic Preservation Act of 1966 |
| NWSRS | National Wild and Scenic Rivers System |
| Northern Water | Northern Colorado Water Conservancy District |
| NRHP | National Register of Historic Places |
| OHV | off-highway Vehicle |
| ORV | Outstandingly Remarkable Value |
| Reclamation | United States Department of the Interior, Bureau of Reclamation |
| RMP | Resource Management Plan |
| SRMA | Special Recreation Management Area |
| VRM | Visual Resource Management |
| White River LRMP | White River National Forest Land and Resource Management Plan |
| WRNF | USDA Forest Service, White River National Forest |
| WRR | Waterpower and Reservoir Resources |
| WSA | Wilderness Study Area |
| WSR | Wild and Scenic River |
| WSR Act | Wild and Scenic Rivers Act |

# READER'S GUIDE

This report presents the suitability determinations for the eligible river segments evaluated as part of this study. The subject river sections are in the planning areas for the Bureau of Land Management's (BLM) Kremmling Field Office (KFO) and the Colorado River Valley Field Office (CRVFO, formerly the Glenwood Springs Field Office), and the Forest Service's White River National Forest (WRNF).

The original intent of the resource management plan (RMP) revision planning process was to revise the respective land use plans for the BLM KFO and CRVFO in a single, joint RMP/ environmental impact statement (RMP/EIS) document. The scoping process and much of the Draft RMP/EIS preparation process took place with the idea of preparing a combined document. However, the BLM decided to separate the land use plans for these two field offices based on consideration of public comments as well as understanding that the decision process would benefit from separating these RMPs by field office. Therefore, a large amount of the public outreach and agency coordination that has taken place to date was undertaken with a combined document in mind. This Suitability Report was completed prior to the splitting of the RMP, and thus it is presented here including both BLM field offices and the US Department of Agriculture, National Forest Service (Forest Service) - WRNF.

This reader's guide describes the content of the report sections and provides guidance for locating particular river segments.

The Executive Summary presents the suitability determinations for both the BLM and the Forest Service.

The report is divided into Part I for the BLM-managed segments and Part II for the Forest Service-managed segments.

Part I——BLM-Managed Segments

- Section 1, Introduction, describes the Wild and Scenic Rivers process and planning area;
- Section 2, Methodology, describes the BLM's study process for assessing river segments for suitability;
- Section 3, Suitability Criteria-Based Data and Determinations, presents the data used to assess each segment using the BLM's suitability criteria and presents draft suitability determinations. River segments are presented in the following order:
    - KFO Planning area,
    - CRVFO Planning Area,
    - Roan Plateau segments (CRVFO and White River Field Office jurisdiction);
- Section 4, List of Preparers, lists the individuals who conducted this study; and
- Section 5, References, lists the reference works used in preparing this study.

Part II—Forest Service-Managed Segments

- Section 6, Introduction, describes the planning area and Wild and Scenic Rivers process, where it differs from the BLM process described in Part I;
- Section 7, Methodology, describes the Forest Service study process for assessing river segments for suitability;
- Section 8, Suitability Criteria-Based Data and Determinations, presents the data used to assess each segment, using the BLM's suitability criteria, and presents draft suitability determinations;
- Section 9, List of Preparers, lists the individuals who conducted this study; and
- Section 10, References, lists the references used in preparing this study.

### *Colorado River and Deep Creek Segments*

Because this study is based on agency jurisdictions and planning areas, the Colorado River and Deep Creek segments are divided into different sections. The following describes where to find them.

#### *Colorado River*

- Colorado River BLM Segments 1 through 5, from Windy Gap downstream to State Bridge, are presented in Part I, Section 3, in the KFO planning area (Sections 3.2.3 through 3.2.7);
- Colorado River BLM Segments 6 and 7, from State Bridge downstream to approximately one mile east of No Name Creek, are presented in Part I, Section 3, in the CRVFO planning area (Sections 3.3.3 and 3.3.4);
- Colorado River WRNF Segments 1 and 2 are presented in Part II, Section 8.1, from the WRNF boundary on the east end of Glenwood Canyon downstream to the WRNF boundary on the west end of Glenwood Canyon (except for the portion around Shoshone Dam). Note that these segments are geographically in the upstream and downstream extent of BLM Colorado River Segment 7.

*Deep Creek*

- Deep Creek Segments 1 and 2a (Forest Service), from the Deep Lake outlet downstream to the WRNF boundary with the BLM-managed land, are presented in Part II, Section 3.2;
- Deep Creek Segments 2b and 3 (BLM) are presented in Part I, Section 3 within the CRVFO planning area (Sections 3.3.5 and 3.3.6), from the BLM boundary with Forest Service land, downstream to the BLM boundary with a private landowner.

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# EXECUTIVE SUMMARY

### *Introduction*

In March 2007, the US Department of the Interior, Bureau of Land Management's (BLM) Kremmling Field Office (KFO) and the Colorado River Valley Field Office (formerly the Glenwood Springs Field Office; CRVFO) completed the eligibility phase of a Wild and Scenic River (WSR) evaluation as part of the resource management plan (RMP) revision process (BLM 2007a). In addition to the segments evaluated as part of the March 2007 study, 15 other segments were previously determined eligible in other studies. River segments within the Roan Plateau planning area were assessed as part of the Roan Plateau RMP process, which includes lands administered by the BLM's CRVFO and White River Field Office in Garfield and Rio Blanco Counties, Colorado (BLM 2002). Additionally, Deep Creek was jointly analyzed by the BLM, and the US Department of Agriculture, National Forest Service (Forest Service), the WRNF in 1995 (Forest Service and BLM 1995). The cumulative result of these three studies is 41 segments have been identified as eligible river segments in the KFO and CRVFO. One additional segment along the Blue River (Blue River Segment 1) was originally identified as eligible (BLM 2007a). A reexamination of the landownership and management status revealed that Segment 1 occurs on Forest Service land rather than on BLM land. As a result it has been dropped from consideration by BLM and was not studied for suitability in this report.

In addition to the above studies of river segments on BLM land the USDA Forest Service, WRNF has completed similar studies on its lands. In 2002 the Forest Service, WRNF completed the eligibility phase of a WSR evaluation as part of the Land and Resource Management Plan revision process (Forest Service 2002). In 1995 Deep Creek was jointly analyzed by the BLM and the WRNF (Forest Service and BLM 1995). Four of the eligible stream Forest Service segments either are next to or are part of the same river as the BLM segments being studied. Manual 8351.33A8.B(1) Coordinated Studies and Other Planning Efforts states: *"…The BLM shall invite and encourage other agencies to participate and/or provide technical assistance in a joint study concurrently with the*

*BLM's RMP process.*" This study assesses the suitability of two Colorado River and two Deep Creek WRNF eligible segments.

The following report is divided into two sections, to accommodate the differences in the BLM and Forest Service suitability assessment processes, and to facilitate future agency use of the report. The BLM process and segments are presented in the first section along with general WSR background information. The second section presents the Forest Service process where it differs from BLM, and the analysis of Forest Service segments.

### Project Area

#### Bureau of Land Management

The project area for this suitability study includes all BLM-managed river segments in the KFO and CRVFO RMP planning areas that have been determined to meet the eligibility criteria for WSRs. This WSR suitability study also includes the eligible segments occurring in the Roan Plateau area of the CRVFO. All other aspects of the Roan Plateau management were evaluated in the Roan Plateau RMP and are not considered as part of this RMP revision process.

#### Forest Service

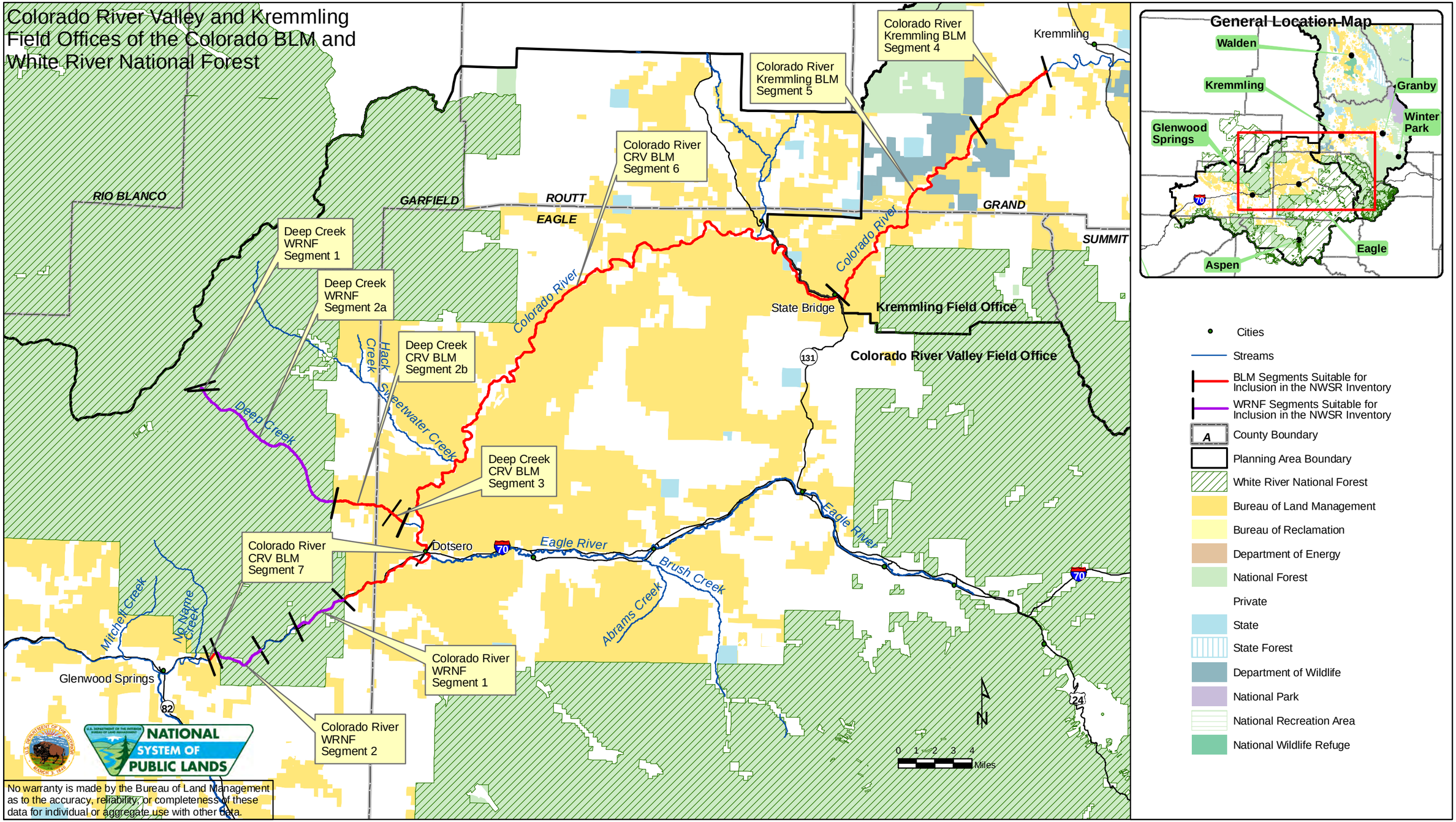
The Forest Service project area for this suitability study is limited to four WRNF-managed river segments that have been determined to meet the eligibility criteria for WSRs. These include the rivers and their associated WSR study corridors for two Colorado River segments, and two Deep Creek segments.

### Suitability Phase

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the National Wild and Scenic Rivers System (NWSRS) by considering tradeoffs between corridor development and river protection. The suitability evaluation does not result in actual designation but only a suitability determination for designation. The BLM cannot administratively designate a stream via a planning decision or other agency decision into the NWSRS, and no segment studied is designated or will be automatically designated as part of the NWSRS. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration and managed according to the objectives and specific management prescriptions outlined in the RMP.

### Suitability Determinations

Table ES-1 shows the preliminary suitability determination for each segment. Of the 41 stream segments determined to be eligible in the CRVFO and KFO planning areas, the BLM determined that six segments are suitable for WSR designation, while 35 segments are not suitable. Of the four WRNF eligible segments, all four were determined to be suitable for WSR designation (Figure ES-1).




**Suitable Segments and Project Region**

**Colorado River Valley and Kremmling Field Offices and White River National Forest, Colorado**

**Figure ES-1**

- Six segments on the Colorado River are determined to be suitable (four BLM and two WRNF). These segments contain multiple outstandingly remarkable values (ORV) that the BLM and Forest Service believe could be managed as a WSR. The BLM and Forest Service concluded that because they manage a very high percentage of the land in these six segments, they can successfully protect and manage for the ORVs. The BLM and Forest Service also concluded that these segments lack any instream flow protection and cooperative flow management, so designation, which comes with a federal reserved water right, would help protect the flows necessary to support the ORVs.
- Four segments on Deep Creek are determined to be suitable (two BLM and two WRNF). The BLM and Forest Service concluded that the multiple ORVs within these segments can be successfully managed as a WSR with very little conflict with other uses because most of the land is federal, and the likelihood of development is small. The BLM and Forest Service also concluded that a federal reserved water right would help protect the high number of water-dependent values in the streams.
- The BLM concluded that several major stream segments, including the Colorado River between Windy Gap and upstream of Gore Canyon, Eagle River, Blue River, and Muddy Creek, are not suitable. The BLM based its determination on the fact that it manages only a small fraction of the lands in the stream corridor, and local governments have not indicated an interest in managing lands under their jurisdiction as WSRs.
- The BLM concluded that several stream segments with multiple and pristine ORVs would be adequately managed under protective designations proposed in the RMP. These streams are Thompson Creek, East Middle Fork Parachute Creek complex, and East Fork Parachute Creek complex.
- A high number of the eligible stream segments have only one ORV. The BLM determined that existing protective laws and management prescriptions in the proposed plan are the best tools for managing these values. Streams in this category are those with paleontological, sensitive fish, and historical/cultural values.

**Table ES-1**
**Summary of Suitability Determinations**

| River or Creek | Segment | Segment Length (miles) | Preliminary Suitability Determination | Classification |
|---|---|---|---|---|
| *Kremmling Field Office* | | | | |
| Blue River | Total of two segments | 4.60 (total) | | |
| | Segment 2 | 2.55 | Not Suitable | |
| | Segment 3 | 2.05 | Not Suitable | |
| Colorado River | Total of five segments | 54.74 (total) | | |
| | Segment 1 | 7.32 | Not Suitable | |
| | Segment 2 | 2.44 | Not Suitable | |
| | Segment 3 | 24.36 | Not Suitable | |
| | Segment 4 | 5.36 | Suitable | Recreational |
| | Segment 5 | 15.26 | Suitable | Recreational |
| Kinney Creek | one segment | 2.35 | Not Suitable | |
| Muddy Creek | one segment | 8.93 | Not Suitable | |
| North Platte River | one segment | 0.07 | Not Suitable | |
| Piney River | one segment | 2.30 | Not Suitable | |
| Rabbit Ears Creek | one segment | 4.24 | Not Suitable | |
| Spruce Creek | one segment | 0.97 | Not Suitable | |
| Sulphur Gulch | one segment | 3.04 | Not Suitable | |
| Troublesome Creek | one segment | 6.14 | Not Suitable | |
| *Colorado River Valley Field Office (excluding Roan Plateau)* | | | | |
| Abrams Creek | one segment | 3.44 | Not Suitable | |
| Battlement Creek | one segment | 2.88 | Not Suitable | |
| Colorado River | Total of two segments | 71.38 (total) | | |
| | Segment 6 | 45.38 | Suitable | Recreational |
| | Segment 7 | 15.70[1] | Suitable | Recreational |
| Deep Creek | Total of two segments | 4.46 (total) | | |
| | Segment 2b | 3.60 | Suitable | Wild |
| | Segment 3 | 0.86 | Suitable | Recreational |
| Eagle River | one segment | 25.69 | Not Suitable | |
| Egeria Creek | one segment | 8.31 | Not Suitable | |
| Hack Creek | one segment | 2.42 | Not Suitable | |
| Mitchell Creek | one segment | 0.89 | Not Suitable | |
| No Name Creek | one segment | 0.08 | Not Suitable | |
| Rock Creek | one segment | 4.78 | Not Suitable | |
| Thompson Creek | one segment | 4.76 | Not Suitable | |

**Table ES-1**
**Summary of Suitability Determinations**

| River or Creek | Segment | Segment Length (miles) | Preliminary Suitability Determination | Classification |
|---|---|---|---|---|
| ***Roan Plateau*** | | | | |
| *East Middle Fork Parachute Creek complex* | Total of five segments | 10.28 (total) | Not Suitable | |
| | East Middle Fork Parachute Creek (one segment) | 1.10 | | |
| | Northwater Creek (one segment) | 3.20 | | |
| | Trapper Creek Segment 1 | 0.78 | | |
| | Trapper Creek Segment 2 | 3.40 | | |
| | Trapper Creek Segment 3 | 1.80 | | |
| *East Fork Parachute Creek complex* | Total of eight segments | 13.78 (total) | Not Suitable | |
| | East Fork Parachute Creek Segment 1 | 5.36 | | |
| | East Fork Parachute Creek Segment 2 | 2.21 | | |
| | First Anvil Creek Segment 1 | 0.60 | | |
| | First Anvil Creek Segment 2 | 1.65 | | |
| | Golden Castle Creek (1 segment) | 1.05 | | |
| | JQS Gulch (1 segment) | 1.14 | | |
| | Second Anvil Creek Segment 1 | 1.46 | | |
| | Second Anvil Creek Segment 3 | 0.31 | | |
| ***White River National Forest*** | | | | |
| Colorado River | Total of two segments | 6.48 (total) | | |
| | WRNF Segment 1 | 3.35 | Suitable | Recreational |
| | WRNF Segment 2 | 3.13 | Suitable | Recreational |
| Deep Creek | Total of two segments | 10.77 (total) | | |
| | Segment 1 | 0.24 | Suitable | Scenic |
| | Segment 2a | 10.53 | Suitable | Wild |

[1]The length of Colorado River Segment #7 includes the two WRNF Colorado River Segments (6.48 miles); the BLM manages 3.4 miles of this segment.

# SECTION 1
# INTRODUCTION

In March 2007, the US Department of the Interior, Bureau of Land Management (BLM) Kremmling and Glenwood Springs Field Offices (KFO and CRVFO respectively) completed the eligibility phase of a wild and scenic rivers (WSR) evaluation as part of the resource management plan (RMP) revision process (BLM 2007a). In addition to the segments evaluated as part of the March 2007 study 15 other segments were previously determined eligible as part of other studies. River segments within the Roan Plateau planning area were assessed as part of the Roan Plateau RMP process, which includes lands administered by the BLM, the CRVFO, and White River Field Office in Garfield and Rio Blanco Counties, Colorado (BLM 2002). Additionally, Deep Creek was jointly analyzed by the BLM and the US Department of Agriculture, National Forest Service (Forest Service), White River National Forest (WRNF) in 1995 (Forest Service and BLM 1995). The cumulative result of these three studies is 41 segments have been identified as eligible river segments within the KFO and CRVFO. One additional segment along the Blue River (Blue River Segment 1) was originally identified as eligible (BLM 2007a). A reexamination of the landownership and management status revealed that Segment 1 occurs on Forest Service land rather than on BLM land. As a result it has been dropped from consideration by BLM and was not studied for suitability in this report.

In addition to the above studies of river segments on BLM land, the WRNF completed similar studies on its lands. In 2002 the WRNF completed the eligibility phase of a WSR evaluation as part of the Land and Resource Management Plan revision process (Forest Service 2002). In 1995 the BLM and the Forest Service jointly analyzed Deep Creek (Forest Service and BLM 1995) and identified 11 eligible stream segments within the WRNF. Four of the eligible Forest Service segments occur next to or are part of the same river as the BLM segments being studied. Manual 8351.33A8.B(1) Coordinated Studies and Other Planning Efforts states "...The BLM shall invite and encourage other agencies to participate and/or provide technical assistance in a joint study concurrently with the BLM's RMP process."

The next step in the WSR process is evaluating eligible segments for suitability. The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the national system by considering tradeoffs between corridor development and river protection. This report describes the methodology, data considered, and determinations made during the suitability phase. All eligible segments in both field offices including the Roan Plateau and Deep Creek segments were assessed for suitability.

The following report is divided into two sections, to accommodate the differences in the BLM and Forest Service suitability assessment processes, and to facilitate future agency use of the report. The BLM process and segments are presented in the first section along with general WSR background information. The second section presents the Forest Service process where it differs from BLM, and the analysis of Forest Service segments.

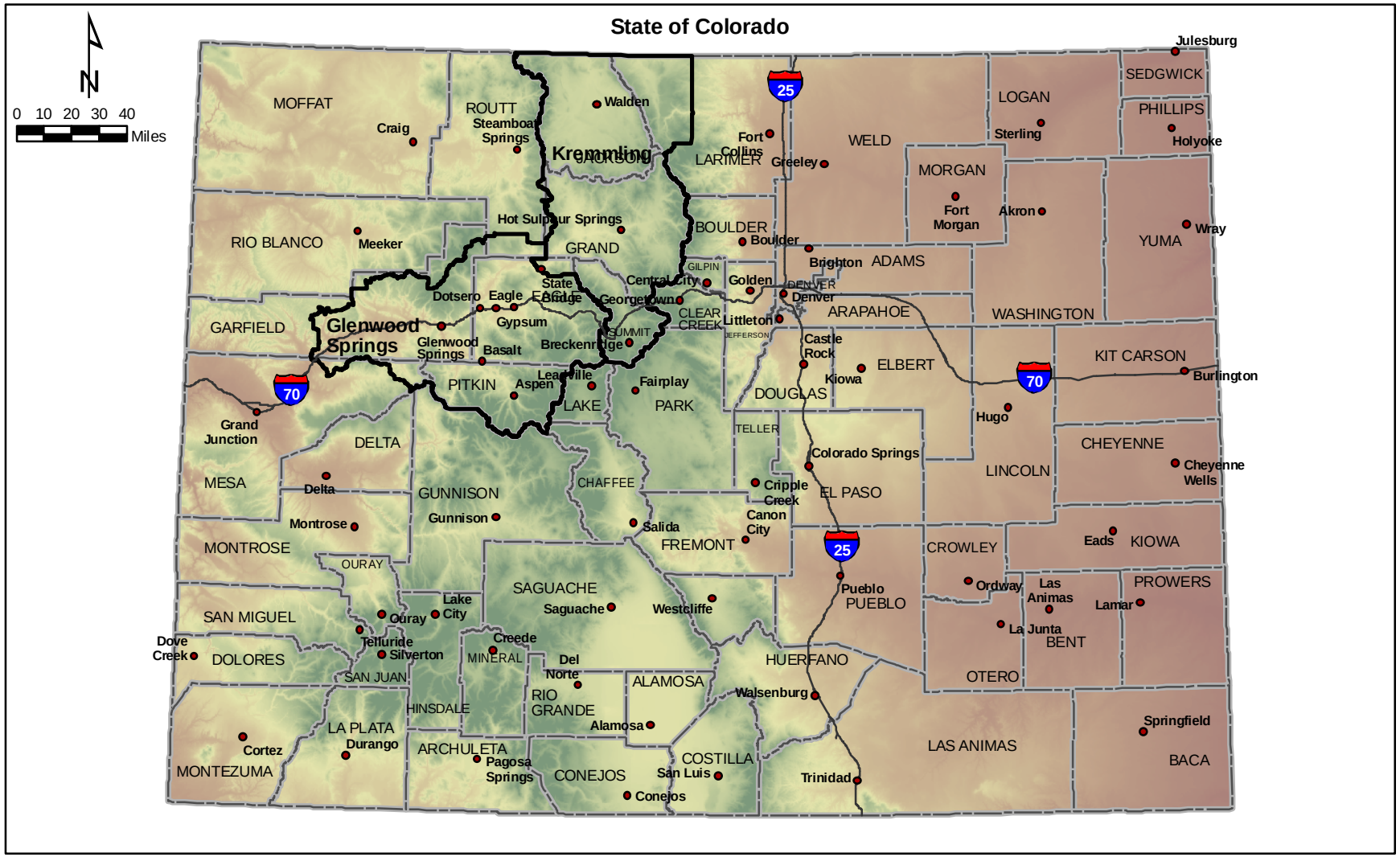
## 1.1 PROJECT AREA

The BLM project area for this suitability study included all BLM-managed river segments that have been determined to meet the eligibility criteria for WSRs (Figure 1-1). The KFO manages approximately 378,500 acres of BLM lands in north-central Colorado extending from the Colorado-Wyoming border in the north to Breckenridge in the south, and from Kremmling in the west to Rocky Mountain National Park in the east. The area managed by the CRVFO includes approximately 568,500 acres of public lands, extending from Vail in the east to Parachute in the west, and from Toponas in the north to Aspen in the south. This WSR suitability study evaluates the eligible segments occurring in the Roan Plateau area of the CRVFO. All other aspects of the Roan Plateau management were evaluated in the Roan Plateau RMP and are not considered as part of this RMP revision process.

## 1.2 WHY CONDUCT A SUITABILITY STUDY AND WHY NOW?

Section 5(d)(1) of the WSR Act (Public Law 90-542; 16 US Code 1271-1287) directs federal agencies to consider potential WSRs in their land and water planning processes. To fulfill this requirement, whenever the BLM undertakes a land use planning effort (for example, an RMP) it must analyze river and stream segments that might be eligible for inclusion in the NWSRS.

The KFO and CRVFO are simultaneously revising their respective RMPs for the BLM-administered public lands within each field office under one environmental impact statement (EIS). This WSR suitability study is being conducted now because the BLM is required by the WSR Act to assess river and stream segments under its management jurisdiction as part of the RMP process.




NATIONAL SYSTEM OF PUBLIC LANDS

No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

Cities

Highways

Kremmling and Glenwood Springs Field Office Boundaries

County Boundary

Elevation

High : 14,363 feet

Low : 3,346 feet

**Project Location**

**Colorado River Valley and Kremmling Field Offices, Colorado**

**Figure 1-1**

## 1.3 WHAT IS A WILD AND SCENIC RIVER?

Congress enacted the WSR Act on October 2, 1968, to address the need for a national system of river protection. As an outgrowth of a national conservation agenda in the 1950s and 1960s, the WSR Act was in response to the dams, diversions, and water resource development projects that occurred on America's rivers between the 1930s and 1960s. The WSR Act stipulated that selected rivers should be preserved in a free-flowing condition and be protected for the benefit and enjoyment of present and future generations. Since 1968, the WSR Act has been amended many times, primarily to designate additional rivers and to authorize the study of other rivers for possible inclusion in the NWSRS.

The WSR Act seeks to protect and enhance a river's natural and cultural values and to provide for public use consistent with its free-flowing character, water quality, and ORVs. A WSR designation affords certain legal protection from development. For instance, new dams cannot be constructed, and federally assisted water resource development projects that might negatively affect the designated river values are not permitted within the designated segment. Where private lands are involved, the federal managing agency works with local governments and landowners to develop protective measures.

As of June 2009, 203 river segments, totaling over 12,560 miles, had been protected in the NWSRS (Interagency Wild and Scenic Rivers Coordinating Council 2010). These nationally recognized rivers make up a valuable network of natural and cultural resources, scenic beauty, and recreational opportunities.

## 1.4 STEPS IN THE WILD AND SCENIC STUDY PROCESS

A WSR study process is composed of two main components: the eligibility phase and the suitability phase. At this point, the BLM has completed the eligibility phase and is completing the suitability phase for the KFO and CRVFO. The eligibility and suitability phases were conducted in accordance with BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* (BLM 1992), *The Wild and Scenic River Study Process Technical Report* (Interagency Wild and Scenic Rivers Coordinating Council 1999), and with the Wild and Scenic Rivers Act of 1968.

## 1.5 ELIGIBILITY PHASE

The eligibility phase was completed for the KFO and CRVFO in March 2007. Below is a brief description of the steps which were implemented in completing the eligiblity phase.

### 1.5.1 Steps in the Eligibility Phase

The process described in the following paragraphs has been completed and is included here as a reference. For a complete description of the segments analyzed and methodology used, see the BLM's *Final Wild and Scenic River Eligibility Report for Kremmling and Glenwood Springs Field Offices, Colorado* (BLM 2007a).

### *River and Stream Identification*

The WSR Act defines a river as, "a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes." All rivers which have potential for WSR designation must be identified and evaluated. Rivers identified for review may be divided into segments for evaluation purposes. There are no specific requirements for segment length.

A river study area extends the length of the identified river segment and includes the river area, its immediate environment, and shall include (or total) an average of no more than 320 acres per mile from the ordinary high-water mark on both sides of the river. The planning team should outline a preliminary or proposed boundary, usually 0.25-mile on either side of the river.

### *Eligibility Evaluation*

Each identified river segment shall be evaluated to determine whether or not it is eligible for inclusion as a component of the NWSRS. Determinations of eligibility shall be documented by the authorized officer (BLM Field Office Manager, National Forest Supervisor) prior to the formulation of alternatives but no later than the release of the draft land management plan or land management plan amendment.

The WSR Act states that, in order to be found eligible, a river segment must be "free flowing" and contain at least one river-related value considered to be "outstandingly remarkable."

Free-flowing is defined by Section 16(b) of the WSR Act as "existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway." The existence of small dams, diversion works, or other minor structures at the time the river is being considered should not automatically disqualify it for consideration as a potential addition to the NWSRS. Congress did not intend to require rivers to be "naturally flowing," in other words, flowing without any upstream manipulation except by nature. A river cannot be rendered ineligible by the presence of impoundments above or below the segment (including those that may regulate flow regime through the segment) or by existing minor dams or diversion structures within the study reach.

To be considered outstandingly remarkable, a river's related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale.

### *Assign Tentative Classification*

If the eligibility phase determines segments to be eligible, the appropriate agency shall assign a tentative classification and management measures needed to ensure appropriate protection of the values supporting the eligibility and classification determinations. There are three classes for rivers designated under the WSR Act: Wild, Scenic, and Recreational. Classes are based on the type and degree of human development and access associated with the river and adjacent lands at the time of the eligibility

determination. The classification does not reflect the types of values present along a river segment. The classification assigned during the eligibility phase is tentative and may be changed by the managing agency in the final land management plan in order to fit with other land management prescriptions, provided the revised classification was analyzed in the Draft land management plan as part of the National Environmental Policy Act of 1969 (NEPA) process. Final classification is a congressional legislative determination, along with designation of a river segment as part of the NWSRS.

### 1.5.2 Results of Eligibility Phase

The eligibility studies previously completed determined 41 individual segments within the KFO and CRVFO met the eligibility criteria for inclusion in the NWSRS. The Roan Plateau segments have been grouped into two stream complexes, East Middle Fork Parachute Creek complex and East Fork Parachute Creek complex, rather than individual segments. This approach was taken because the river values are dependent upon the mainstem creek, and portions of key tributaries. This grouping into two creek complexes accounts for the 13 eligible segments on the Roan Plateau. Figures 1-2, 1-3, and 1-4 depict the eligible KFO segments, and Figures 1-5, 1-6, and 1-7 depict the eligible CRVFO segments.

## 1.6 SUITABILITY PHASE

The purpose of the suitability phase of the study process is to determine whether eligible segments would be appropriate additions to the NWSRS by considering tradeoffs between corridor development and river protection. The suitability evaluation does not result in actual designation but only a determination of suitability, which provides the basis for determining which rivers should be recommended for addition to the National System.The BLM cannot administratively designate a stream via a planning decision or other agency decision into the NWSRS, and no segment studied is designated or will be automatically designated as part of the NWSRS. Only Congress can designate a WSR. In some instances, the Secretary of the Interior may designate a WSR when the governor of a state, under certain conditions, petitions for a river to be designated. Members of Congress will ultimately choose the legislative language if any suitable segments are presented to them. Water-protection strategies and measures to meet the purposes of the WSR Act will be the responsibility of Congress in any legislation proposed. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration and managed according to the objectives and specific management prescriptions outlined in the RMP.

A summary of segments identified as eligible in the KFO and CRVFO, and that were evaluated for suitability in this report is provided in Table 1-1. One additional segment along the Blue River was originally identified as eligible (Blue River Segment 1). A reexamination of the landownership and management status revealed that Segment 1 of the Blue River occurs on Forest Service land rather than on BLM land. As a result, this segment has been dropped from consideration by BLM and is not studied for suitability in this report.

**Table 1-1**
**BLM Eligible Segments Studied for Suitability**

| River or Creek | Segment | Total Segment Length (miles) | Length on BLM Land (miles) | Preliminary Classification | ORVs |
|---|---|---|---|---|---|
| *Kremmling Field Office* | | | | | |
| Blue River[1] | Total of two segments | 4.60 (total) | 1.48 (total) | | |
| | Segment 2 | 2.55 | 0.96 | Recreational | Wildlife, Recreational |
| | Segment 3 | 2.05 | 0.52 | Recreational | Recreational, Wildlife, Biodiversity |
| Colorado River | Total of five segments | 54.74 (total) | 21.36 (total) | | |
| | Segment 1 | 7.32 | 0.80 | Recreational | Recreational, Wildlife, Historic |
| | Segment 2 | 2.44 | 0.31 | Recreational | Recreational, Scenic, Geologic, Wildlife, Historic |
| | Segment 3 | 24.36 | 3.24 | Recreational | Recreational, Wildlife, Historic |
| | Segment 4 | 5.36 | 4.73 | Recreational | Recreational, Geologic, Wildlife, Historic |
| | Segment 5 | 15.26 | 12.28 | Recreational | Recreational, Wildlife, Scenic, Geologic, Paleontologic, Historic |
| Kinney Creek | one segment | 2.35 | 2.35 | Scenic | Fish |
| Muddy Creek | one segment | 8.93 | 3.43 | Recreational | Wildlife |
| North Platte River | one segment | 0.07 | 0.07 | Recreational | Recreational, Geologic, Historic |
| Piney River | one segment | 2.30 | 2.11 | Recreational | Paleontologic |
| Rabbit Ears Creek | one segment | 4.24 | 4.24 | Wild | Geologic |
| Spruce Creek | one segment | 0.97 | 0.97 | Recreational | Fish |
| Sulphur Gulch | one segment | 3.04 | 3.04 | Recreational | Paleontologic |
| Troublesome Creek | one segment | 6.14 | 3.71 | Recreational (upstream portion); Scenic (downstream portion) | Geologic |

**Table 1-1**
**BLM Eligible Segments Studied for Suitability**

| River or Creek | Segment | Total Segment Length (miles) | Length on BLM Land (miles) | Preliminary Classification | ORVs |
|---|---|---|---|---|---|
| ***Colorado River Valley Field Office*** *(excluding Roan Plateau)* | | | | | |
| Abrams Creek | one segment | 3.44 | 3.44 | Recreational | Fish |
| Battlement Creek | one segment | 2.88 | 1.66 | Recreational | Fish |
| Colorado River | Total of two segments | 71.38 (total) | 33.10 (total) | | |
| | Segment 6 | 45.38 | 27.30 | Recreational | Scenic, Recreational, Wildlife, Botanical |
| | Segment 7 | 15.70[2] | 3.40 | Recreational | Scenic, Recreational, Geologic |
| Deep Creek | Total of two segments | 4.46 (total) | 4.46 (total) | | |
| | Segment 2b | 3.60 | 3.60 | Wild | Scenic, Geologic, Ecologic |
| | Segment 3 | 0.86 | 0.86 | Recreational | Scenic, Geologic, Ecologic |
| Eagle River | One segment | 25.69 | 5.46 | Recreational | Recreational |
| Egeria Creek | One segment | 8.31 | 7.78 | Recreational | Historic |
| Hack Creek | One segment | 2.42 | 1.63 | Scenic | Historic |
| Mitchell Creek | One segment | 0.89 | 0.89 | Recreational | Fish |
| No Name Creek | One segment | 0.08 | 0.08 | Recreational | Historic |
| Rock Creek | One segment | 4.78 | 3.17 | Recreational | Historic |
| Thompson Creek[3] | One segment | 4.76 | 4.76 | Scenic | Scenic, Geologic, Historic |
| ***Roan Plateau*** | | | | | |
| *East Middle Fork Parachute Creek complex* | | | | | |
| East Middle Fork Parachute Creek | One segment | 1.10 | 1.10 | Wild | Fish, Botanic |
| Northwater Creek | One segment | 3.20 | 3.20 | Wild | Fish, Botanic |

**Table 1-1**
**BLM Eligible Segments Studied for Suitability**

| River or Creek | Segment | Total Segment Length (miles) | Length on BLM Land (miles) | Preliminary Classification | ORVs |
|---|---|---|---|---|---|
| Trapper Creek | Total of three segments | 5.98 (total) | 5.98 (total) | | |
| | Segment 1 | 0.78 | 0.78 | Wild | Fish |
| | Segment 2 | 3.40 | 3.40 | Recreational | Fish |
| | Segment 3 | 1.80 | 1.80 | Scenic | Fish |
| *East Fork Parachute Creek complex* | | | | | |
| East Fork Parachute Creek | Total of two segments | 7.57 (total) | 7.57 (total) | | |
| | Segment 1 | 5.36 | 5.36 | Wild | Fish, Scenic, Botanic |
| | Segment 2 | 2.21 | 2.21 | Scenic | Fish, Botanic |
| First Anvil Creek | Total of two segments | 2.25 (total) | 2.25 (total) | | |
| | Segment 1 | 0.60 | 0.60 | Wild | Botanic |
| | Segment 2 | 1.65 | 1.65 | Scenic | Botanic |
| Golden Castle Creek | One segment | 1.05 | 1.05 | Wild | Fish, Botanic |
| JQS Gulch | One segment | 1.14 | 1.14 | Scenic | Fish, Botanic |
| Second Anvil Creek | Total of two segments | 1.77 (total) | 1.77 (total) | | |
| | Segment 1 | 1.46 | 1.46 | Wild | Botanic |
| | Segment 3 | 0.31 | 0.31 | Recreational | Botanic |

[1]One additional segment along the Blue River was originally identified as eligible (Blue River Segment 1). A reexamination of the landownership and management status revealed that Segment 1 of the Blue River occurs on Forest Service land rather than on BLM land. As a result, this segment has been dropped from consideration by BLM and is not studied for suitability in this report.

[2]The length of Colorado River Segment #7 includes the WRNF Colorado River Segments (6.48 miles).

[3] Thompson Creek also includes a portion of the North Fork of Thompson Creek where it occurs on BLM land near the confluence with Thompson Creek.

**Figure 1-2 Kremmling Field Office Eligible Segments, Map 1**

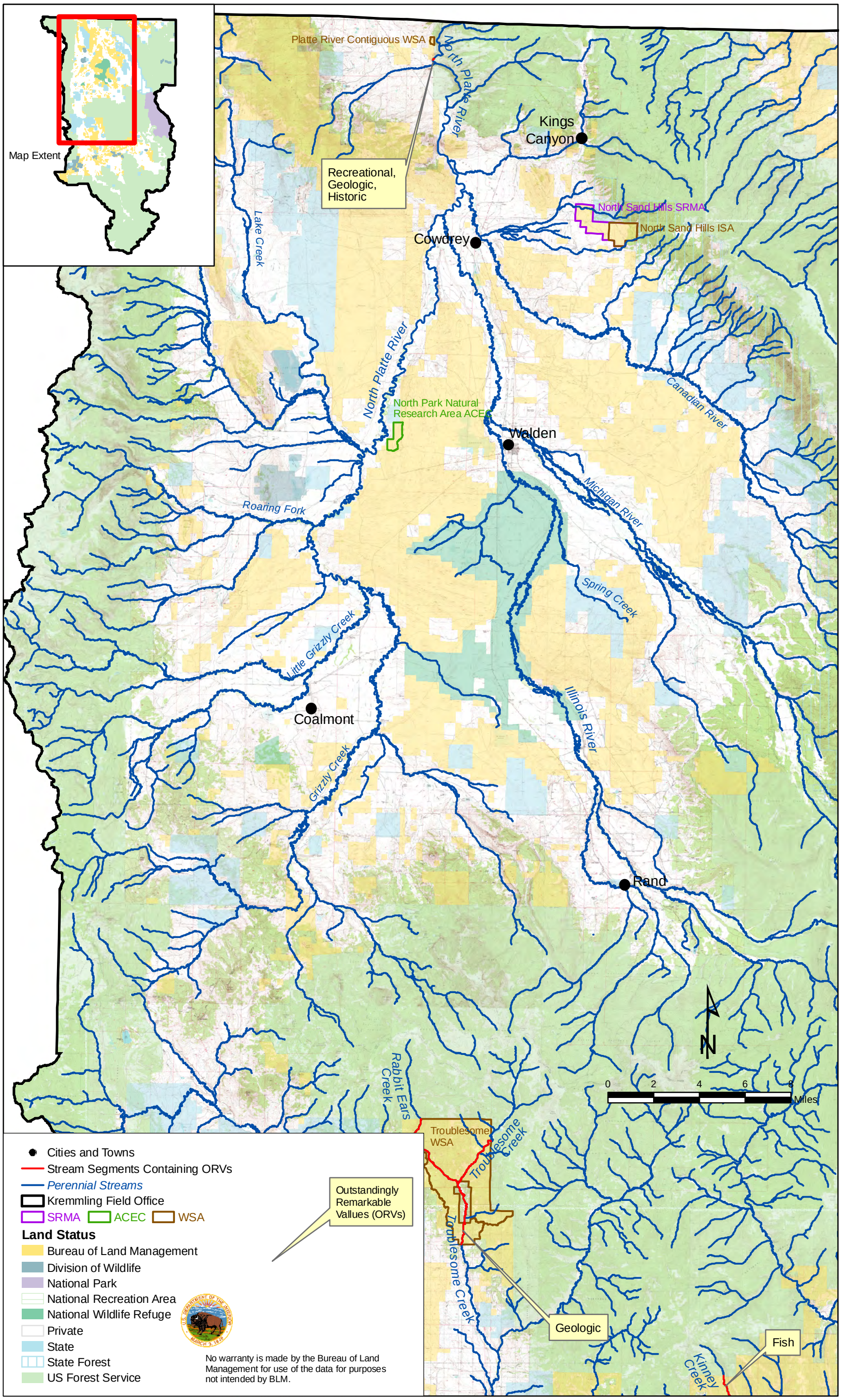


**Figure 1-3 Kremmling Field Office Eligible Segments, Map 2**

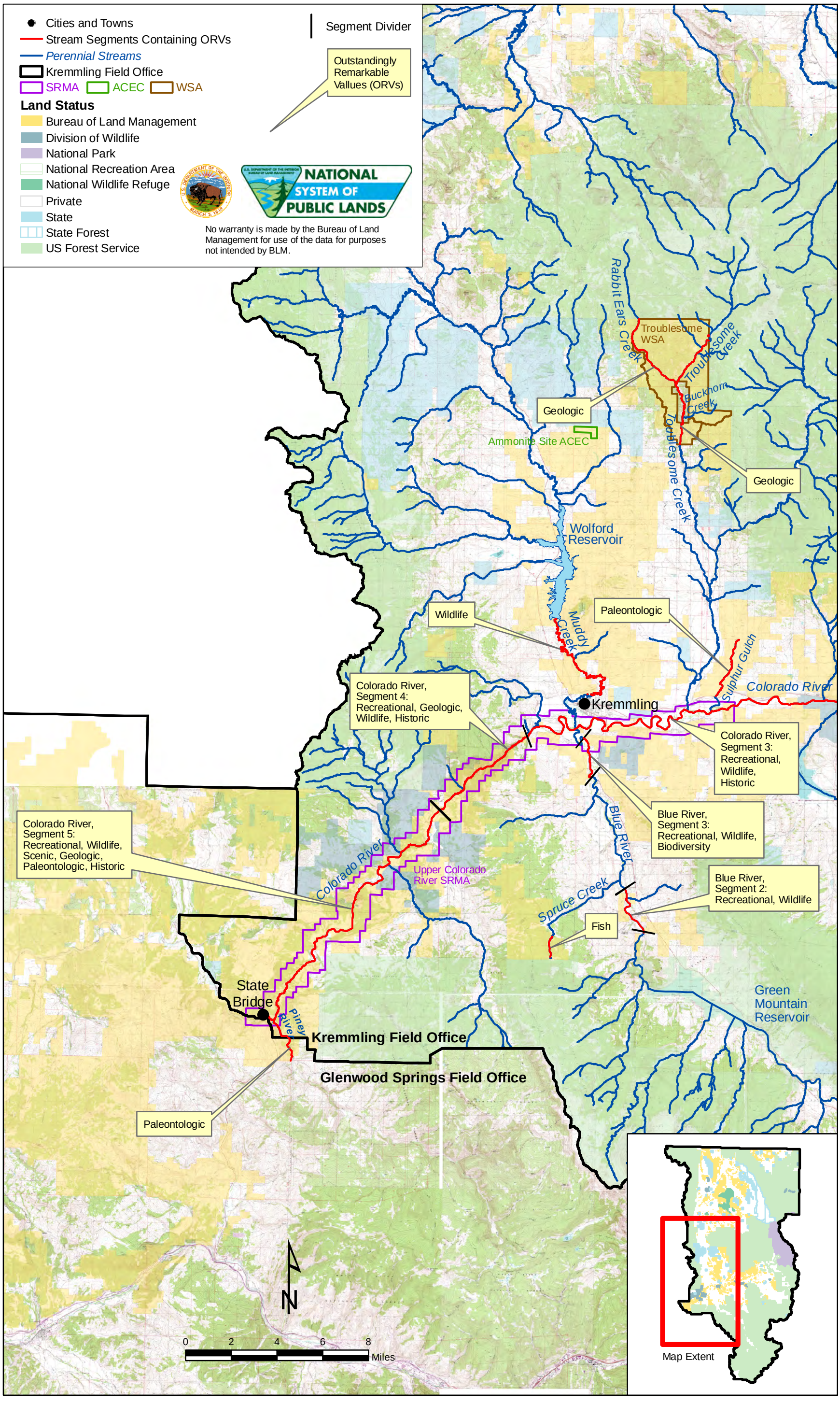


**Figure 1-4 Kremmling Field Office Eligible Segments, Map 3**

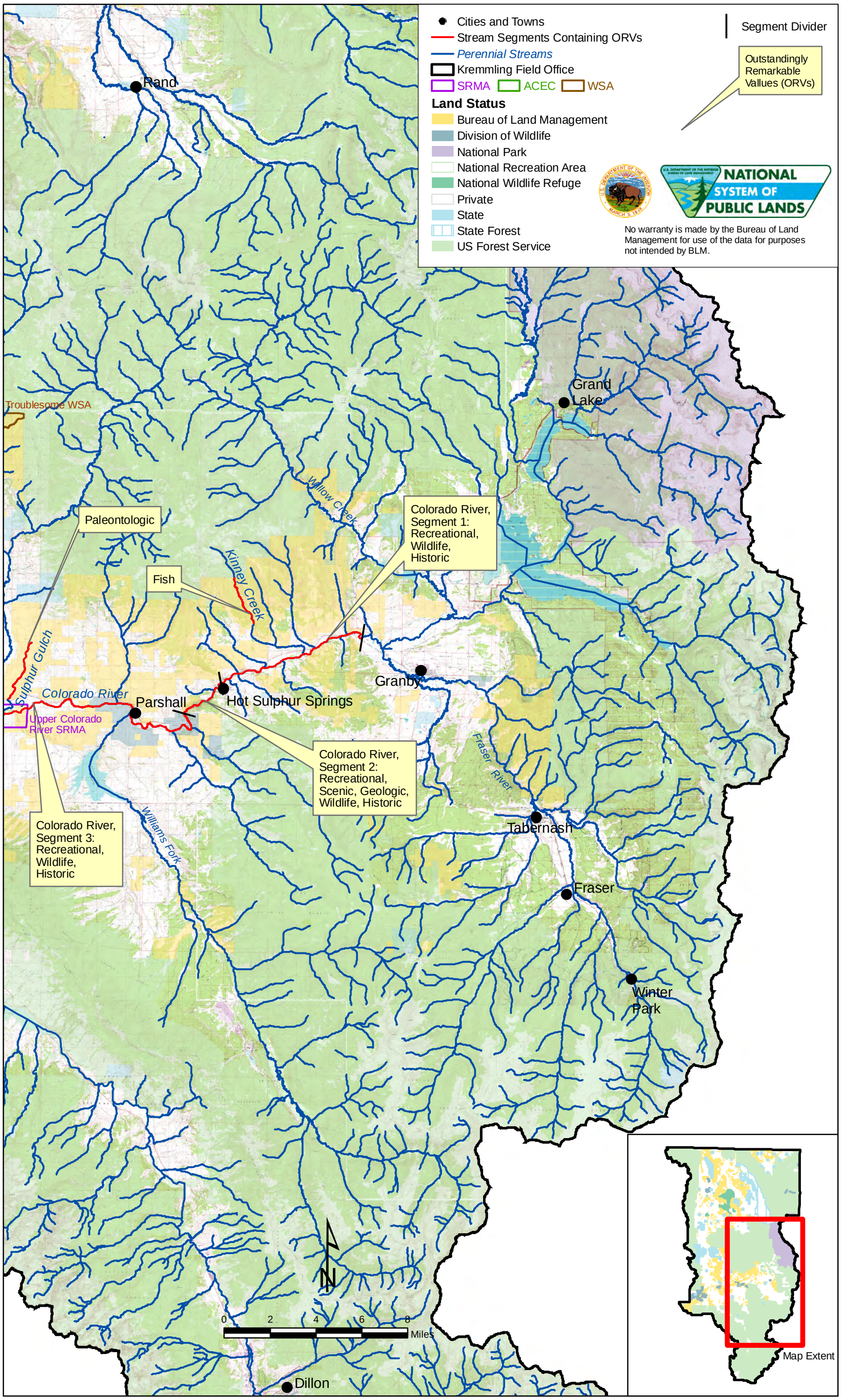


**Figure 1-5 Colorado River Valley Field Office Eligible Segments, Map 1**

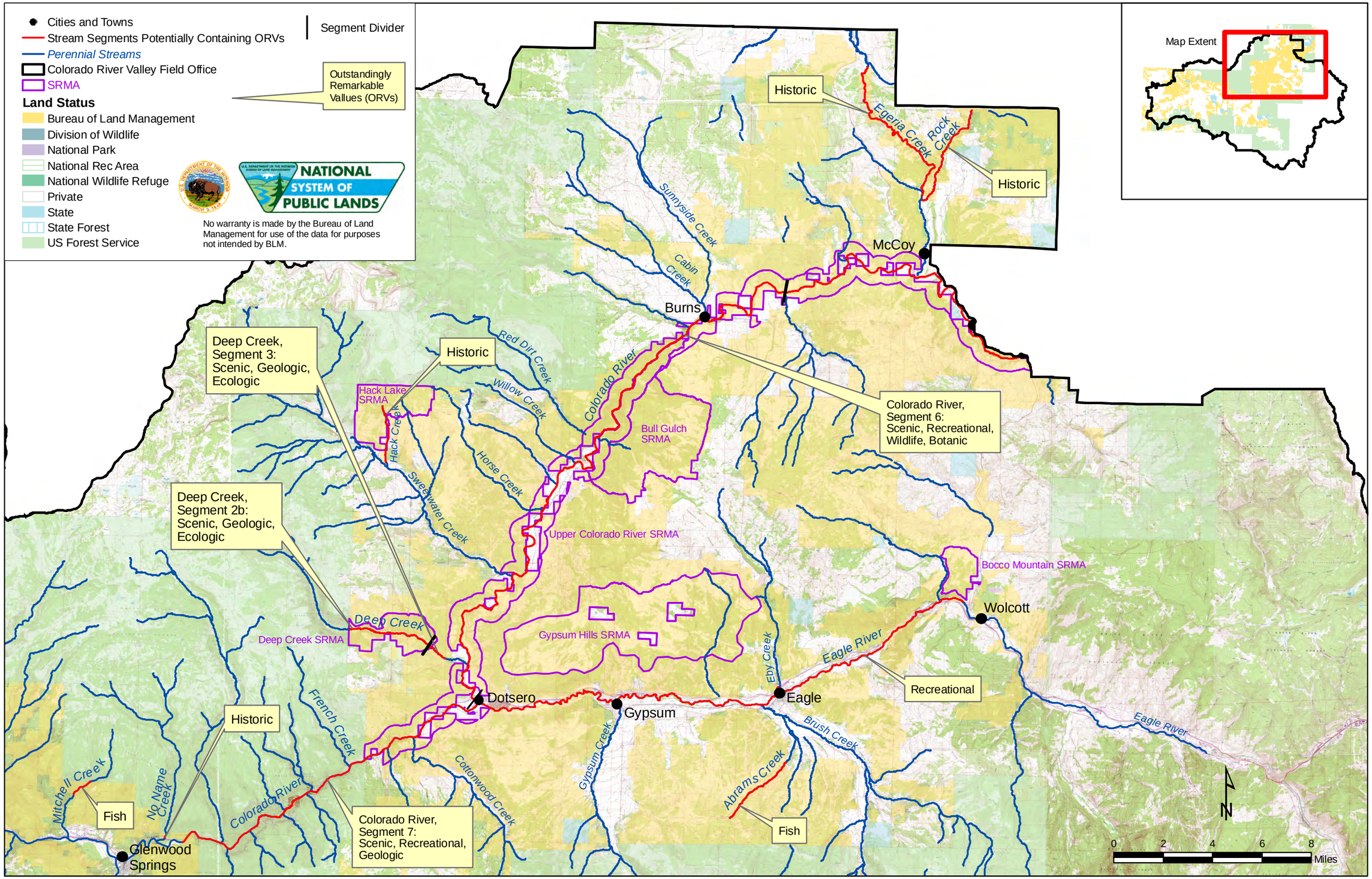


**Figure 1-6 Colorado River Valley Field Office Eligible Segments, Map 2**

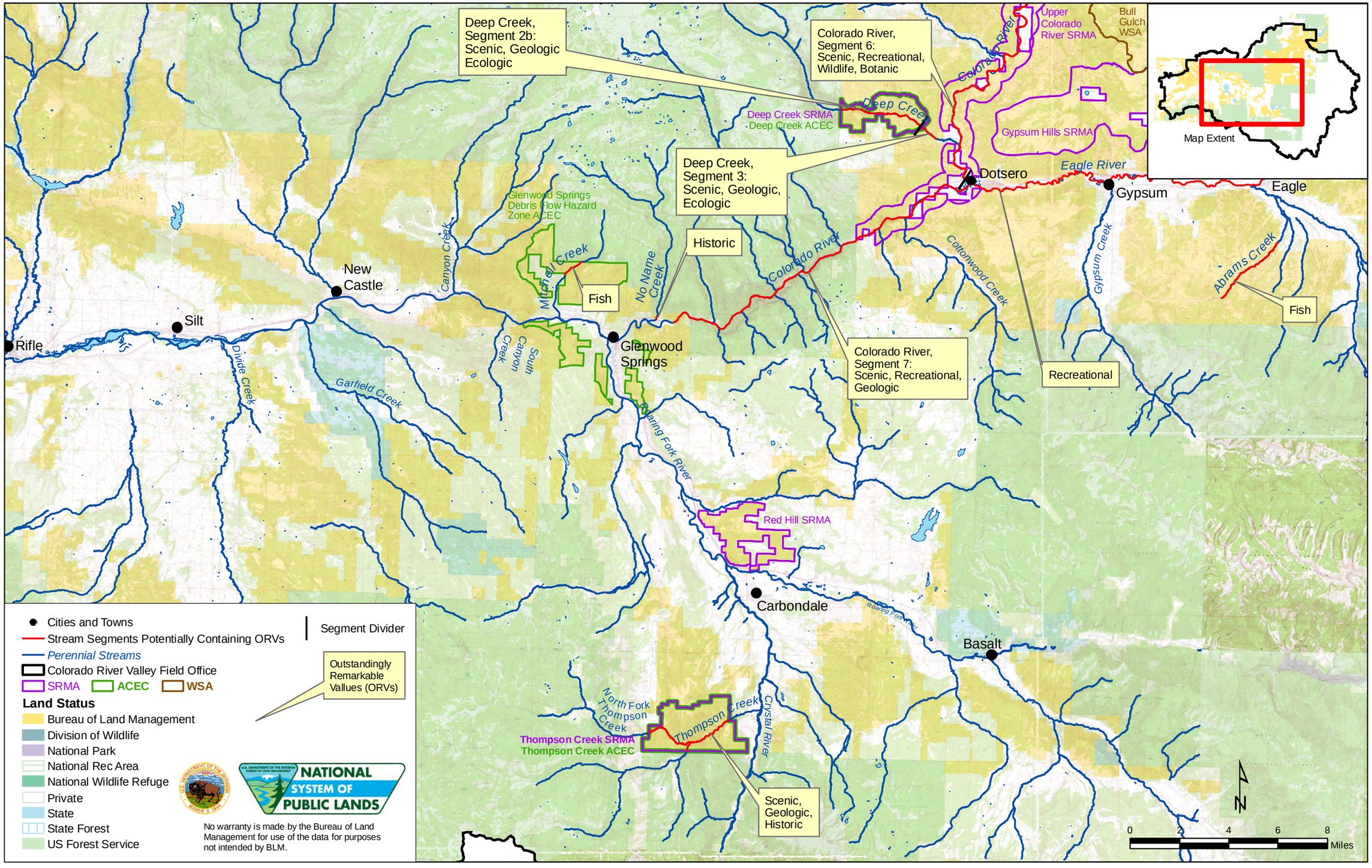
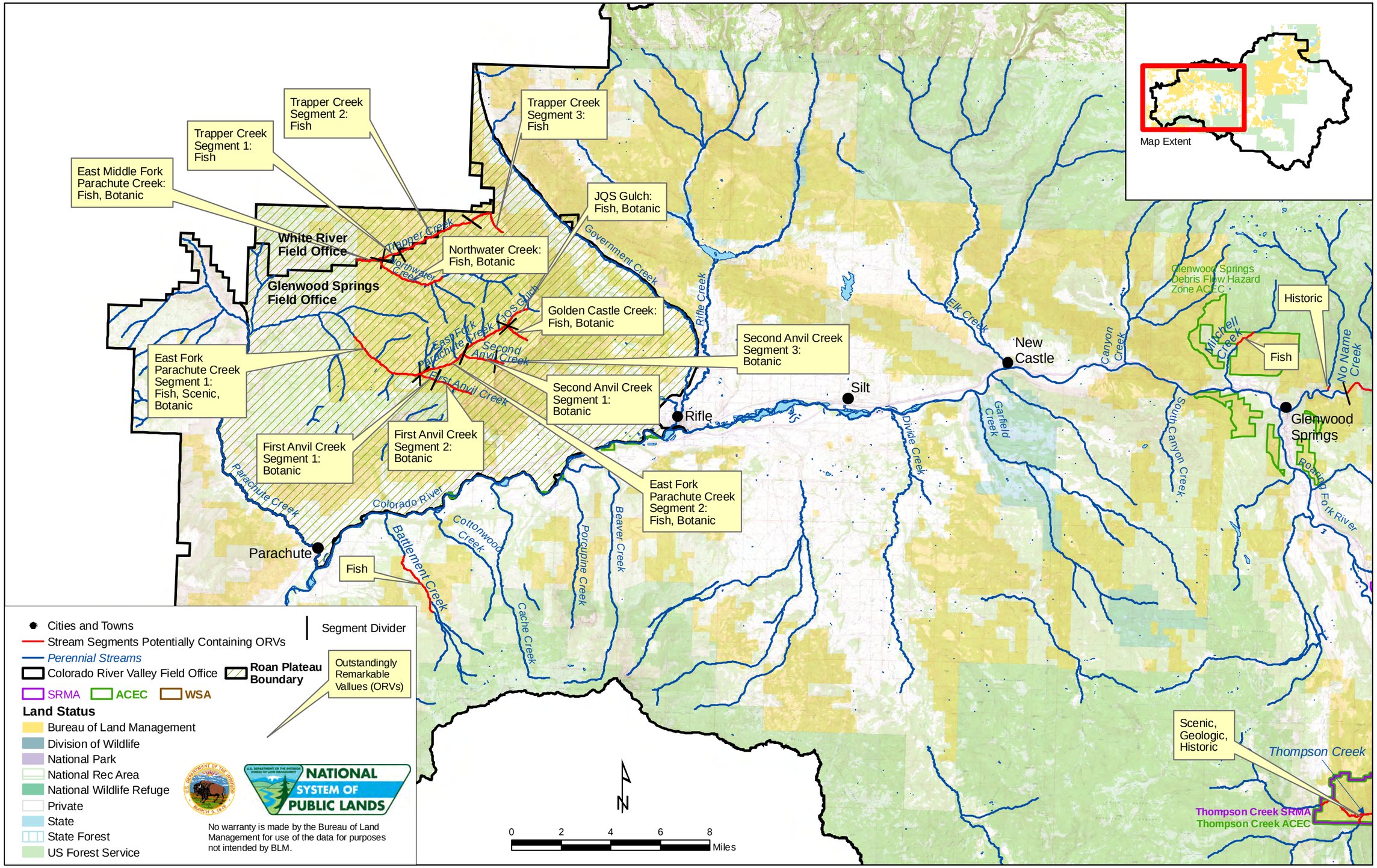


**Figure 1-7 Colorado River Valley Field Office Eligible Segments, Map 3**



# SECTION 2
# METHODOLOGY

This section describes the methodology implemented to evaluate eligible segments for suitability. The criteria used to evaluate eligible river and stream segments are those described in BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* (BLM 1992) and recommendations from the Interagency Wild and Scenic Rivers Coordinating Council (1999).

## 2.1 SUITABILITY CRITERIA USED TO EVALUATE RIVER AND STREAM SEGMENTS

A suitability study is designed to answer the following questions to determine whether eligible rivers would be appropriate additions to the NWSRS:

- Should the river's free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
- Will the river's free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.
- Is there a demonstrated commitment to protect the river by any nonfederal entities who may be partially responsible for implementing protective management?

With the above guidance from the Interagency Wild and Scenic Rivers Coordinating Council (1999) in mind, the following 11 suitability criteria factors, identified in BLM Manual Section 8351 (BLM 1992), were applied to each eligible river segment the suitability study:

1. Characteristics which do or do not make the area a worthy addition to the NWSRS.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved, and associated or incompatible uses. Jurisdictional consideration (administrative role and/or presence) must be taken into account to the extent that management would be affected. In situations where there is limited public lands (shoreline and adjacent lands) administered by the BLM within an identified river study area, it may be difficult to ensure those identified ORVs could be properly maintained and afforded adequate management protection over time. Accordingly, for those situations where the BLM is unable to protect or maintain any identified ORVs, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values. An alternative method to consider these segments is for state, local governments, or private citizens to initiate efforts for designation under Section 2(a)(iii), or a joint study under Section 5(c) of the WSR Act. In certain cases, there might be existing or future opportunities for the BLM to acquire river shoreline or where landowners are willing to donate, exchange, transfer, assign, sell, or sign an easement. Wherever appropriate, the BLM shall encourage the state, responsible federal agency or other entities to evaluate segments where the BLM lacks sufficient jurisdictional control and the BLM shall provide technical assistance concerning the WSR river studies, as well as information concerning public lands within the study corridor. The BLM shall continue to protect and, wherever possible, enhance any outstandingly remarkable values identified in the RMP process which are associated with lands under the BLM's jurisdiction.
3. Reasonably foreseeable potential uses of the land and related waters which would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and the values which could be foreclosed or diminished if the area is not protected as part of the NWSRS.
4. Federal, public, state, tribal, local, or other interests in designation or nondesignation of the river, including the extent to which the administration of the river, including the costs thereof, may be shared by state, local, or other agencies and individuals. Also, the federal agency that will administer the area should it be added to the National System.
5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it is added to the NWSRS. Section 6 of the WSR Act outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation within and outside established river boundaries.
6. Ability of the agency to manage and/or protect the river area or segment as a WSR river, or other mechanisms (existing and potential) to protect identified values other than WSR designation.

7. Historical or existing rights which could be adversely affected. In determining suitability, consideration of any valid existing rights must be afforded under applicable laws (including the WSR Act), regulations, and policies.
8. Other issues and concerns, if any.

In addition to the criteria described above, three additional suitability factors were considered, as suggested by the Interagency Wild and Scenic Rivers Coordinating Council (1999):

1. Adequacy of local zoning and other land use controls in protecting the rivers ORVs by preventing incompatible development. This evaluation may result in a formal finding that the local zoning fulfills Section 6(c)'s requirements, which in turn preempts the federal government's ability to acquire land through eminent domain if the river is designated.
2. Consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the "goals" of other tribal, federal, state, or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river which includes a limited recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.
3. Contribution to river system watershed or basin integrity. This factor reflects the benefits of a "systems" approach, i.e., expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits are likely to result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

In the BLM analysis of suitability, water resource development issues are generally considered under factors 3 and 7 from the BLM Manual, Section 8351.

## 2.2 DATA SOURCES AND METHODOLOGY

BLM relied on several sources, including geographic information systems data, KFO and CRVFO resource specialists, informational sources, other agencies, and public input. The result was a compilation of data applicable to the suitability criteria. This data was then used to determine the suitability of a particular segment.

### 2.2.1 Geographic Information Systems

Geographic information systems data compiled by the US Geological Survey were used to generate a table of all the perennial stream segments that contain BLM-administered land adjacent to at least one bank of a stream. In addition to US

Geological Survey data, the BLM also used its corporate Geographic Information Systems data for all associated resources.

### 2.2.2 BLM Resource Interdisciplinary Team

The BLM interdisciplinary team consisted of 14 resource specialists from both field offices. The interdisciplinary team provided information pertaining to the suitability criteria factors and also reviewed data from additional sources, such as agency and public input, for accuracy. Once all available data were compiled, the team evaluated each segment and made a suitability determination.

### 2.2.3 Informational Sources

The BLM used a number of informational sources and publications to evaluate segments for suitability. These sources included:

- BLM Manual, Section 8351;
- US Geological Survey minerals maps;
- US Geological Survey stream gage data;
- Land status maps;
- Agreements with other agencies;
- Other agency management plans;
- Water stakeholders;
- Land use planning and zoning documents for local and county governments;
- Descriptions of current and proposed water projects provided by water management agencies;
- Published books;
- River guides;
- Tabulations of water rights; and
- Input from cooperating agencies.

### 2.2.4 Other Agencies

Additional information was gathered from other federal and state agencies from scoping letters, stakeholder outreach, and existing documents. The following other agencies were contacted in order to assess suitability:

- Colorado Department of Natural Resources, Division of Wildlife (CDOW) databases;
- Forest Service, where segments originate or continue onto Forest Service land;
- Environmental organizations;
- Water user agencies; and

- Counties.

### 2.2.5 Public Input

#### *Eligibility Phase*

Public involvement for the KFO and CRVFO WSR evaluation process began during the eligibility phase. Scoping was conducted in 2006 to solicit input from the public, stakeholders and interested agencies. Letters were sent to potential stakeholders and information was available on the CRVFO and KFO Web sites. Four public open houses were held in mid-July of 2006 in Granby, Kremmling, Glenwood Springs, and Eagle, Colorado. The BLM presented the results of its initial identification efforts, provided educational materials regarding the WSR process, and solicited comments from the public and government agencies.

The public was invited to submit comments via US mail, facsimile, or electronic mail, and comments were accepted until July 28, 2006. A total of 31 comments were received during the public comment period and were analyzed and incorporated into the eligibility study. More detailed information on public involvement during the eligibility phase can be found in the *Final Wild and Scenic Rivers Eligibility Report for Kremmling and Glenwood Springs Field Offices, Colorado* (BLM 2007a).

#### *Suitability Phase*

In mid-July of 2007 at the beginning of the suitability phase of the evaluation process, letters were mailed to potential stakeholders soliciting data on the segments being studied for suitability. Stakeholders were specifically asked to provide data related to the suitability criteria in Section 2.1. Letters to potential stakeholders were sent on July 12, 2007, and included a list of the suitability criteria, a question and answer on WSRs analysis and water rights/water projects overview, and a WSRs guide for riverfront property owners. Data received were analyzed and incorporated into the suitability evaluation.

During stakeholder outreach for suitability, the BLM received 13 comment letters containing a total of 365 comments. Comments pertained to a range of topics from the eligibility of certain segments to opinions on the suitability of eligible segments. As intended, the stakeholders provided valuable information related to the suitability criteria which was incorporated into the evaluation when applicable.

All comments received were considered and analyzed. Much of the information contained in the comment letters was incorporated into the suitability analysis, but none of the comments resulted in changes to eligibility determinations. Although the segments were not reevaluated, the BLM reviewed comments pertaining to eligibility and addressed them.

Appendix A contains the mailing list of agencies, groups, and individuals contacted, a breakdown of comments received, responses to comments received that pertained to

eligibility, a copy of materials sent to stakeholders, and copies of all letters and comments received during suitability outreach.

## 2.3 SUITABILITY DETERMINATIONS

Each of the 28 individual eligible segments and the two creek complexes (13 segments) were evaluated to assess whether or not it would be suitable for inclusion in the NWSRS. The determination was made based on the suitability criteria factors described previously. When the Draft RMP/EIS is published (tentatively scheduled for spring 2011), the public will have 90 days to comment on the draft suitability determinations.

## 2.4 INTERIM MANAGEMENT OF SUITABLE SEGMENTS

The WSR Act and BLM guidance require that interim management be developed and followed to protect the free-flowing nature, water quality, ORVs, and recommended classification of suitable segments until congressional action regarding designation is taken. Interim protections for suitable segments are provided administratively by the management agency and are not legislative protection under the WSR Act. Legislative protection is provided only by formal designation by Congress. Guidelines for managing Section 5(d)(1) rivers, as adapted by the Interagency Wild and Scenic Rivers Coordinating Council from the WSR Act, are included in Table 2-1. Once final determinations have been made, the BLM will draft protective management measures for each suitable segment.

**Table 2-1**
**Interim Protection for Candidate Wild and Scenic Rivers**

| Issue | Management Prescription/Action |
|---|---|
| Study Boundary | Minimum of 0.25 mile from ordinary high-water mark.<br>Boundary may include adjacent areas needed to protect identified values . |
| Preliminary Classification | Section 2(b):<br>3 classes: Wild, Scenic, and Recreational, defined by statute.<br>Criteria for classification described in Interagency Guidelines.<br>Manage at preliminary classification . |
| Study Report Review Procedures | Notice of study report/draft EIS published in *Federal Register*.<br>Comments/response from federal, state, and local agencies and the public included in the study report and final EIS. |
| Private Land<br>*Administration<br>*Acquisition | Affects private land uses through voluntary partnership with state and local governments and landowners.<br>No regulatory authority.<br>No ability to acquire interest in land under the act's authority before designation.<br>Typically, an evaluation of the adequacy of local zoning and land use controls is a component of suitability determination.[1] |

**Table 2-1**
**Interim Protection for Candidate Wild and Scenic Rivers**

| Issue | Management Prescription/Action |
|---|---|
| Water Resources Project | River's free-flowing condition protected to the extent of other agency authorities; not protected under the WSR Act. |
| Land Disposition | Agency discretion to retain lands within river corridor in federal ownership. |
| Mining and Mineral Leasing | Protects free flow, water quality, and ORVs through other agency authorities. |
| Actions of Other Agencies | Affect actions of other agencies through voluntary partnership. |
| Protect Outstandingly Remarkable Values | No regulatory authority conferred by the WSR Act; agency protects through other authorities.<br>Section 11(b) 1: Limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.[2] |

[1]For an agency-identified study river that includes private lands, there is often the need to evaluate state and local land use controls and, if necessary, to assess the willingness of state and local governments to protect river values.

[2]Section 11(b)1 authorizes the Secretary of the Interior and Secretary of Agriculture or the head of any other federal agency to provide for "limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources." This authority "applies within or outside a federally administered area and applies to rivers which are components of the National [System] and to other rivers." The recipients of federal assistance include states or their political subdivisions, landowners, private organizations, or individuals. Some examples of assistance under this section include riparian restoration, riparian fencing to protect water quality and riparian vegetation, and vegetative screening to enhance scenery and the recreation experience.

Source: Interagency Wild and Scenic Rivers Coordinating Council 1998

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# SECTION 3
# SUITABILITY CRITERIA-BASED DATA AND DETERMINATIONS

## 3.1 INTRODUCTION

This section presents the data collected for each eligible segment in a narrative format and the resulting BLM determination of suitability. Data collection was guided by the 11 specific criteria described in Section 2.1, and data are presented for each segment in the order below:

1. Characteristics that do or do not make the river a worthy addition to the NWSRS;
2. The status of landownership and minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses;
3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated;
4. Federal, state, tribal, local, public, or other interest in designating or not designating the river;
5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated;
6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation;
7. Historical or existing rights that could be adversely affected with designation;
8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development;

9. Consistency of designation with other agency plans, programs, or policies;
10. Contribution to a river system watershed or basin integrity; and
11. Other issues and concerns, if any.

Impacts that would occur from designating or not designating the suitable river segments will be analyzed in the EIS associated with the RMP. The BLM will consider public review and comment on suitability determinations included in the Draft RMP before it makes final suitability determinations. Maps have been included only for those segments preliminarily determined to be suitable; maps of all eligible segments were included in the *Final Wild and Scenic River Eligibility Report for Kremmling and Glenwood Springs Field Offices, Colorado* (BLM 2007a).

## 3.2 KREMMLING FIELD OFFICE SUITABILITY DATA AND DETERMINATIONS

This section contains a discussion of 12 suitability factors in relation to each of the 15 river and stream segments determined to be eligible in the *Final Wild and Scenic River Eligibility Report for Kremmling and Glenwood Springs Field Offices, Colorado* (BLM 2007a). These factors were described in Section 2.1.

The following river and stream segments were evaluated for suitability within the KFO:

- Blue River (two segments);
- Colorado River (five segments);
- Kinney Creek (one segment);
- Muddy Creek (one segment);
- North Platte River (one segment);
- Piney River (one segment);
- Rabbit Ears Creek (one segment);
- Spruce Creek (one segment);
- Sulphur Gulch (one segment); and
- Troublesome Creek (one segment).

One additional segment along the Blue River was originally identified as eligible (Blue River Segment 1). A reexamination of the landownership and management status revealed that Segment 1 of the Blue River occurs on Forest Service land rather than on BLM land. As a result, this segment has been dropped from consideration by BLM and is not studied for suitability in this report.

### 3.2.1 Segment Name: Blue River (Segment 2)

| | | | |
|---|---|---|---|
| **Description:** | From the BLM-Forest Service land boundary downstream of the confluence with Spring Creek to the BLM land boundary upstream of the confluence with Spruce Creek. The portions of the river considered are those on BLM lands in Township 2 South, Range 80 West, Sections 28, 33, and 34. | | |
| **Total Segment Length:** | 2.55 miles | **Total Segment Area:** | 890 acres |
| **Length on BLM Land :** | 0.96 mile | **Area on BLM Land:** | 289 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Wildlife | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable recreational (fishing and floatboating) and wildlife values. The wildlife values are related to the nesting and winter habitat for bald eagle *(Haliaeetus leucocephalus)* as well as habitat for river otter *(Lutra canadensis)*. The segment is also considered Gold Medal Waters for trout fishing.

   The segment contains diversions for the purpose of irrigating private lands in accordance with water rights. The diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

   A gravel road parallels most of the segment but is not accessible to the public. There are several houses and associated ranch buildings visible from the segment, some occurring within the study boundary. Immediately west of the gravel road is a five-acre wetland that provides habitat for a variety of wildlife.

   Two bridges are present within the segment. A vehicle bridge on County Road 10 crosses the segment at approximately its midpoint. Just upstream of this bridge is a boater pull-out where boaters may exit the segment; this pull-out is on private land. A second pedestrian bridge occurs on the private property within the segment. Neither bridge impairs the free-flowing nature of the segment.

   BLM manages 0.96 miles (37.6 percent) of the segment shoreline but it does not manage lands on both shorelines for any portion of the segment. Furthermore, the land adjacent to BLM land outside of the 890-acre study corridor is privately owned, so BLM lands adjacent to the river do not provide river access or boating take-outs. However, the BLM lands within the segment provide boaters with places to stop and get out of their boats. This unique opportunity is considered part of the recreational floatboating ORV.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   Land ownership for this 2.55-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 0.96 miles (37.6 percent) for this 2.55-mile segment. As stated above, the BLM does not manage lands on both shorelines for any portion of the segment. Within the 890-acre study corridor, BLM manages 289 acres (32.5 percent). The remaining 601 acres (67.5 percent) are privately owned.

   Private land management is generally compatible with protection of the ORVs in this segment. Wildlife and fish habitats are protected and enhanced through the management efforts of the private landowner. Recreational fishing and

floatboating opportunities are available and enjoyed, with some access constraints. Within the segment, there are three distinct BLM-managed parcels with shoreline lands. Public access is only by floatboating when water from upstream of the segment is at sufficient levels. Floatboaters and fisherman are only permitted on land within the BLM parcels, but these parcels do not provide floatboating put-ins or take-outs.

The Blue Valley Ranch holds water rights allowing it to draw water from the Blue River for irrigation. The diversions in operation are relatively small and do not impact the free-flowing nature of the river. In most cases, these diversions have been constructed in a manner benefiting fish habitat. These diversions do not occur on the BLM parcels being evaluated in this study.

While the current private landowner is managing adjacent land in a consistent manner with protecting the ORVs, changes in management practices and/or ownership of the private parcels could result in degradation of the ORV, over which BLM has no control. There are no agreements in place guaranteeing long-term management of private parcels in a manner consistent with protection of the ORVs.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

The BLM and a private landowner are considering a land exchange involving the BLM parcels within this segment. This segment contains the parcels identified as G and H in the land exchange discussions. If the segment were included in the NWSRS, the BLM would not exchange these parcels.

Phase II of The Upper Colorado River Study (Hydrosphere Resource Consultants 2003) identified a current water demand of 8,027 acre-feet annually for municipal, domestic, and snowmaking uses in Summit County. The study projects that, at buildout, future water demand in the county will be 17,871 acre-feet per year. Even before buildout, the study predicts that water shortages of approximately 1,900 acre-feet annually will occur in Summit County.

While the increase in demand will not be immediate, multiple entities within Summit County are in various stages of implementing projects to satisfy future water demands. These include small storage projects, small pumpback projects, and diversion relocations to improve water availability.

The BLM concludes that additional Blue River depletion, resulting from increased demand within Summit County, is a reasonable foreseeable development. Demand and water supply contracts are already in place for some of this increased demand, and numerous small projects to supply the increased demand are in various stages of planning, financing, and permitting.

Accordingly, the BLM believes it is reasonable to expect additional depletions of up to 1,900 acre-feet.

The Colorado Water Conservation Board holds the following water rights on the Blue River: 60 cubic feet per second (cfs) from May 1 to July 15 and 85 cfs from July 16 to April 30. These water rights are junior to many of the senior water rights on the Blue River, including the water storage rights for Green Mountain Reservoir and Dillon Reservoir. If the segments were designated, the federal government would be granted a junior water right, but this right would not impact existing senior rights.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

It is anticipated that public interest in designating this segment will be divided. Floatboaters who enjoy the segment and the ability to get out of their boats to picnic or wade fish on the BLM parcels would be interested in designating the segment as a means of ensuring BLM ownership. This is based on the assumption that if designated, the land exchange with a private landowner would not be permitted. Other members of the public may be opposed to designation based on concern over future water rights.

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.

The private landowner along this segment has expressed opposition to designating this segment of the Blue River primarily based on the fact that the BLM is unable to adequately protect the ORVs along the segment due to the interspersed BLM and privately owned land. Other groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, and Clinton Ditch and Reservoir Company.

A group of water users from both the East and West Slope, including the Denver Water Board (Denver Water), Northern Colorado Water Conservancy District (Northern Water), the Colorado River District, and users in Summit, Grand, and Eagle Counties, are investigating a proposed project known as the Blue River Pumpbacks and Wolcott Reservoir Alternatives. The proposed project would make additional water available for both East Slope and West Slope uses by pumping water from either the Green Mountain Reservoir or Everist Pond (six miles downstream from Silverthorne) back up into Dillon Reservoir. An important feature of the project is to construct a reservoir in the Eagle River watershed on Alkali Creek. This reservoir could provide water to downstream users to replace the additional consumption made possible by the project in the upper Colorado River watershed and on the east slope. Preliminary estimates from project studies indicate that the proposed pumpback could reduce flows in the Blue River below Green Mountain

Reservoir by 48,000 acre-feet annually, or about 20 percent of the average annual flow.

The BLM has reached two conclusions regarding this project. First, it concluded that the proposed project is not yet a reasonably foreseeable development because permits, financing, and water supply contracts are not yet in place for the project. However, the BLM realizes that numerous stakeholders in the upper Colorado River watershed, including counties that are facing water supply limits, have a strong interest in maintaining flexibility to configure a future water project that will help satisfy increased water demands. In addition, both East and West Slope water users seek the maximum flexibility to work with Grand County to address steamflow management issues within the county. A pumpback project could be configured to allow water to be released from other reservoirs to benefit streamflows in the Colorado River above Kremmling and in other places in Grand County.

Second, the BLM concluded that a junior water right associated with a WSR designation would not guarantee a specific flow regime to support the ORVs in this segment because the existing senior rights have the capability to significantly alter flows to make water deliveries to downstream users. Accordingly, the BLM concluded that designation, along with its associated restrictions on land management and flow management, may not enhance cooperation among stakeholders to provide flows necessary to support ORVs on this stream segment and elsewhere in Grand County.

No comments specific to this segment were received from the Forest Service, US Department of the Interior, Bureau of Reclamation (Reclamation), or other federal or state agencies.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

Acquiring private lands adjacent to this segment are not necessary under current private landownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary. Given that the private landowner is seeking to acquire more land within the corridor via a land exchange with BLM, it is unlikely that the private landowner would be willing to sell land parcels to the BLM if the segment were designated as a WSR.

The cost of administering the segment if designated would be minimal under current ownership and management of adjacent private lands. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

Protection of the identified values is dependent upon compatible management practices being implemented by the private landowner within the corridor. Currently, the private land management practices, in conjunction with BLM management, protect the values. However, there are no permanent easements or other mechanisms ensuring the protection of the ORVs on private land through this segment. This segment requires minimal management because the area is not heavily impacted by use, since the only access to the majority of the segment is by boat. If adjacent private land management practices changed, the BLM likely would not be able to protect ORVs. The BLM does not control both shorelines along any portion of this segment and manages less than 33 percent of the land within the study corridor. Consequently, management activities on private lands have the potential to impact recreational fishing and floatboating ORVs within the segment.

A working group of various stakeholders, including affected private landowners and Summit and Grand Counties, is developing the Lower Blue River Management Plan to protect the river's resources. This represents a possible alternative method for managing the segment that also takes into account the desires of multiple users.

The operation of Green Mountain Reservoir, located on the Blue River between Silverthorne and Kremmling, has a substantial effect on streamflows in Blue River Segments 2 and 3 and upon Colorado River segments 4 through 7. The reservoir holds a sufficiently senior water right that allows the reservoir to fill in most years. Releases of stored water pursuant to the purposes of the reservoir are made during the irrigation season, April 15 through October 15. These releases have the effect of increasing the reliability of base flows in the Blue River segments and Colorado River segments during that time period. However, these releases do not guarantee base flows because drought conditions may not allow the reservoir to fill.

Green Mountain Reservoir was constructed as a component of the Colorado-Big Thompson Project, which provides supplies to East Slope water users in an area located roughly between the northern suburbs of the Denver metro area north to the Fort Collins area. The 152,000 acre-foot reservoir was completed in 1942 and is operated by the US Bureau of Reclamation. The primary purpose of the reservoir is to store replacement water for West Slope water users to compensate for Colorado River depletions caused by operation of the Colorado Big-Thompson Project.

The 152,000 acre-foot capacity is divided into two pools: a 52,000 acre-foot replacement pool, and 100,000 acre-foot power pool. Water from the replacement pool is released upon the demand of the State Engineer whenever the Dotsero stream gage on the Colorado River is less than 1,250 cfs. These releases are made during irrigation seasons to fulfill the demands of senior

water rights holders located downstream on the Colorado River. Releases are made in amounts equal to the amount of water that is being withheld by the Colorado Big-Thompson for export to the East Slope.

Water from the power pool is released to produce electricity at the Green Mountain Reservoir power plant, and to maintain a flow of 1,250 cfs at the Dotsero gage in order to provide water to the Shoshone Power Plant in Glenwood Canyon. The Shoshone power plant holds a water right that is senior to the Green Mountain Reservoir and the Colorado-Big Thompson project. Releases for this purpose are also restricted to the April 15 to October 15 period.

At certain times, water releases that are normally made from Green Mountain Reservoir are made from storage space controlled by Denver Water Board in Wolford Mountain Reservoir on Muddy Creek and by Williams Fork Reservoir on the Williams Fork River. This occurs because Denver Water Board has been authorized by court decree to withhold a limited portion of the water that is owed to the Green Mountain Reservoir, and store it in Denver's Dillon Reservoir facility located upstream. When this occurs, Denver Water Board makes an equivalent amount of water available for release from Wolford Mountain Reservoir or Williams Fork Reservoir. These substitution and exchange operations have the effect of reducing flows below Green Mountain Reservoir within Blue River Segments 2 and 3. However, Colorado River Segments 4 through 7 do not experience any change in flows, because these segments are located downstream from where the replacement water is released from Wolford Mountain Reservoir and Williams Fork Reservoir.

7. Historical or existing rights that could be adversely affected with designation:

   While existing water rights would not be adversely affected, future water projects have the potential to be affected if sufficient water levels cannot be maintained to protect the ORVs in the segment.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Segment 2 of the Blue River lies within Grand County, and private lands surrounding the segment are zoned as forestry and open. The purpose of this designation is to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006). This zoning is adequate in protecting the recreational ORV, but increased development in the future could degrade wildlife habitat for the bald eagle and could degrade the habitat necessary for the river otter by increasing recreational use.

   While the private land adjacent to the segment is managed by one owner and management practices to date have been commensurate with protection of the

ORVs, there are no protections for future management. If the landowner should change management practices or change ownership, there is potential for increased development.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service manages land and river upstream of the segment. With its White River National Forest Land and Resource Management Plan Wild and Scenic River Eligibility Study (Forest Service 2002), the Forest Service found that the segment was not eligible. However, Forest Service management practices are compatible with the protection of downstream ORVs.

   A working group of various stakeholders, including affected private landowners and Summit and Grand Counties, is developing the Lower Blue River Management Plan to protect the river's resources. It is likely that management actions set forth by BLM due to the designation of the segment would be similar to those set forth in the Lower Blue River Management Plan.

10. Contribution to a river system watershed or basin integrity:
    The Blue River is a major tributary of the upper Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

The suitability of this segment is dependent on similar protective management upstream and on cooperative management with private landowners. During their eligibility phase, the Forest Service did not find upstream portions of the Blue River on Forest Service-managed land to be eligible (Forest Service 2002). Management practices upstream could influence the ORVs within Segment 2. Because Segment 2 of the Blue River is fragmented with BLM and private ownership, designation of this segment has the future potential to be inconsistent with management practices both upstream and throughout the segment.

The BLM's ability to ensure adequate flows to protect the ORVs is extremely limited. Upstream senior water rights could significantly alter flow rates below Green Mountain Reservoir. A new, junior, instream flow water right that would come with a Wild & Scenic designation may prevent new depletions to the Blue River system but would have little ability to affect the timing and rate of flows created by existing water rights.

The BLM concluded that it has limited ability to protect and manage the ORVs without extensive cooperation from other stakeholders, especially because its landownership is fragmented within the segment. These stakeholders are creating a management plan (Stakeholder Group 2011) that will have many of the same management objectives as a WSR management plan. Stakeholders within the

watershed are seeking flexible management options for both land and water management issues. The preliminary determination for this segment is **not suitable**.

### 3.2.2 Segment Name: Blue River (Segment 3)

**Description:** Includes several small sections of the Blue River as it occurs on BLM land (Township 1 North, Range 80 West, Section 32), from approximately 0.25 mile upstream of the confluence with Dry Creek to approximately 1.0 mile upstream of the confluence with the Colorado River. There is an established fishing access point just below the Trough Road bridge crossing on private land which the public currently has access to. The BLM has an established take-out at the confluence with the Colorado River about one mile below this segment.

| | | | |
|---|---|---|---|
| **Total Segment Length:** | 2.05 miles | **Total Segment Area:** | 761 acres |
| **Length on BLM Land :** | 0.52 mile | **Area on BLM Land:** | 270 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Wildlife, Biodiversity | | |

#### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable recreational (fishing and floatboating), wildlife, and biodiversity values. The wildlife values are related to the nesting and winter habitat for bald eagle *(Haliaeetus leucocephalus)* as well as habitat for river otter *(Lutra canadensis)*. The biodiversity value is related to the riparian forest community.

   The upstream end contains a diversion used to take water for private land in accordance with existing water rights. The diversion does not impair the free-flowing nature of the river and enhances fish habitat.

   Gravel roads parallel the majority of the segment, and one bridge crosses the river (Trough Road). Other developments within the study corridor include private landowner ranches (not on BLM) and a boating take-out parking area.

   Some primitive dispersed camping occurs along the river on BLM land near the upstream end of the segment.

   Although BLM manages 25.4 percent of the segment shoreline, it does not manage lands on both shorelines for all portions of the segment occurring on BLM land. While this segment does provide for a recreational floatboating ORV, the BLM fishing access and boat take-out is located downstream of the segment.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   Land ownership is a mix of federal (BLM) and private lands. BLM manages lands along 0.52 mile (25.4 percent) of shoreline within the 2.05-mile segment. Within the 761-acre study corridor, BLM manages 270 acres (35.5 percent). The remaining land is privately owned, predominantly by a single landowner.

   The management of private land is generally compatible with protection of the ORVs in this segment. Wildlife and fish habitats are protected and enhanced through the management efforts of the private landowners. Recreational fishing and floatboating opportunities are available and enjoyed, with some access constraints. Within the segment, there are four distinct BLM-managed parcels with shoreline lands. Public access is available via kayaking or floatboating when water from upstream of the segment is at sufficient levels. Pedestrian access at the upper section of the segment is available for recreational fishing. There are no take-out points for floatboaters (excluding kayakers) and fishermen from the Green Mountain Reservoir dam through Segment 3 of the Blue River. The only take-out point is downstream of Segment 3.

   The private landowner holds water rights allowing it to draw water from the Blue River for irrigation. The diversions in operation are relatively small and do not impact the free-flowing nature of the river. In most cases, these diversions have been constructed in a manner benefiting fish habitat. These diversions do not occur on the BLM parcels being evaluated in this study.

   Current mineral use in the area is minimal, so an extensive investigation of valid and existing rights and reasonably foreseeable mineral development was not conducted for this segment.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   The BLM parcel at the upstream extent of the segment is being considered for a land exchange with a private landowner. If the segment was included in the NWSRS, it is possible that BLM would not be permitted to exchange this parcel.

   Preparers of Phase II of The Upper Colorado River Study (Hydrosphere Resource Consultants 2003) identified a current water demand of 8,027 acre-feet annually for municipal, domestic, and snowmaking uses in Summit County. The study projects that, at buildout, future water demand in the county will be 17,871 acre-feet per year. Even before buildout, the study predicts that water shortages of approximately 1,900 acre-feet annually will occur in Summit County.

While the increase in demand will not be immediate, multiple entities within Summit County are in various stages of implementing projects to satisfy future water demands. These include small storage projects, small pumpback projects, and diversion relocations to improve water availability.

The BLM concluded that additional Blue River depletions resulting from increased demand within Summit County is a reasonably foreseeable development. Demand and water supply contracts are already in place for some of this increased demand, and numerous small projects to meet the increased demand are in various stages of planning, financing, and permitting. Accordingly, the BLM believes it is reasonable to expect additional depletions of up to 1,900 acre-feet.

The Colorado Water Conservation Board holds the following water right on the Blue River: 60 cfs from May 1 to July 15 and 85 cfs from July 16 to April 30. These water rights are junior to many of the senior water rights on the Blue River, including the water storage rights for Green Mountain Reservoir and Dillon Reservoir.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

Designating the segment could prevent the land exchange of the upstream BLM parcel with a private landowner. Consequently, the private landowner is opposed to designation of this segment primarily based on the fact that the BLM is unable to adequately protect the ORVs associated with recreational fishing along the segment due to the interspersed BLM and privately owned land. Other groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, and Clinton Ditch and Reservoir Company.

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.

Those people opposed to the land exchange may be interested in designating the segment for the purpose of retaining public lands for recreation, wildlife, and biodiversity. Other public users potentially interested in designation include pedestrian fishermen who access the Blue River on BLM land at the upstream boundary of the segment.

A group of water users from both the East and West Slope, including Denver Water, Northern Water, the Colorado River District, and users in Summit, Grand, and Eagle Counties, are investigating a proposed project known as the Blue River Pumpbacks and Wolcott Reservoir Alternatives. The proposed project would make additional water available for both East Slope and West Slope uses by pumping water from either the Green Mountain Reservoir or Everist Pond (six miles downstream from Silverthorne) back up into Dillon

Reservoir. An important feature of the project is to construct a reservoir in the Eagle River watershed on Alkali Creek. This reservoir could provide water to downstream users to replace the additional consumption made possible by the project in the upper Colorado River watershed and on the east slope. Preliminary estimates from project studies indicate that the proposed pumpback could reduce flows in the Blue River below Green Mountain Reservoir by 48,000 acre-feet annually, or about 20 percent of the average annual flow.

BLM has reached two conclusions regarding this project, first that the proposed project is not yet a reasonably foreseeable development because permits, financing, and water supply contracts are not yet in place. However, the BLM realizes that numerous stakeholders in the upper Colorado River watershed, including counties that are facing water supply limits, have a strong interest in maintaining flexibility to configure a future water project that will help meet increased water demands. In addition, both East and West Slope water users seek the maximum flexibility to work with Grand County to address steamflow management issues within the county. A pumpback project could be configured to allow water to be released from other reservoirs to benefit streamflows in the Colorado River above Kremmling and in other places in Grand County.

Second, the BLM concluded that a junior water right associated with a WSR designation would not guarantee a specific flow regime to support the ORVs in this segment because the existing senior rights have the capability to significantly alter flows to make water deliveries to downstream users. Accordingly, the BLM concluded that designation, along with its associated restrictions on land management and flow management, may not enhance cooperation among stakeholders to provide flows to support ORVs on this stream segment and elsewhere in Grand County.

No comments specific to this segment were received from the Forest Service, Reclamation, or other federal and state agencies.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

Acquiring private lands adjacent to this segment are not necessary under current private landownership and management. If private ownership or management practices were changed, to the detriment of the ORVs, land acquisition could become necessary. Given that the private landowner is seeking to acquire more land within the corridor via a land exchange with the BLM, it is unlikely that the private landowner would be willing to sell parcels to the BLM if the segment were designated as a WSR.

The cost of administering the segment if designated would be minimal under current ownership and management of adjacent private lands. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

The BLM manages 25.4 percent of the shoreline, divided into four parcels along this segment. Protection of the identified values depends on the private landowner implementing compatible management practices within the corridor. Currently, the private land management practices in conjunction with BLM management protect the values, but there are no permanent easements or other mechanisms ensuring the protection of the ORVs on private land through this segment. If private land management practices changed, the BLM would face challenges associated with managing these segments, as it does not control both shorelines for all portions of the segment. The wildlife, biodiversity and recreational ORVs in this segment are dependent upon larger portions of the river than just the BLM-managed shoreline. The recreational experience is dependent upon the management activities upstream and downstream, as there are no put-in or take-out opportunities within the segment. Consequently, the BLM cannot adequately manage for the recreational experience.

A working group of various stakeholders, including affected private landowners and Summit and Grand Counties, is developing the Lower Blue River Management Plan to protect the river's resources. This represents a possible alternative method for managing the segment that also takes into account the desires of multiple users.

The operation of Green Mountain Reservoir, located on the Blue River between Silverthorne and Kremmling, has a substantial effect on streamflows in Blue River Segments 2 and 3 and upon Colorado River segments 4 through 7. The reservoir holds a sufficiently senior water right that allows the reservoir to fill in most years. Releases of stored water pursuant to the purposes of the reservoir are made during the irrigation season, April 15 through October 15. These releases have the effect of increasing the reliability of base flows in the Blue River segments and Colorado River segments during that time period. However, these releases do not guarantee base flows because drought conditions may not allow the reservoir to fill.

Green Mountain Reservoir was constructed as a component of the Colorado-Big Thompson Project, which provides supplies to East Slope water users in an area located roughly between the northern suburbs of the Denver metro area north to the Fort Collins area. The 152,000 acre-foot reservoir was completed in 1942 and is operated by the US Bureau of Reclamation. The primary purpose of the reservoir is to store replacement water for West Slope water users to compensate for Colorado River depletions caused by operation of the Colorado Big-Thompson Project.

The 152,000 acre-foot capacity is divided into two pools: a 52,000 acre-foot replacement pool, and 100,000 acre-foot power pool. Water from the replacement pool is released upon the demand of the State Engineer whenever

the Dotsero stream gage on the Colorado River is less than 1,250 cfs. These releases are made during irrigation seasons to fulfill the demands of senior water rights holders located downstream on the Colorado River. Releases are made in amounts equal to the amount of water that is being withheld by the Colorado Big-Thompson for export to the East Slope.

Water from the power pool is released to produce electricity at the Green Mountain Reservoir power plant, and to maintain a flow of 1,250 cfs at the Dotsero gage in order to provide water to the Shoshone Power Plant in Glenwood Canyon. The Shoshone power plant holds a water right that is senior to the Green Mountain Reservoir and the Colorado-Big Thompson project. Releases for this purpose are also restricted to the April 15 to October 15 period.

At certain times, water releases that are normally made from Green Mountain Reservoir are made from storage space controlled by Denver Water Board in Wolford Mountain Reservoir on Muddy Creek and by Williams Fork Reservoir on the Williams Fork River. This occurs because Denver Water Board has been authorized by court decree to withhold a limited portion of the water that is owed to the Green Mountain Reservoir, and store it in Denver's Dillon Reservoir facility located upstream. When this occurs, Denver Water Board makes an equivalent amount of water available for release from Wolford Mountain Reservoir or Williams Fork Reservoir. These substitution and exchange operations have the effect of reducing flows below Green Mountain Reservoir within Blue River Segments 2 and 3. However, Colorado River Segments 4 through7 do not experience any change in flows, because these segments are located downstream from where the replacement water is released from Wolford Mountain Reservoir and Williams Fork Reservoir.

7. Historical or existing rights that could be adversely affected with designation:

   While existing water rights would not be adversely affected, future water projects could be affected if sufficient water levels could not be maintained to protect the ORVs in the segment.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Segment 3 of the Blue River lies within Grand County, and private lands surrounding the segment are zoned as forestry and open. The purpose of this designation is to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006). This zoning is adequate in protecting the recreational ORV, but increased development in the future could degrade wildlife habitat for the bald eagle and could degrade river otter habitat due to increase recreation.

While the private land immediately adjacent to the segment is primarily managed by one owner and management practices to date have been commensurate with protection of the ORV, there are no protections for future management. If the private landowner should change management practices or change ownership, there is potential for increased development.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service manages land upstream. With its White River National Forest Land and Resource Management Plan Wild and Scenic River Eligibility Study (Forest Service 2002), the Forest Service found that segment to be not eligible. However, Forest Service management practices are compatible with the protection of ORVs occurring downstream.

   A working group of various stakeholders, including affected private landowners and Summit and Grand Counties, is developing the Lower Blue River Management Plan to protect the river's resources. It is likely that management actions set forth by BLM due to the designation of the segment would be similar to those set forth in the Lower Blue River Management Plan. The lower Blue River is an important tributary to the upper Colorado River system. During low flow periods, the Blue River provides a high percentage of flow in the upper Colorado River. In addition, the relatively undeveloped stream corridor provides important habitat for fish and wildlife within the lower Blue River Valley.

10. Contribution to a river system watershed or basin integrity:
    The Blue River is a major tributary of the upper Colorado River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

The suitability of this segment depends on similar protective management upstream and on cooperative management with private landowners. During their eligibility phase, the Forest Service did not find upstream portions of the Blue River on Forest Service-managed land to be eligible (Forest Service 2002). Management practices upstream have the ability to influence the ORVs within Segment 3. Because Segment 3 of the Blue River is fragmented with BLM and private ownership, designation of this segment could be inconsistent with management practices both upstream and throughout the segment.

The BLM's ability to ensure adequate flows to protect the ORVs is extremely limited. Upstream senior water rights could significantly alter flow rates below Green Mountain Reservoir. A new, junior, instream flow water right that would come with a Wild and Scenic designation may prevent new depletions to the Blue River system but

would have little ability to affect the timing and rate of flows created by existing water rights.

The BLM concluded that it has limited ability to protect and manage the ORVs without extensive cooperation from other stakeholders, especially because its landownership is fragmented within the segment. These stakeholders are creating a management plan (Stakeholder Group 2011) that will have many of the same management objectives as a WSR management plan. Stakeholders within the watershed are seeking flexible management options for both land and water management issues. The preliminary determination for this segment is **not suitable**. .

### 3.2.3 Segment Name: Colorado River—Windy Gap to Hot Sulphur Springs (Segment 1)

| | | | |
|---|---|---|---|
| **Description:** | Windy Gap to just downstream of the town of Hot Sulphur Springs. The downstream boundary is the northeastern end of Byers Canyon. | | |
| **Total Segment Length:** | 7.32 miles | **Total Segment Area:** | 2,360 acres |
| **Length on BLM Land :** | 0.80 mile | **Area on BLM Land:** | 366 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Wildlife, Historic | | |

#### *Suitability Criteria*

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>

   This segment contains outstandingly remarkable recreational (fishing), wildlife (bald eagle [*Haliaeetus leucocephalus*] and river otter [*Lutra canadensis*]), and historic (Good Roads Movement, Midland Route, and Victory Highway, Historic Moffat Road, and early hydroelectric projects) values. These ORVs are in a high-use area due to the proximity of large populations in the Front Range and major resorts.

   Highway 40 parallels the river for the entire segment, often occurring within a quarter-mile of the river. This makes the river and its ORVs highly accessible. There are several locations where road construction and maintenance includes riprapping down to the shoreline. The railroad parallels the river for the entire length of the segment. Certain railroad maintenance activities have the potential to affect shoreline.

   Several small diversions occur within the segment, primarily on private lands, but they do not impair the free-flowing nature of the river. Several bridges cross the river throughout the segment. Located along this segment is Hot Sulphur Springs town park and a CDOW campground. River restoration projects continue to improve streambank vegetation and fish habitats.

This stretch of river is designated as Gold Medal Water for trout fishing by the Colorado Wildlife Commission. Gold Medal Water is described as "a lake or stream that supports a trout standing stock of at least 60 pounds per acre, and contains an average of at least 12 quality trout per acre" (State of Colorado Wildlife Commission 2008). The ORVs associated with recreational fishing and wildlife viewing are a significant contributor to the local tourism economy.

The cumulative effect of historic and newer diversions, combined with naturally occurring low-flow events, occasionally results in flow conditions in segments 1, 2, and 3 that are potentially harmful to fish. Water users are pursuing new projects and changes to operations that could further change hydrologic conditions. The project proponents are analyzing new projects and changes to operations to determine if the changes in hydrology would have any significant effect on fish populations and the recreation that depends on those populations.

Designating these segments into the NWSRS may help prevent impacts from new projects and changes in operations that require permits from federal agencies. However, avoiding low-flow events that are potentially harmful to fisheries requires cooperative management of existing facilities and new depletions and carefully designed mitigation measures. Designation may not create an environment that is conducive to cooperative and adaptive management.

The Colorado Water Conservation Board holds an instream flow water right for 90 cfs in this segment, with a 1980 priority. However, this water right is often not sufficiently senior to prevent low flows, which are detrimental to fish communities.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

   The segment includes a mix of federal and private landownership, with the majority of lands being privately owned. BLM manages 0.80 mile (10.9 percent) of noncontiguous shoreline along the 7.32-mile segment. Within the 2,360-acre study corridor, BLM manages 366 acres (15.5 percent). The remaining lands are privately owned.

3. <u>Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:</u>

   Future water developments and water management could be affected if this segment were designated. These projects and water management concerns are described below.

**Windy Gap Firming Project—Northern Colorado Water Conservancy District**

Northern Water has proposed the Windy Gap Firming Project to create a more reliable water supply from the Windy Gap Project. The project would be located immediately upstream from Colorado River Segment 1. Construction of the project would require connecting to the Colorado-Big Thompson Project, operated by Reclamation. To build the project, Northern Water is currently seeking approval from Reclamation, via an EIS, the draft of which was released in 2008. Middle Park Water Conservancy District is also a participant in the project. The Middle Park Water Conservancy District seeks to improve water availability to users in Grand County and Summit County, including multiple municipalities, and for multiple water and sanitation districts.

The project is designed to provide additional water storage for flows diverted by the Windy Gap Project in the upper Colorado River Basin. Currently, diversions are limited by storage space in Colorado-Big Thompson project facilities. Northern Water is examining additional storage space locations on both the East and West Slope that would accommodate additional diversions.

Under the proposal, maximum diversion rates by the Windy Gap Project would not increase, and the required bypass flows associated with project diversions would not change. However, the annual periods during which diversions are implemented would increase. Since the Windy Gap Project was constructed in 1985, diversions by the project have averaged 13,829 acre-feet per year. If the project is completed, the project diversions would average 30,000 acre-feet per year, an increase of more than 16,000 acre-feet.

The Windy Gap Project cannot divert if streamflows below Windy Gap Reservoir are less than 90 cfs, if flows at the Williams Fork confluence are less than 135 cfs, or if flows at Troublesome Creek confluence are less than 150 cfs. These bypass flows would not change if the firming project is implemented.

The BLM believes that the Windy Gap Project is a reasonably foreseeable development. The project permitting process is almost complete, water supply contracts and demand are in place to use the additional diversion, and Northern Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that the Bureau of Reclamation elects to grant permits for the project.

**Future Changes to Operation of Denver Water Board Facilities**

Denver Water operates numerous diversion, pumping, pipeline, and storage facilities within the Williams Fork River watershed and the Fraser River watershed. Operation of these facilities is coordinated, so operational changes in one part of the system can affect streamflow in other locations in the upper Colorado River watershed. Historical diversions through Denver Water's facilities have averaged 45,969 acre-feet in the Fraser River watershed and 4,970 acre-feet in the Williams Fork watershed.

Future diversions through existing facilities may increase in one of two ways. First, Denver Water holds absolute water rights on facilities that allow increased diversion during periods of additional demand. Since the population within Denver Water's service area is growing, the BLM believes that increased diversions are a reasonably foreseeable development, especially since Denver Water requires no new permits or facilities to exercise these water rights. Denver Water predicts that diversions based on absolute water rights for existing facilities will increase to 57,000 acre-feet in the Fraser River watershed and 10,000 acre-feet in the Williams Fork watershed.

Denver Water has also proposed the Moffat Tunnel Firming Project. This would allow Denver Water to divert additional water from its facilities in the Fraser River and Williams Fork River watersheds by creating additional storage on the east slope to hold those diversions. Under the proposed project, diversions in the Fraser River watershed would increase to a total of 65,000 acre-feet annually and would increase to 11,000 acre-feet annually in the Williams Fork watershed.

The BLM believes that the Moffat Tunnel Firming Project is a reasonably foreseeable development. The project permitting process is substantially underway, water supply demand is in place to use the additional diversions, and Denver Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that the Army of Corps of Engineers decides to grant permits for the proposed project.

**Denver Water Board Conditional Water Rights**

Denver Water holds 352 cfs in conditional water rights for the Fraser River Diversion Project and an additional 601 cfs of conditional water rights for its Williams Fork Collection System. Exercising a large portion of these conditional water rights would involve use of existing facilities. However, exercising the conditional water rights may also require additional storage to hold the increased diversions.

Denver Water has not indicated a definite timetable for exercising these water rights. Based on currently available information, the BLM believes that exercising these conditional rights is not a reasonably foreseeable development during the life of the BLM land use plan, which is 15 to 20 years from the date of the record of decision.

**Future Water Demand within Grand County**

Phase II of The Upper Colorado River Study (Hydrosphere Resource Consultants 2003) identified a current water demand of 3,100 acre-feet annually for municipal and domestic uses in Grand County. The study projects that, at buildout, future water demand in the county will be 14,200 acre-feet per year. Even before buildout, the study predicts that water shortages of approximately 2,400 acre-feet annually will occur in Grand County.

While the increase in demand will not be immediate, multiple entities within Grand County are in various stages of implementing projects to satisfy future water demands. These include small pumpback projects, small storage projects, and relocation of diversions to improve water availability. Northwest Colorado Council of Governments is also facilitating a study of an integrated pumpback system to help meet future demand. The pumpback under consideration would range from 5 cfs to 10 cfs.

The BLM concluded that additional Colorado River depletions resulting from increased demand within Grand County is a reasonably foreseeable development. Demand and water supply contracts are already in place for some of this increased demand, and numerous small projects to meet the increased demand are in various stages of planning, financing, and permitting. Accordingly, the BLM believes it is reasonable to expect additional depletions of up to 2,400 acre-feet from the Colorado River during the life of the plan.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

East Slope, West Slope, and local water user agencies are concerned that designating this segment may impair their ability to operate current and to construct and operate future water supply projects to meet increased water demands. The State of Colorado has supported the water user concerns. Grand County has not formally indicated an interest in designating this segment and at this time is focusing its efforts on implementing the proposed Grand County Stream Management Plan.

Some private landowners within the corridor have already expressed opposition to this designation. Other groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, Northern Colorado Water Conservancy District, and Clinton Ditch and Reservoir Company.

Some environmental, fishing, and rafting enterprises have expressed general support for designation, believing it to be a way to coordinate the multiple stakeholders within the basin. 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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   BLM would not pursue land acquisition, as it is not feasible to acquire enough land to affect its ability to manage the segment. The cost of administering the area would likely remain the same if designated. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Due to the relatively small percentage of BLM lands in this segment, management for the protection of the ORVs is challenging. Protecting the ORVs depends on a number of components that are outside the BLM's control, including water quality, water temperature, agricultural management practices, urban development, and road construction and maintenance.

   The wildlife and recreational fishing ORVs depend on an ecosystem management approach that cannot be implemented solely by the BLM but requires cooperative management from other landowners within the corridor. Upstream and downstream water rights drive the release of water through the segment, and BLM cannot manage for these calls. Consequently, the protection of the fish and river otter ORVs are outside the control of BLM.

   Historic ORVs are not ecosystem dependent, but the BLM lacks the authority to manage highway or railroad maintenance activities for the protection of ORVs. Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC Section 470), and its implementing regulations (36 Code of Federal Regulations [CFR] 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

   The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research,

public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

Grand County is preparing a Stream Flow Management Plan for the Colorado River from the headwaters of the Fraser River to the point where the Colorado River leaves Grand County below Radium. Grand County concluded Phase 2 of the plan in April 2008 and released the Draft Report Grand County Streamflow Management Plan, Environmental and Water Users Flow Recommendations, Grand County, Colorado which includes a range of target flows that the county believes is necessary to protect and maintain water-dependent values. Ultimately the goal of this and subsequent phases is to develop and implement a stream management plan that protects aquatic habitat and other nonconsumptive water use, while retaining flexibility for current and future water provider operations. Implementation of the plan is dependent upon negotiations with water providers who export water from Grand County to the eastern slope. It is unknown at this time whether these negotiations will be completed before BLM is required to render a suitability determination.

7. Historical or existing rights that could be adversely affected with designation:

   Several absolute water rights exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Grand County zoning along this segment of the river is classified as forestry/open for most of the segment. In Hot Sulphur Springs, zoning classifications are residential, business, and tourist. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district. The residential zone provides areas for single-family and multi-family residential use. It also allows for community facilities to serve residential developments, on-site parking areas, and recreational and outdoor activity areas. The intent of the tourist zone is to provide areas to accommodate related retail businesses to serve the traveling and recreation-oriented public. These areas are located mostly along federal and state highways. Finally, the business district is

available to provide retail shops and other commercial uses. Emphasis is on wholesale and business services, while some manufacturing and processing also are permitted (Grand County 2006).

Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

Most of the land uses permitted by Grand County zoning laws would be compatible with the protection of the identified river values. However, if the segment were designated, some of the potential land uses allowed, such as construction of residential and commercial facilities within the corridor, may be incompatible with protection of the ORVs.

9. Consistency of designation with other agency plans, programs, or policies:
   There are numerous and often conflicting plans, programs, and policies affecting this segment. The State of Colorado views the upper Colorado River as critical to future water supplies for the state, and at the same time, CDOW seeks to continue to manage the stream as a Gold Medal fishery. Local governments seek to maintain natural resource values along the stream corridor, but those entities also realize that the stream segment is critical in meeting future local water demands.

10. Contribution to a river system watershed or basin integrity:
    The upper Colorado River above Gore Canyon is critical for watershed integrity within the Grand County. The river provides one of the largest and most diverse riparian habitats within the country, and it provides both terrestrial and aquatic connectivity between multiple tributaries to the creek. Fish and wildlife populations are known to use the river corridor to move between habitats throughout Grand County.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). For the Colorado River Segment 1, this would be dependent upon the support of private landowners and Grand County.

Because of the fragmented landownership surrounding the segment, it would be difficult for BLM to ensure the preservation of the ORVs in the future without the support of and commitment from the surrounding land managers and, perhaps more importantly, the groups with water rights upstream and downstream of this segment. The BLM concluded that the flexibility, creativity, and resolve needed to address low flow issues that could impact the ORVs would not be enhanced by a suitability determination. Rather, a locally driven adaptive management approach is needed as land and water uses within the corridor change. The preliminary determination for this segment is **not suitable**.

### 3.2.4 Segment Name: Colorado River—Byers Canyon (Segment 2)

| | | | |
|---|---|---|---|
| **Description:** | The Byers Canyon segment is from the northeastern extent of Byers Canyon (end of Segment 1) to the downstream extent of Byers Canyon on BLM land at the boundary with the Hot Sulphur Springs State Wildlife Area (Township 1 North, Range 78 West, Section 9 Southwest Northeast and Southeast Southwest). | | |
| **Total Segment Length:** | 2.44 miles | **Total Segment Area:** | 742 acres |
| **Length on BLM Land :** | 0.31 mile | **Area on BLM Land:** | 126 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Scenic, Geologic, Wildlife, Historic | | |

#### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable recreational (fishing, floatboating, and scenic driving), scenic, geologic, wildlife (bald eagle *[Haliaeetus leucocephalus]* and river otter *[Lutra canadensis]*), and historic values. These ORVs are in a high-use area due to the proximity of large populations in the Front Range and major resorts.

   Highway 40 parallels the river through the canyon, and there are associated road maintenance activities such as guard rail construction and riprap. Because of the proximity of the highway, the river corridor is highly accessible. The railroad parallels the river through the canyon on the side opposite Highway 40 at an elevation lower than the road and therefore closer to the river. The railroad is part of the historic ORV but also has maintenance activities associated with operation.

   This stretch of river is designated as Gold Medal Water for trout fishing by the Colorado Wildlife Commission. Gold Medal Water is described as "a lake or stream that supports a trout standing stock of at least 60 pounds per acre, and contains an average of at least 12 quality trout per acre" (State of Colorado

Wildlife Commission 2008). The ORVs associated with recreational fishing and wildlife viewing are a significant contributor to the local tourism economy.

The cumulative effect of historic and newer diversions, combined with naturally occurring low-flow events, occasionally results in flow conditions in segments 1, 2, and 3 that are potentially harmful to fish. Water users are pursuing new projects and changes to operations that could further change hydrologic conditions. The project proponent is analyzing new projects and changes to operations to determine if the changes in hydrology would have any significant effect on fish and the recreation that depends on them.

Designating these segments into the NWSRS may help prevent impacts from new projects and changes in operations that require permits from federal agencies. However, avoiding low-flow events that are potentially harmful to fisheries requires cooperative management of facilities and new depletions and carefully designed mitigation measures. Designation may not create an environment that is conducive to cooperative and adaptive management.

The Colorado Water Conservation Board holds an instream flow water right for 90 cfs in this segment, with a 1980 priority. However, this water right is often not sufficiently senior to prevent low flows detrimental to fish communities.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

   The upstream and downstream boundaries of the segment are based on the geologic features associated with the canyon. The BLM manages land along the river in two sections near the downstream end of the segment. The BLM manages 0.31 mile (12.7 percent) of shoreline within the 2.44-mile segment. Within the 742-acre study corridor, BLM manages 126 acres (17.0 percent). The remaining land in the corridor is privately owned. Immediately downstream of the segment, the land is managed by CDOW.

   There is no active mineral development in the study corridor, so a detailed investigation of mineral ownership was not conducted.

3. <u>Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:</u>

   Potential uses of the land and water in this section are somewhat limited by the topography of the canyon, and no potential uses would be foreclosed or curtailed if the area was included in the NWSRS. Use of the segment for recreational fishing and kayaking is expected to continue at current or gradually increasing levels and would not be affected by designation.

Future water developments and water management could be affected if this segment were designated. These projects and water management concerns are described below.

**Windy Gap Firming Project—Northern Colorado Water Conservancy District**

Northern Water has proposed the Windy Gap Firming Project to create a more reliable water supply from the Windy Gap Project. The project would be located immediately upstream from Colorado River Segment 1. Construction will require connecting to the Colorado-Big Thompson Project, operated by Reclamation. To build the project, Northern Water is seeking approval from Reclamation, via an EIS, the draft of which was released in 2008. Middle Park Water Conservancy District is also a participant in the project. The Middle Park Water Conservancy District seeks to improve water availability to users in Grand County and Summit County, including multiple municipalities, and for multiple water and sanitation districts.

The project is designed to provide additional water storage for flows diverted by the Windy Gap Project in the upper Colorado River Basin. Currently, diversions are limited by storage space in the Colorado-Big Thompson project facilities. The proposed project is examining additional storage space locations on both the East and West Slope that would accommodate additional diversions.

Under the proposal, maximum diversion rates by the Windy Gap Project would not increase, and the required bypass flows associated with project diversions would not change. However, the annual periods during which diversions are implemented would increase. Since the Windy Gap Project was constructed in 1985, project diversions have averaged 13,829 acre-feet per year. If the project is completed, the project diversions would average 30,000 acre-feet per year, an increase of more than 16,000 acre-feet.

The Windy Gap Project cannot divert water if streamflows below Windy Gap Reservoir are less than 90 cfs, if flows at the Williams Fork confluence are less than 135 cfs, or if flows at Troublesome Creek confluence are less than 150 cfs. These bypass flows would not change if the firming project is implemented.

The BLM believes that the Windy Gap Firming Project is a reasonably foreseeable development. The project permitting process is almost complete, water supply contracts and demand are in place to use the additional diversion, and Northern Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that

the Bureau Reclamation decides to grant permits for the proposed project.

**Future Changes to Operation of Denver Water Board Facilities**

Denver Water operates numerous diversion, pumping, pipeline, and storage facilities within the Williams Fork River watershed and the Fraser River watershed. Operation of these facilities is coordinated, so operational changes in one part of the system can affect streamflow in other locations in the upper Colorado River watershed. Historical diversions through Denver Water's facilities have average 45,969 acre-feet in the Fraser River watershed and 4,970 acre-feet in the Williams Fork watershed.

Future diversions through existing facilities may increase in one of two ways. First, Denver Water holds absolute water rights on existing facilities that allow increased diversion during periods of additional demand. Since the population within Denver Water's service area is growing, the BLM believes that increased diversions are a reasonably foreseeable development, especially since Denver Water requires no new permits or facilities to exercise these water rights. Denver Water predicts that diversions based on absolute water rights for existing facilities will increase to 57,000 acre-feet in the Fraser River watershed and 10,000 acre-feet in the Williams Fork watershed.

Denver Water has also proposed the Moffat Tunnel Firming Project. The proposed project would allow Denver Water to divert additional water from its facilities in the Fraser River and Williams Fork River watersheds by creating additional storage on the east slope to hold those diversions. Under the proposed project, diversions in the Fraser River watershed would increase to a total of 65,000 acre-feet annually and would increase to 11,000 acre-feet annually in the Williams Fork watershed.

The BLM believes that the Moffat Tunnel Firming Project is a reasonably foreseeable development. The project permitting process is substantially underway, water supply demand is in place to use the additional diversions, and Denver Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that the Army Corps of Engineers decides to grant permits for the proposed project.

**Denver Water Board Conditional Water Rights**

Denver Water holds 352 cfs in conditional water rights for the Fraser River Diversion Project and an additional 601 cfs of conditional water rights for its Williams Fork Collection System. Exercising a large portion of these conditional water rights would involve the use of

existing facilities. However, exercising the conditional water rights may also require additional storage to hold the increased diversions.

Denver Water has not indicated a definite timetable for exercising these water rights. Based on currently available information, the BLM believes that exercising these conditional rights is not a reasonably foreseeable development during the life of the BLM land use plan, which is 15 to 20 years from the date of the record of decision.

**Future Water Demand Within Grand County**

Phase II of The Upper Colorado River Study (Hydrosphere Resource Consultants 2003) identified a current water demand of 3,100 acre-feet annually for municipal and domestic uses in Grand County. The study projects that, at buildout, future water demand in the county will be 14,200 acre-feet per year. Even before buildout, the study predicts that water shortages of approximately 2,400 acre-feet annually will occur in Grand County.

While the increase in demand will not be immediate, multiple entities within Grand County are in various stages of implementing projects to satisfy future water demands. These include small pumpback projects, small storage projects, and relocation of diversions to improve water availability. Northwest Colorado Council of Governments is also facilitating a study of an integrated pumpback system to help meet future demand. The pumpback under consideration would range from 5 cfs to 10 cfs.

The BLM concluded that additional Colorado River depletions resulting from increased demand within Grand County is a reasonably foreseeable development. Demand and water supply contracts are already in place for some of this increased demand, and numerous small projects to supply the increased demand are in various stages of planning, financing, and permitting. Accordingly, the BLM believes it is reasonable to expect additional depletions of up to 2,400 acre-feet from the Colorado River during the life of the plan.

4. <u>Federal, state, tribal, local, public, or other interest in designating or not designating the river:</u>

East Slope, West Slope, and local water user agencies have expressed concerns that designating this segment may impair their ability to construct and operate current and future water supply projects to meet increased water demands. The State of Colorado has supported the water user concerns. Grand County has not formally indicated an interest in designating this segment and at this time is focusing its efforts on implementing the proposed Grand County Stream Management Plan.

Some private landowners within the corridor have already expressed opposition to designation. Other groups that have expressed opposition to

designation are Colorado River Water Conservation District, Denver Water, Northern Colorado Water Conservancy District, and Clinton Ditch and Reservoir Company.

Some environmental, fishing, and rafting enterprises have expressed general support for designation, believing it to be a way to coordinate among the multiple stakeholders within the basin. 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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   The majority of the land in this segment is privately owned. BLM would not pursue any land acquisitions if designated at this time. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Protecting the ORVs depends on a number of components that are outside the BLM's control, including water quality, water temperature, agricultural management practices, urban development, and road construction and maintenance.

   The wildlife and recreational fishing ORVs depend on an ecosystem management approach that cannot be implemented solely by the BLM but requires cooperative management from other landowners within the corridor. Upstream and downstream water rights drive the release of water through the segment, and the BLM cannot manage for these calls. Consequently, the protection of the fishing, floatboating, and river otter ORVs are outside the control of the BLM.

   Historic ORVs are not ecosystem dependent, but the BLM lacks the authority to manage highway or railroad maintenance activities for the protection of ORVs. Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

   The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with

protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

Minimal management activities by BLM are necessary to protect the river's ORVs within the BLM portions of the segment. The topography and geology of the canyon limit activities and potential uses within the segment; however, BLM does not control the majority of the segment and would be subject to landowner management activities.

BLM does not have authority over the railroad or Colorado Department of Transportation activities within the study corridor. Each agency's best management practices would likely be implemented when conducting maintenance, operation, or construction activities. Safety issues associated with trespassing on the railroad cannot be managed adequately by BLM staff.

BLM could consider changing the visual classification of this segment to Class I, which would give the scenic ORV the maximum protection that BLM can provide administratively. Because the BLM does not manage the majority of the land and cannot provide adequate access to the river, a Special Recreation Management Area (SRMA) designation is not appropriate due to access and safety issues.

Grand County is preparing a Stream Flow Management Plan for the Colorado River from the headwaters of the Fraser River to the point where the Colorado River leaves Grand County below Radium. Grand County concluded Phase 2 of the plan in April 2008 and released the Draft Report Grand County Streamflow Management Plan, Environmental and Water Users Flow Recommendations, Grand County, Colorado which includes a range of target flows that the county believes is necessary to protect and maintain water-dependent values. Ultimately the goal of this and subsequent phases is to develop and implement a stream management plan that protects aquatic habitat and other nonconsumptive water use, while retaining flexibility for current and future water provider operations. Implementation of the plan is dependent upon negotiations with water providers who export water from Grand County to the eastern slope. It is unknown at this time whether these negotiations will be completed before BLM is required to render a suitability determination.

7. <u>Historical or existing rights that could be adversely affected with designation:</u>

Several absolute water rights exist along the Colorado River. While these rights would not be affected by designation of the segment, the development

of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Grand County zoning along this segment of the river is classified as forestry/open for most of the segment. In Hot Sulphur Springs, zoning classifications are residential, business, and tourist (Grand County 2006); however, this segment of the river is not being evaluated for suitability, as it is not managed by the BLM.

   Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

   This segment runs through Byers Canyon, and the steep walls and limited river access provide for the protection of the scenic and geologic ORVs.

9. Consistency of designation with other agency plans, programs, or policies:

   The portion of the Colorado River immediately downstream of Segment 2 and the adjacent lands are managed by CDOW, whose management practices are compatible with protection of the recreational fishing ORV. Designation is consistent with CDOW management practices.

   There are numerous and often conflicting plans, programs, and policies affecting this segment. The State of Colorado views the upper Colorado as critical to future water supplies to the state, and at the same time, CDOW seeks to continue to manage the stream as a Gold Medal fishery. Local governments seek to maintain natural resource values along the stream corridor but also realize that the stream segment is critical in meeting future local water demands.

10. Contribution to a river system watershed or basin integrity:

    The upper Colorado River above Gore Canyon is critical for watershed integrity within the Grand County. The river provides one of the largest and most diverse riparian habitats within the county, and it provides both terrestrial and aquatic connectivity between multiple tributaries to the creek. Fish and wildlife populations are known to use the river corridor to move between habitats throughout Grand County.

11. Other issues and concerns, if any:

    None.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* points out, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). For the Colorado River Segment 2, this would depend on the support of private landowners and Grand County.

Because of the fragmented landownership surrounding the segment, it would be difficult for BLM to ensure the preservation of the ORVs in the future without the support and commitment from the surrounding land managers and, perhaps more importantly, the groups with water rights upstream and downstream of this segment. The BLM concluded that that the flexibility, creativity, and resolve needed to address low flow issues that could impact the ORVs would not be enhanced by a suitability determination. Rather, a locally driven, adaptive management approach is needed as land and water uses within the corridor change. The preliminary determination for this segment is **not suitable**.

## 3.2.5 Segment Name: Colorado River—Below Byers Canyon to the Mouth of Gore Canyon (Segment 3)

| | | | |
|---|---|---|---|
| **Description:** | From the downstream extent of Byers Canyon on BLM land, at the boundary with the Hot Sulphur Springs State Wildlife Area (end of Segment 2) to the upstream boundary of BLM land at the gauging station (mouth of Gore Canyon). | | |
| **Total Segment Length:** | 24.36 miles | **Total Segment Area:** | 7,411 acres |
| **Length on BLM Land :** | 3.24 miles | **Area on BLM Land:** | 1,272 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Wildlife, Historic | | |

### *Suitability Criteria*

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>

   This segment contains outstandingly remarkable recreational (fishing, scenic driving, and the Upper Colorado River Special Recreation Management Area), wildlife (bald eagle *[Haliaeetus leucocephalus]* and river otter *[Lutra canadensis]*), and historic (Good Roads Movement, Midland Route, and Victory Highways, Historic Moffat Road, and early hydroelectric projects) values. These ORVs are in a high-use area due to the proximity of large populations in the Front

Range and major resorts. The ORVs in this segment are a significant part of the local tourism economy.

Several public fishing access points on BLM and CDOW lands are found within this segment, enhancing the recreational fishing opportunities throughout the segment. In addition, the segment is designated Gold Medal Water for trout fishing by the Colorado Wildlife Commission. Gold Medal Water is described as "a lake or stream that supports a trout standing stock of at least 60 pounds per acre, and contains an average of at least 12 quality trout per acre" (State of Colorado Wildlife Commission 2008).

Several small diversions and associated ditches for irrigation water conveyance are located throughout the segment. The diversions are also used for enhancement of wetland habitats in some of the wildlife areas and do not impair the free-flowing nature of the segment.

Highway 40 and the railroad parallel the river within ¼-mile of the shoreline for the majority of the segment. There are several bridges crossing the river. The presence of the highway makes the river and its ORVs highly accessible.

The cumulative effect of historic and newer diversions, combined with naturally occurring low flow events, occasionally results in flow conditions in segments 1, 2, and 3 that are potentially harmful to the fish population. Water users are pursuing new projects and changes to operations that could result in further changes to hydrologic conditions. New projects and changes to operations are being analyzed by the project proponent to determine whether the changes in hydrology would have any significant effect on fish populations and the recreation that depends on those populations.

Designation of these segments into the NWSRS may help prevent impacts associated with new projects and changes in operations that require permits from federal agencies. However, avoidance of low flow events that are potentially harmful to fisheries requires cooperative management of existing facilities and new depletions and carefully designed mitigation measures. Designation may not create an environment that is conducive to cooperative and adaptive management.

The Colorado Water Conservation Board holds an instream flow water right for 90 cfs in this segment, with a 1980 priority. However, this water right is often not sufficiently senior to prevent low flows that are detrimental to fish communities.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

Land ownership patterns are scattered, with a mix of BLM, CDOW, state, and private lands. The BLM manages the shoreline along 3.24 miles (13.3 percent) of the 24.36-mile segment. Within the 7,411-acre study corridor, BLM manages 1,272 acres (17.2 percent). Ownership within the rest of the corridor is divided

between private (64.7 percent), state, and CDOW (18.1 percent). Management strategies implemented by CDOW are commensurate with protection of the ORVs.

Adjacent lands are used for a variety of purposes, including ranching, crops, wildlife habitat enhancement, and development. The river is adjacent to the towns of Parshall and Kremmling.

In June, 2000, the KFO RMP was amended for the Upper Colorado River SRMA. The boundary was modified to include BLM lands on the Upper Colorado River from State Bridge to near Reeder Creek, and included 0.5-mile on each side of the Colorado River. No Surface Occupancy for oil and gas development was also expanded to include this entire area. The Federal surface estate within the SRMA was withdrawn from settlement, sale, location or entry under the general land laws, including the mining law. It also withdrew 1,020 acres of private or state land with federal minerals.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

Future water developments and water management could be affected if this segment were designated. These projects and water management concerns are described below.

**Windy Gap Firming Project—Northern Colorado Water Conservancy District**

This proposed project would create a more reliable water supply from the Windy Gap Project. It would be located immediately upstream from Colorado River Segment 1. Construction of the project will require connecting to the Colorado-Big Thompson Project, operated by Reclamation. To build the project, Northern is seeking Reclamation's approval, via an EIS process, the draft of which was released in 2008. Middle Park Water Conservancy District is also a participant in the project. It seeks to improve water availability to users in Grand County and Summit County, including multiple municipalities, and for multiple water and sanitation districts.

The project is designed to provide additional water storage for flows diverted by the Windy Gap Project in the upper Colorado River Basin. Currently, diversions are limited by storage space in Colorado-Big Thompson project facilities. Northern Water is examining additional storage space locations on both the East and West Slope that would accommodate additional diversions.

Under the proposal, maximum diversion rates by the Windy Gap Project would not increase, and the required bypass flows associated with project diversions would not change. However, the annual

periods during which diversions are implemented would increase. Since the Windy Gap Project was constructed in 1985, diversions by the project have averaged 13,829 acre-feet per year. If the project is completed, the project diversions would average 30,000 acre-feet per year, an increase of more than 16,000 acre-feet.

The Windy Gap Project cannot divert water if streamflows below Windy Gap Reservoir are less than 90 cfs, if flows at the Williams Fork confluence are less than 135 cfs, or if flows at Troublesome Creek confluence are less than 150 cfs. These bypass flows would not change if the firming project were implemented.

The BLM believes that the Windy Gap Firming Project is a reasonably foreseeable development. The project permitting process is almost complete, water supply contracts and demand are in place to use the additional diversion, and Northern Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that the Bureau of Reclamation decides to grant permits for the proposed project.

**Future Changes to Operation of Denver Water Board Facilities**

Denver Water operates numerous diversion, pumping, pipeline, and storage facilities within the Williams Fork River watershed and the Fraser River watershed. Operation of these facilities is coordinated, so operational changes in one part of the system can affect streamflow in other locations in the upper Colorado River watershed. Historical diversions through Denver Water's facilities have averaged 45,969 acre-feet in the Fraser River watershed and 4,970 acre-feet in the Williams Fork watershed.

Future diversions through existing facilities may increase in one of two ways. First, Denver Water holds absolute water rights on existing facilities that allow increased diversion during periods of additional demand. The population within Denver Water's service area is growing, so the BLM believes that increased diversions are a reasonably foreseeable development, especially since Denver Water requires no new permits or facilities to exercise these water rights. Denver Water predicts that diversions based on absolute water rights for existing facilities will increase to 57,000 acre-feet in the Fraser River watershed and to 10,000 acre-feet in the Williams Fork watershed.

Denver Water has also proposed the Moffat Tunnel Firming Project, which would allow Denver to divert additional water from its facilities in the Fraser River and Williams Fork River watersheds by creating additional storage on the east slope to hold those diversions. Under the proposed project, diversions in the Fraser River watershed would

increase to 65,000 acre-feet annually and would increase to 11,000 acre-feet annually in the Williams Fork watershed.

The BLM believes that the Moffat Tunnel Firming Project is a reasonably foreseeable development. The project permitting process is substantially underway, water supply demand is in place to use the additional diversions, and Denver Water has demonstrated the financial capability to construct and operate the project. Accordingly, the BLM believes it is reasonable to assume that the Colorado River may experience additional depletions from this project, provided that the Army Corps of Engineers decides to grant permits for the proposed project.

**Denver Water Board Conditional Water Rights**

Denver Water holds 352 cfs in conditional water rights for the Fraser River Diversion Project and an additional 601 cfs of conditional water rights for its Williams Fork Collection System. Exercising a large portion of these conditional water rights would involve the use of existing facilities. However, exercising the conditional water rights may also require additional storage to hold the increased diversions.

Denver Water has not indicated a definite timetable for exercising these water rights, but, based on currently available information, the BLM believes that exercising these conditional rights is not a reasonably foreseeable development during the life of the BLM land use plan, which is 15 to 20 years from the date of the record of decision.

**Future Water Demand Within Grand County**

Phase II of The Upper Colorado River Study (Hydrosphere Resource Consultants 2003) identified a current water demand of 3,100 acre-feet annually for municipal and domestic uses in Grand County. The study projects that, at buildout, future water demand in the county will be 14,200 acre-feet per year. Even before buildout, the study predicts that water shortages of approximately 2,400 acre-feet annually will occur in Grand County.

While the increase in demand will not be immediate, multiple entities within Grand County are in various stages of implementing projects to satisfy future water demands. These include small pumpback projects, small storage projects, and relocation of diversions to improve water availability. Northwest Colorado Council of Governments is also facilitating a study of an integrated pumpback system to help meet future demand. The pumpback under consideration would range from 5 cfs to 10 cfs.

The BLM concluded that additional Colorado River depletions from meeting increased demand within Grand County is a reasonably foreseeable development. Demand and water supply contracts are

already in place for some of this increased demand, and numerous small projects to supply the increased demand are in various stages of planning, financing, and permitting. Accordingly, the BLM believes it is reasonable to expect additional depletions of up to 2,400 acre-feet from the Colorado River during the life of the plan.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

East Slope, West Slope, and local water user agencies have expressed concerns that designating this segment may impair their ability to operate current and to construct and operate future water supply projects to meet increased water demands. The State of Colorado has supported the water user concerns. Grand County has not formally indicated an interest in designating this segment and at this time is focusing its efforts on implementing the proposed Grand County Stream Management Plan.

Groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, Northern Colorado Water Conservancy District, and Clinton Ditch and Reservoir Company.

Some environmental, fishing, and rafting groups have expressed general support for designation, believing it to be a method for coordinating among the multiple stakeholders within the basin. 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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

The majority of the land in this segment is privately owned and, at this time, BLM would not pursue any land acquisitions if designated. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

Protecting the ORVs depends on a number of components that are outside the BLM's control, including water quality, water temperature, agricultural management practices, urban development, and road construction and maintenance.

The wildlife and recreational fishing ORVs depend on an ecosystem management approach that cannot be implemented solely by the BLM but requires cooperative management from other landowners within the corridor. Upstream and downstream water rights drive the release of water through the

segment, and the BLM cannot manage for these calls. Consequently, protecting the fishing and river otter ORVs is outside the BLM's control.

Much of the area is within the Upper Colorado River SRMA, which provides some protection for the ORVs. While it is possible to have overlapping designations, it is not necessarily the best option for this segment. Private landowners throughout the segment cooperate with BLM in managing the segment as an SRMA; however, they may or may not cooperate with a WSR designation. BLM is also proposing to extend the Upper Colorado SRMA to cover more of the segment.

Historic ORVs are not ecosystem dependent, but the BLM lacks the authority to manage highway or railroad maintenance activities for the protection of ORVs. Consequently, BLM management would not influence the protection of these values. Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

The BLM's proportionally small amount and scattered landownership pattern would make it challenging for implementing protective management. The BLM is capable of protecting the ORVs occurring within its segments with minimal management changes, but many of these values are subject to activities occurring on adjacent lands that are not within BLM management. Grazing and construction activities occurring on private lands have the potential to affect the recreational (scenic driving), wildlife, and fishing ORVs. Successful management of this segment would need to occur jointly with adjacent land managers.

Grand County is preparing a Stream Flow Management Plan for the Colorado River from the headwaters of the Fraser River to the point where the Colorado River leaves Grand County below Radium. Grand County

concluded Phase 2 of the plan in April 2008 and released the Draft Report Grand County Streamflow Management Plan, Environmental and Water Users Flow Recommendations, Grand County, Colorado which includes a range of target flows that the county believes is necessary to protect and maintain water-dependent values. Ultimately the goal of this and subsequent phases is to develop and implement a stream management plan that protects aquatic habitat and other nonconsumptive water use, while retaining flexibility for current and future water provider operations. Implementation of the plan is dependent upon negotiations with water providers who export water from Grand County to the eastern slope. It is unknown at this time whether these negotiations will be completed before BLM is required to render a suitability determination.

7. Historical or existing rights that could be adversely affected with designation:

Several absolute water rights exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

Grand County zoning along this segment of the river is classified as forestry/open for most of the segment. In the town of Kremmling, zoning classifications are residential, business, mobile home, and tourist; however, this segment of the river is not being evaluated for suitability as it is not managed by the BLM. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district. The residential zone provides areas for single-family and multi-family residential use. It also allows for community facilities to serve residential developments, on-site parking areas, and recreational and outdoor activity areas. The intent of the tourist zone is to provide areas to accommodate related retail businesses to serve the traveling and recreation-oriented public. These areas are located mostly along federal and state highways. The mobile home zone allows the use and placement of mobile homes and travel trailers. Finally, the business district is available to provide retail shops and other commercial uses. Emphasis is on wholesale and business services, while some manufacturing and processing are also permitted (Grand County 2006).

Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be

approved by the Grand County Board of County Commissioners (Grand County 2006).

9. Consistency of designation with other agency plans, programs, or policies:
Some lands within this segment are managed by CDOW, whose management practices are compatible with protection of the ORVs. Designation is consistent with CDOW management practices.

There are numerous and often conflicting plans, programs, and policies affecting this segment. The State of Colorado views the upper Colorado River as critical for future water supplies, and at the same time, CDOW seeks to continue to manage the stream as a Gold Medal fishery. Local governments seek to maintain natural resource values along the stream corridor, but they also realize that the stream segment is critical in meeting future local water demands. .

10. Contribution to a river system watershed or basin integrity:
The upper Colorado River above Gore Canyon is critical for watershed integrity within Grand County. The river provides one of the largest and most diverse riparian habitats within the county and also provides both terrestrial and aquatic connectivity between multiple tributaries to the creek. Fish and wildlife populations are known to use the river corridor to move between habitats throughout Grand County.

11. Other issues and concerns, if any:
Colorado River Segments 3 through 7 include numerous withdrawals made by BLM to protect various values in the river corridor. A withdrawal is an administrative designation made by BLM that prohibits certain activities on the identified federal lands to protect the identified value. BLM's determination of whether a stream segment is suitable or not suitable may affect some of these withdrawals, especially withdrawals that are designed to protect potential water storage and potential hydropower generation sites. If BLM determines that a stream segment is suitable, the final management plan may recommend revocation of water storage or hydropower related withdrawals. In addition, Congress may require revocation of certain withdrawals if it designates a river segment. A WSR management plan created in accordance with designation may also include a recommendation for revocation of withdrawals. The various types of withdrawals in the river corridor are described below.

**Waterpower/Reservoir Resources**
Congress authorized the withdrawal of waterpower and reservoir sites to formally point out the existence of potential sites and to ensure consideration of these sites in land management decisions. The Federal government has been identifying and documenting potential reservoir sites since 1888. The objective of the Waterpower and Reservoir

Resources (WRR) inventory activity is the identification of the potential sites, a professional assessment of their value, and the protection of the more valuable sites.

The BLM provides scientific classification of WRR values on all Federal lands. This classification is accomplished by resource inventory, evaluation activities, monitoring, and resulting land actions required by legislation, regulation and policy. The objective of the WRR evaluation activity is to identify resource management conflicts and opportunities through the planning process. The importance and value of WRR will be established and compared to conflicting resources.

The following WRR determinations must be made for management areas during resource management planning. All BLM administered lands in the planning area determined by professional evaluation to have potential for WRR development are assign to one of three categories:

1. Lands suitable for intensive management of waterpower and reservoir resource site.
2. Lands suitable for restricted management as waterpower and reservoir resource sites.
3. Lands unsuitable for management as waterpower and reservoir resource sites.

All BLM administered within the river corridor currently withdrawn for WRR purposes are assign to one of two categories:

1. Lands recommended for continuation of the withdrawal.
2. Lands not recommended for continuation of the withdrawal.

Various alternatives will modify the WRR recommendation for either continuing the withdrawals or for not continuing the withdrawals. The mix of other resources described in these various plan alternatives provides a basis for the analysis as to why a withdrawal is or is not recommended for continuation. The BLM land manager has responsibility for the identification of conflicts that may involve WRR values. When considering conflict resolution, the value of the potential WRR site must be weighed against the value of existing resources. This comparison helps to set priorities, identify possibilities for mitigation or enhancement, determine alternative actions, and provide guidance for future actions.

**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 BLM, 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. BLM's responsibility is to note the public land records, and has no authority over the lands once they are included in a project.

There is one FERC withdrawal in Section 24, T1N, R81W dating back to November 14, 1921, for the Kremmling Reservoir Site.

**Other Types of Withdrawals**

Other withdrawals in the river corridor include those for Special Recreation Management Areas, withdrawals to protect archaeological sites, and withdrawals to protect important springs and waterholes for livestock watering. A BLM determination of suitable or not suitable for a stream segment would not affect any of these existing withdrawals.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). For the Colorado River Segment 3, this would depend on the support of private landowners and Grand County.

Because of the fragmented landownership surrounding the segment, it would be difficult for the BLM to ensure the preservation of the ORVs without the support and commitment from surrounding land managers, landowners, and county government. In addition, the BLM concluded that the flexibility, creativity, and resolve needed to address low flow issues that could impact the ORVs would not be enhanced by a suitability determination.

A portion of this segment is included in the Upper Colorado River SRMA. While the WSR Act does not prohibit layering designations, a WSR designation in addition to an SRMA designation on this segment would not be beneficial. Private and other agency landowners throughout this segment cooperate with BLM to manage a portion of this

segment as an SRMA to protect the recreational values along the segment. However, they may or may not agree to management for WSR designation.

Additionally, the BLM is not able to protect the historic and scenic driving ORVs in the future, as other agencies have management authority that could affect these values. The preliminary determination for this segment is **not suitable**.

### 3.2.6 Segment Name: Colorado River Gore Canyon (Segment 4)

| | | | |
|---|---|---|---|
| **Description:** | From the gauging station near the mouth of Gore Canyon to the Pumphouse recreational site (Figure 3.2-1). | | |
| **Total Segment Length:** | 5.36 miles | **Total Segment Area:** | 1,703 acres |
| **Length on BLM Land :** | 4.73 miles | **Area on BLM Land:** | 1,405 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Geologic, Wildlife, Historic | | |

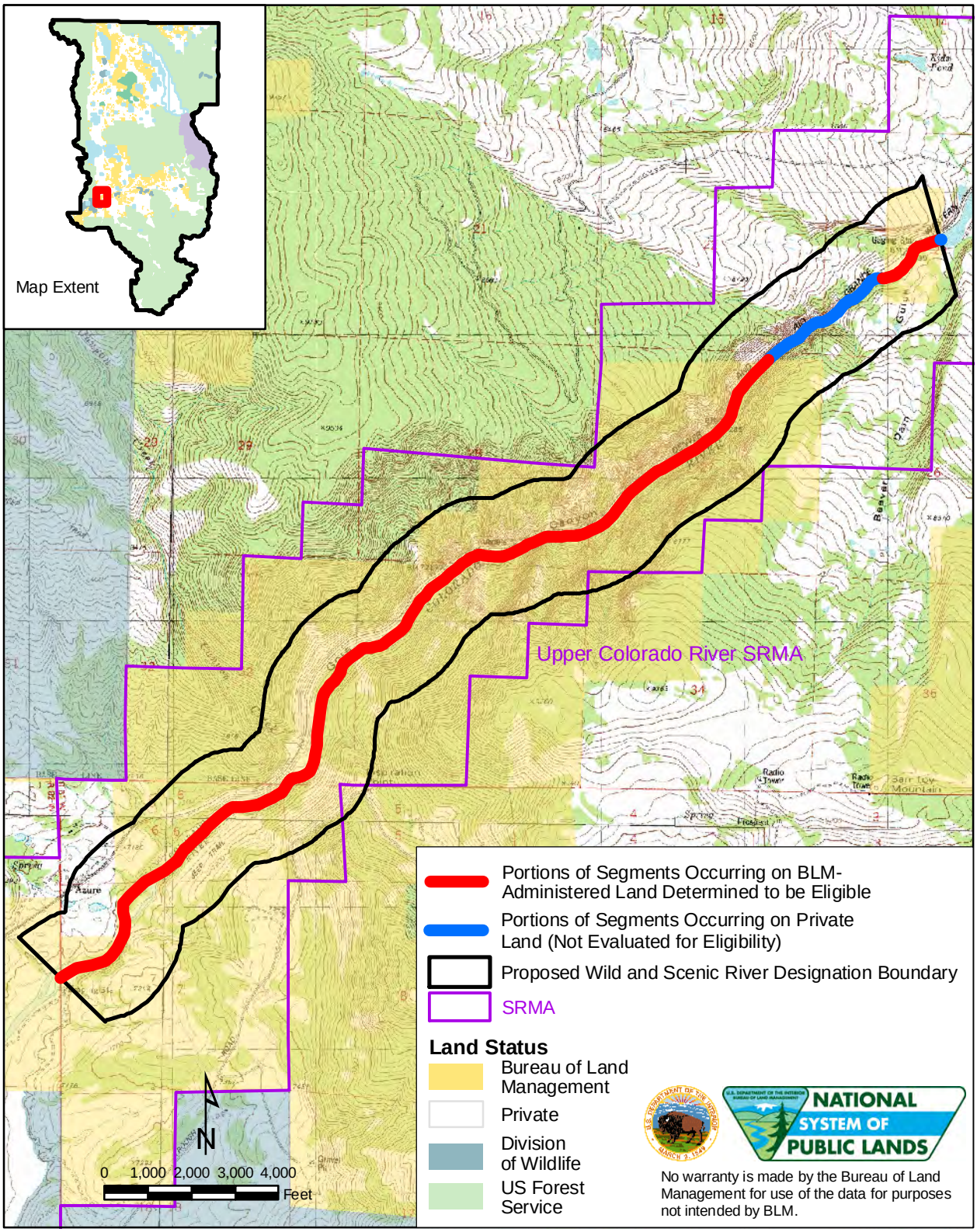
#### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable recreational (fishing, floatboating, scenic driving, and other), geologic, wildlife (bald eagle *[Haliaeetus leucocephalus]* and river otter *[Lutra canadensis]*), and historic (Historic Moffat Road, early hydroelectric projects, and a World War II German prisoner of war camp) values. The combination of primitive, railroad, and ranching allows for some capture of an "old west" feel for the area.

   The rafting and fishing values in the area have been identified as important economic factors for the community. The river segment and its ORVs are within one day's drive of major metropolitan areas in the Front Range and within one hour's drive of three major resort communities, making them highly accessible.

   Colorado River Segments 4 through 7 represent one of the last major river corridors in Colorado that is relatively undeveloped. In these segments, residents and visitors can experience how rural Colorado appeared and see how rural ranching and farming functioned, before major population increases began in the state from the 1970s onward. In addition, visitors can experience a broad range of values, including challenging whitewater rafting, scenic float trips, historical structures and routes, and plants and animals that are infrequently seen elsewhere in the state. A scenic byway runs parallel to this segment, but it primarily is outside of the study corridor. Drivers can experience the "Old West" character of the area and access the river at several points in the corridor. Overall, these segments could be managed as a legacy river for the State of Colorado.




**Total Acreage:**
1,703 acres
**Acreage on BLM Land:**
1,405 acres
**Acreage on Private Land:**
298 acres

**Colorado River Segment 4**
**Kremmling Field Office, Colorado**

**Figure 3.2-1**

This stretch of the Colorado River provides a nationally renowned whitewater experience that peaks in August, when other rivers in the area are running at lower water levels. This stretch is host to the Gore Race, which is one of the more challenging whitewater competitions in the Western US. The experience, however, is flow-dependent.

Colorado River Segments 4 and 5 benefit from the increased reliability of flows that result from the intersection of two major tributaries, the Blue River and Muddy Creek, with the upper Colorado River. Segments 4 and 5 are not known to experience flows that may impact the quality of the ORVs, but monitoring of ORVs in these reaches has been limited. Average monthly flow rates for the Colorado River through this section are typically high enough to support good quality rafting May through July.

During the shoulder season preferred flows for recreational ORVs are usually between 800 cfs and 1,200 cfs. These flows make rafting possible on less technical reaches with fewer obstacles and are usually predictable in August and September.

Access to the canyon is limited to railroad travel and Class V whitewater boating. The steep canyon walls permit hiking up into the canyon from the Pumphouse recreational site for a short distance but not for the entire length. The short trail is primarily used by wade-fishermen to access the river.

The railroad operates through the canyon, resulting in some maintenance activities and debris such as riprapping. The railroad passes through several small tunnels while traveling through the canyon.

The area is frequently used by wading anglers, and the segment is designated as Wild Trout Waters. Occasionally, this stream segment may experience water temperatures in excess of temperatures preferred by trout, but the relationship between flow rates, air temperatures, and water temperatures has not been studied. A well-developed path parallels the river upstream of Pumphouse recreational area to where the cliffs prevent further passage. Several primitive campsites are located on the beaches with four-wheel drive road access just upstream of the Pumphouse recreation site.

Some vehicle debris is present in the lower portion of the segment as a result of automobiles crashing down the cliff side from Inspiration Point along the Trough Road. Due to the steepness of the canyon and limited access, it is not feasible to remove the debris.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

   BLM manages the majority of lands along this segment, 4.73 shoreline miles (88.2 percent) of the 5.36-mile segment. There is private land along 0.63 mile

near the entrance to the canyon. Within the 1,703-acre study corridor, BLM manages 1,405 acres (82.5 percent). The remaining land is private.

In June 2000, the KFO RMP was amended for the Upper Colorado River SRMA. The boundary was modified to include BLM lands on the Upper Colorado River from State Bridge to near Reeder Creek, and included 0.5-mile on each side of the Colorado River. No Surface Occupancy for oil and gas development was also expanded to include this entire area. The Federal surface estate within the SRMA was withdrawn from settlement, sale, location or entry under the general land laws, including the mining law. It also withdrew 1,020 acres of private or state land with federal minerals.

Salable minerals include sand and gravel, rip-rap, decorative stone and moss rock. Much of the low lying areas of Middle Park (the non-mountainous part of Grand County east of the Park Range, and west of the Front Range) have considerable volumes of sand and gravel and alluvial materials. The recreation, soils, and protection priority areas in the existing SRMA are closed to new mineral material sales by existing RMP decisions. In the remaining sections of the SRMA, mineral material sales are discretionary. Because of the abundant mineral material availability in the region, the SRMA is not important to meeting local or regional demands for salable minerals. No phosphatic, oil shale, or coal minerals occur, nor has the US Geological Survey identified any areas prospectively valuable for these minerals in the SRMA boundary. There are no geothermal resources that have been identified as prospectively valuable within the SRMA. There has been no oil and gas drilling within the SRMA and there is little potential within the SRMA. New oil and gas leases would be subject to a No Surface Occupancy stipulation, per the 1991 Kremmling Oil and Gas RMP Amendment (BLM 1991).

Copper, pyrite, uranium, and placer gold have been identified within or near the Upper Colorado River SRMA. No copper activity has occurred since the 1920s. There is no current market for pyrite as an economic mineral; similarly, placer gold is not an economically valuable mineral deposit within the SRMA. There is one uranium mine within the SRMA but there is no record of any production.

3. <u>Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:</u>

Due to the limited access through the canyon, designation of this segment could increase interest in the segment and encourage increased passenger traffic via train. This could have potential economic advantages for Amtrak and communities with train stops such as Glenwood Springs, Granby, and Fraser.

Designation of the segment could provide BLM with additional resources for enhancement of the ORVs, such as negotiation with the railroad for pull-out

and access issues for boater scouting. However, such negotiation could increase use in the area increasing the liability for the railroad.

If primitive camping sites are observed to be adversely affecting the ORVs for this segment, BLM may need to implement more intense management of these areas and the associated four-wheel drive roads.

The topography of the canyon limits the potential uses of the river and surrounding lands. No foreseeable uses would be affected.

Presently, there are no state-based instream flow water rights in this reach that help assure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir and Wolford Mountain Reservoir, and by water deliveries that are made as part of the Colorado River Recovery Program. The water right associated with the Shoshone hydroelectric plant in Glenwood Canyon helps insure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow through this segment in all situations. In addition, many of the senior downstream rights that assist in insuring flow for this stream reach are irrigation rights, and as such, they operate only during the irrigation season.

The BLM concludes that continuing upstream water development and increasing water demands associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of existing water uses. The BLM also concludes that a junior, instream, flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

Some groups representing fishing and rafting interests have an interest in the designation of this segment to protect the recreational ORVs found in the area. Maintaining recreational tourism, including rafting and fishing, and maintaining recreational opportunities, including fishing, have been identified as desired social and economic outcomes from public lands in Grand County and Kremmling (Keystone Center and BLM 2007).

In addition, some groups representing fishing and rafting interests are interested in designating this segment of the Colorado River because of its Wild Trout Water status for trout fishing. 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.

The State of Colorado and water user organizations have expressed concern about the impact of designating this segment on current and future water projects upstream. However, the State of Colorado and water user organizations also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values. Grand County has indicated potential interest in a WSR designation, depending on the outcome of its stream management plan, which should be completed during 2008. Other groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, Northern Colorado Water Conservancy District, and Clinton Ditch and Reservoir Company.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
While the acquisition of private lands is not essential for management for the protection of the ORVs, BLM would pursue acquisition of private parcels from willing sellers. Designation of the segment would enhance the BLM's ability to obtain funding for such acquisitions, and acquisitions would enhance the BLM's ability to manage the segment. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
The topography of the canyon assists BLM in management of the segment because of limited access to the river. Access points and recreation areas are concentrated together. Designation of the segment as a WSR would not inhibit the ability of BLM to manage and protect the ORVs. In fact, designation could enhance BLM's ability to acquire additional funding for management of the segment.

This segment also falls entirely within the Upper Colorado River SRMA. The management prescriptions in the SRMA are compatible with the protection of the recreational ORVs. The SRMA is withdrawn from mineral entry, which protects the geologic values. Wild and scenic designation of this segment would provide a legislative protection of the ORVs versus the administrative protection provided through a SRMA designation. This could potentially be a more enduring protection of the segment. Current management under the SRMA designation is limited to discretionary actions.

Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

The BLM is currently managing this stretch of river as visual resource management (VRM) Class II. According to BLM Manual 8400, *Visual Resource Management*, the objective of VRM Class II areas, "to retain the existing character of the landscape. The level of change to the characteristic landscape should be low" (BLM undated). This class of protection would restrict development and preserve the scenic quality of the segment.

A group of stakeholders, including environmental groups, water users, recreationists, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the CRVFO and KFO Resource Management Plans and as an amendment to the WRNF Forest Plan. The strategy is to employ cooperative management strategies in multiple arenas, including flow management, water quality management, fisheries and recreation management, and responding to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders both within and upstream of the segments to continue to address and meet their needs.

.Grand County is preparing a Stream Flow Management Plan for the Colorado River from the headwaters of the Fraser River to the point where the Colorado River leaves Grand County below Radium. Grand County concluded Phase 2 of the plan in April 2008 and released the Draft Report Grand County Streamflow Management Plan, Environmental and Water Users Flow Recommendations, Grand County, Colorado which includes a

range of target flows that the county believes is necessary to protect and maintain water-dependent values. Ultimately the goal of this and subsequent phases is to develop and implement a stream management plan that protects aquatic habitat and other nonconsumptive water use, while retaining flexibility for current and future water provider operations. Implementation of the plan is dependent upon negotiations with water providers who export water from Grand County to the eastern slope. It is unknown at this time whether these negotiations will be completed before BLM is required to render a suitability determination.

7. Historical or existing rights that could be adversely affected with designation:

This segment is downstream from a large quantity of current and reasonably foreseeable water projects and diversions that are designed to provide water for the East Slope, West Slope, and for Grand and Summit Counties. The ability to change existing projects and construct new projects upstream could be affected if the segment were designated and the designation were to include a federal reserved water right. With a federally reserved water right in place, new projects and changes to existing projects would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORVs. The amount and timing of water to support the ORVs in the federal reserved water right would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system.

Several absolute water rights exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

Grand County zoning along this segment of the river is classified as forestry/open for the entire segment. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006).

Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

The topography of Gore Canyon prevents incompatible development within the canyon.

9. Consistency of designation with other agency plans, programs, or policies:

   Because the BLM is the primary landowner, there are few inconsistencies with other agency plans, programs, or policies within the study corridor. It appears that designation would be consistent with the Grand County stream management plan. Designation is also potentially compatible with current and future upstream water projects, provided that those projects are managed to provide sufficient flow to protect the ORVs.

   The State of Colorado Statewide Water Supply Initiative has not identified any likely water projects within this stream segment.

10. Contribution to a river system watershed or basin integrity:

    This segment provides a critical landscape connection between Middle Park and the Colorado River Valley. Wildlife species are known to move along the river corridor between these two landscapes because Gore Canyon provides an access route through often impassible and difficult terrain.

11. Other issues and concerns, if any:

    Colorado River Segments 3 through 7 include numerous withdrawals made by BLM to protect various values in the river corridor. A withdrawal is an administrative designation made by BLM that prohibits certain activities on the identified federal lands to protect the identified value. BLM's determination of whether a stream segment is suitable or not suitable may affect some of these withdrawals, especially withdrawals that are designed to protect potential water storage and potential hydropower generation sites. If BLM determines that a stream segment is suitable, the final management plan may recommend revocation of water storage or hydropower related withdrawals. In addition, Congress may require revocation of certain withdrawals if it designates a river segment. A WSR management plan created in accordance with designation may also include a recommendation for revocation of withdrawals. The various types of withdrawals in the river corridor are described below.

    **Waterpower/Reservoir Resources**

    Congress authorized the withdrawal of waterpower and reservoir sites to formally point out the existence of potential sites and to ensure consideration of these sites in land management decisions. The Federal government has been identifying and documenting potential reservoir sites since 1888. The objective of the WRR inventory activity is the identification of the potential sites, a professional assessment of their value, and the protection of the more valuable sites.

    The BLM provides scientific classification of WRR values on all Federal lands. This classification is accomplished by resource inventory, evaluation activities, monitoring, and resulting land actions required by legislation, regulation and policy. The objective of the

WRR evaluation activity is to identify resource management conflicts and opportunities through the planning process. The importance and value of WRR will be established and compared to conflicting resources.

The following WRR determinations must be made for management areas during resource management planning. All BLM administered lands in the planning area determined by professional evaluation to have potential for WRR development are assign to one of three categories:

1. Lands suitable for intensive management of waterpower and reservoir resource site.
2. Lands suitable for restricted management as waterpower and reservoir resource sites.
3. Lands unsuitable for management as waterpower and reservoir resource sites.

All BLM administered within the river corridor currently withdrawn for WRR purposes are assign to one of two categories:

1. Lands recommended for continuation of the withdrawal.
2. Lands not recommended for continuation of the withdrawal.

Various alternatives will modify the WRR recommendation for either continuing the withdrawals or for not continuing the withdrawals. The mix of other resources described in these various plan alternatives provides a basis for the analysis as to why a withdrawal is or is not recommended for continuation. The BLM land manager has responsibility for the identification of conflicts that may involve WRR values. When considering conflict resolution, the value of the potential WRR site must be weighed against the value of existing resources. This comparison helps to set priorities, identify possibilities for mitigation or enhancement, determine alternative actions, and provide guidance for future actions.

**Federal Energy Commission Projects**

Additional lands in the river corridor are segregated under the authority of the 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 BLM, 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. BLM's responsibility is to note the public land records, and has no authority over the lands once they are included in a project.

**Other Types of Withdrawals**

Other withdrawals in the river corridor include those for Special Recreation Management Areas, withdrawals to protect archaeological sites, and withdrawals to protect important springs and waterholes for livestock watering. A BLM determination of suitable or not suitable for a stream segment would not affect any of these existing withdrawals.

### *Preliminary Determination*

Unlike Segments 1 through 3 of the Colorado River, this segment is almost entirely managed by BLM. In places where BLM does not manage the adjacent lands, topography prevents some of the incompatible use of the lands and waters. The BLM would be able to manage land uses to successfully protect ORVs and the free-flowing nature of the segment. The BLM believes it could work with local governments and private landowners to prevent development that would be incompatible with the ORVs. Designation would also provide a limited measure of instream flow protection by creating a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flow that are implemented with existing water rights. However, the BLM would be able to claim a federal right for protecting all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protecting the natural environment, and flows to support recreation could not be claimed. The BLM believes that designating the segment could be compatible with developing and operating new water projects upstream, provided that those projects were operated to ensure flows that are necessary to maintain the quality of the ORVs.

The BLM concluded that this segment contains unique values that merit enduring legislative protection. The current management and protections along this segment are limited to discretionary actions and may be changed at any time. The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **recreational** classification.

### 3.2.7 Segment Name: Colorado River—Pumphouse to State Bridge (Segment 5)

| | | | |
|---|---|---|---|
| **Description:** | Pumphouse to State Bridge segment from the Pumphouse recreational site to State Bridge (BLM KFO boundary) (Figure 3.2-2). | | |
| **Total Segment Length:** | 15.26 miles | **Total Segment Area:** | 4,806 acres |
| **Length on BLM Land :** | 12.28 miles | **Area on BLM Land:** | 3,860 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Wildlife, Scenic, Geologic, Paleontologic, Historic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

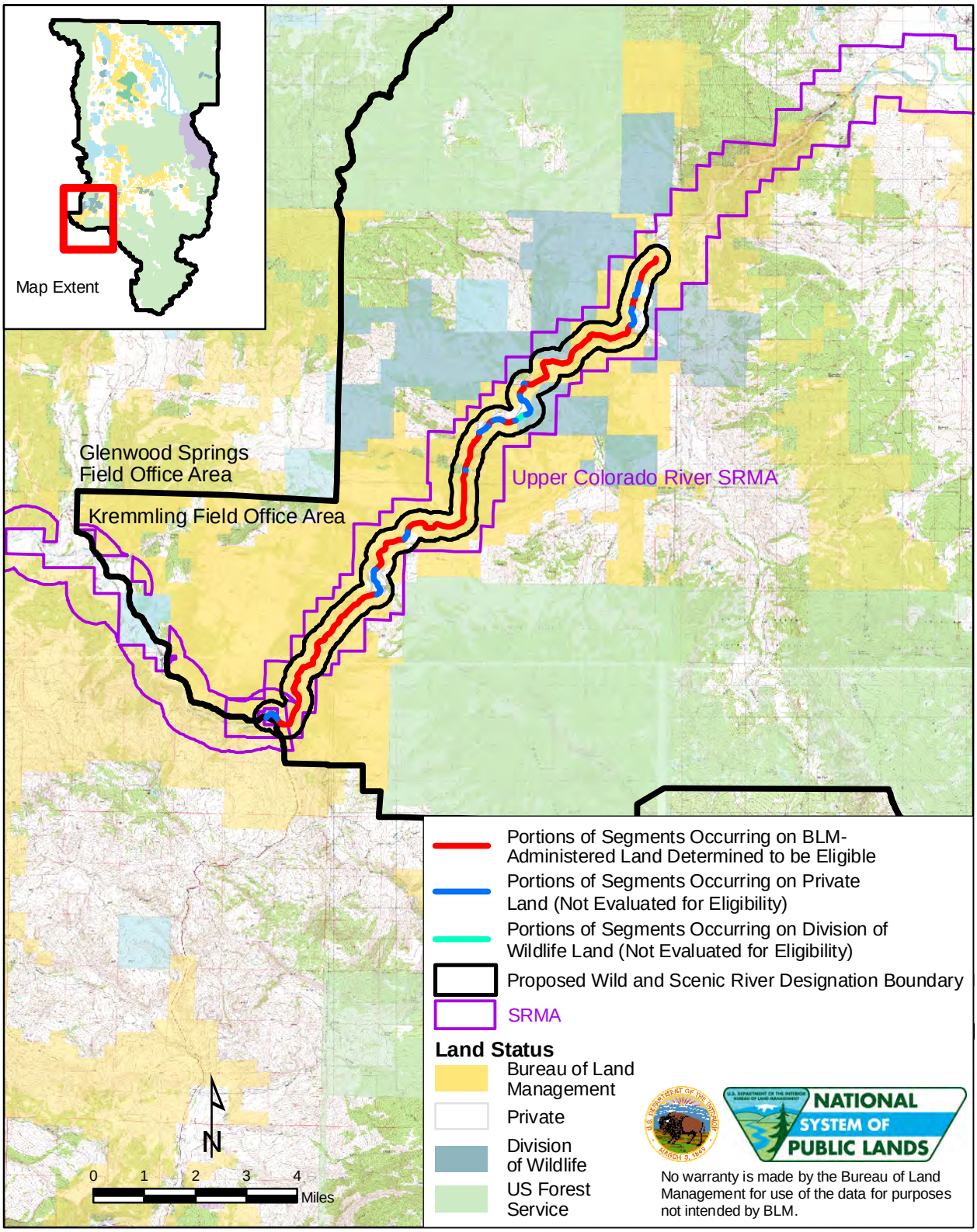
   This segment contains outstandingly remarkable recreational (fishing, floatboating, scenic driving, and other), wildlife (bald eagle *[Haliaeetus leucocephalus]* and river otter *[Lutra canadensis]*), scenic, geological, paleontological, and historic (early hydroelectric projects, early copper mining, Brass Balls Mine/Cable Rapids Cabin, State Bridge, and Historic Moffat Road) values. This high density of ORVs, combined with the accessibility provided by its proximity to Trough Road, is unusual for eligible river segments.

   The area is heavily used for recreational fishing, and the segment is designated as Wild Trout Waters.

   The railroad parallels the river for the entire length, often within 0.25 miles of the shoreline. Trough Road parallels the segment but is not immediately adjacent for the entire length. Bridges cross the river in several locations.

   This segment contains several developed recreational areas, including the boat ramps at Pumphouse and Radium and boating take-outs at Rancho del Rio and State Bridge. The recreational fishing (via driftboats) and floatboating (Class II and III) experience in this segment differs from the experience upstream and downstream, adding a different component to the Colorado River recreation experience. Upstream of the segment provides Class V whitewater boating and primarily wading/shorefishing recreation. Downstream of the segment, the floatboating experience is generally slower and not as commercial and the fishing experience is not considered outstandingly remarkable.

   Additional potential intrusions on scenery visible from the river in various locations include culverts, developed campsites, fiber optic markers, power lines, fences, railroad, roads, and private development.




**Colorado River Segment 5**
**Kremmling Field Office, Colorado**

**Total Acreage:**
4,806 acres

**Acreage on BLM Land:**
3,860 acres

**Acreage on Private Land:**
680 acres

**Acreage on Division of Wildlife Land:**
266 acres

**Figure 3.2-2**

Colorado River Segments 4 through 7 represent one of the last major river corridors in Colorado that is relatively undeveloped. In these segments, residents and visitors can experience how rural Colorado appeared, and see how rural ranching and farming functioned, before major population increases began in the state from the 1970s onward. In addition, visitors can experience a broad range of values, including challenging whitewater rafting, scenic float trips, historical structures and routes, and plants and animals that are infrequently seen elsewhere in the state. A scenic byway also runs along this segment, and drivers can experience the "Old West" feel of the area. Overall, these segments could be managed as a legacy river for the State of Colorado.

Designation of this segment could enhance opportunities for visitor interpretation and trails.

Colorado River Segments 4 and 5 benefit from the increased reliability of flows that result from the intersection of two major tributaries, the Blue River and Muddy Creek, with the upper Colorado River. Segments 4 and 5 are not known to experience flows that may impact the quality of the ORVs, but monitoring of ORVs in these reaches has been limited. Average monthly flow rates for the Colorado River through this section are typically high enough to support good quality rafting from May through July. During the shoulder season, preferred flows for recreational ORVs are usually between 800 cfs and 1,200 cfs. These flows make rafting possible on less technical reaches with fewer obstacles and are usually predictable in August and September. Occasionally this stream segment may experience water temperatures in excess of those preferred by trout, but the relationship among flow rates, air temperatures, and water temperatures has not been studied.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

BLM manages shoreline along 12.28 miles (80.5 percent) of the 15.26 miles of river. Within the 4,806-acre study corridor, BLM manages 3,860 acres (80.3 percent). The remaining miles of river are mostly privately owned, with some CDOW and state land within the corridor.

Land uses in the area are primarily agricultural, including ranching with some irrigated pasture. Much of the land is not usable for either agriculture or development because of the topography. Developments occur in a few locations, including the town of Radium, State Bridge, and developed camping and picnic areas.

In June 2000, the KFO RMP was amended for the Upper Colorado River SRMA. The boundary was modified to include BLM lands on the Upper Colorado River from State Bridge to near Reeder Creek, and included 0.5-mile on each side of the Colorado River. No Surface Occupancy for oil and gas development was also expanded to include this entire area. The Federal surface estate within the SRMA was withdrawn from settlement, sale, location or

entry under the general land laws, including the mining law. It also withdrew 1,020 acres of private or state land with federal minerals.

Salable minerals include sand and gravel, rip-rap, decorative stone and moss rock. Much of the low lying areas of Middle Park (the non-mountainous part of Grand County east of the Park Range, and west of the Front Range) have considerable volumes of sand and gravel and alluvial materials. The recreation, soils, and protection priority areas in the existing SRMA are closed to new mineral material sales by existing RMP decisions. In the remaining sections of the SRMA, mineral material sales are discretionary. Because of the abundant mineral material availability in the region, the SRMA is not important to meeting local or regional demands for salable minerals. No phosphatic, oil shale, or coal minerals occur, nor has the US Geological Survey identified any areas prospectively valuable for these minerals in the SRMA boundary. There are no geothermal resources that have been identified as prospectively valuable within the SRMA. There has been no oil and gas drilling within the SRMA and there is little potential within the SRMA. New oil and gas leases would be subject to a No Surface Occupancy stipulation, per the 1991 Kremmling Oil and Gas RMP Amendment (BLM 1991).

Copper, pyrite, uranium, and placer gold have been identified within or near the Upper Colorado River SRMA. No copper activity has occurred since the 1920s. There is no current market for pyrite as an economic mineral; similarly, placer gold is not an economically valuable mineral deposit within the SRMA. There is one uranium mine within the SRMA but there is no record of any production.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

Current land uses are compatible with protection of the ORVs in this segment. While BLM does have some grazing permits within the segment, grazing is not generally practiced in the corridor. During allotment management planning and permit reviewing, grazing practices would be considered for potential impacts on ORVs. In this segment, where cattle are an integral part of the historic ORVs and scenic experience, the presence of cattle may be complementary.

The segment provides an opportunity for users and visitors to see rural Colorado from a historical perspective. Designation of the segment could enhance opportunities for interpretive signs and trails.

Fishing use in this area is expected to increase, but this would not be affected by designation.

Presently, there are no state instream flow water rights in this reach that help ensure sufficient flow for the ORVs. Rather, flows are provided by required

deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir and Wolford Mountain Reservoir, and by water deliveries that are made as part of the Colorado River Recovery Program. The water right associated with the Shoshone hydroelectric plant in Glenwood Canyon helps insure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow through this segment in all situations. In addition, many of the senior downstream rights that help ensure flow for this stream reach are irrigation rights, and as such, they operate only during the irrigation season.

The BLM concludes that continuing upstream water development and increasing water demands associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of existing water uses. The BLM also concludes that a junior, instream flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

Some groups representing fishing and rafting interests have an interest in the designation of this segment to protect the recreational ORVs found in the area. Water user groups are interested in designating this segment of the Colorado River because of its Wild Trout Water status for trout fishing. 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.

The State of Colorado and water user organizations have expressed concern about the impact of designating this segment on current and future water projects located upstream. However, the State of Colorado and water user organizations also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values. Eagle County has not formally indicated to BLM whether it is interested in supporting designation.

Other groups that have expressed opposition to designation are Colorado River Water Conservation District, Denver Water, and Clinton Ditch and Reservoir Company.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   Because most of the land is managed by BLM, no land acquisition is deemed essential for administering the area if designated; however, BLM is in the process of acquiring lands in this segment to enhance the recreational experience, including more river access. BLM would continue to consider acquiring lands from willing sellers as opportunities arise in order to enhance recreational opportunities. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The BLM's land management authorities can adequately protect the federal lands in the river corridor, but BLM does not have the authority to protect ORVs on private lands in the corridor, nor does it have authority to protect the stream flows necessary to support the ORVs. Designation would provide a comprehensive framework for working with local governments to protect against land uses that are incompatible with the ORVs, and designation would also provide a federal water right that would assist with flow protection.

   The entire segment is within the Upper Colorado River SRMA. Management practices associated with this administrative designation serve to protect the recreational ORVs. The SRMA designation withdraws the area from mineral entry, and designation as a WSR could make the withdrawal legislative.

   BLM does not have authority over railroad or Colorado Department of Transportation road maintenance, operation, or construction activities in the corridor. It is not anticipated that these activities would adversely affect the ORVs. Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

   The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources.

Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

Paleontological values associated with the river segment are protected and regulated by the BLM primarily under the Antiquities Act, Federal Land Policy and Management Act of 1976 (FLPMA), NEPA, other federal regulations, and BLM orders. Pursuant to FLPMA, the BLM has issued regulations that provide additional protection. Section 8365.1-5 of Title 43 of the CFR prohibits removing any scientific resource or natural object without authorization. There are exceptions to this prohibition for small quantities of common invertebrate fossils and petrified wood. Specific guidance is found in BLM Manual Section 8270, *Paleontological Resource Management* (BLM 1998).

The BLM manages paleontological resources for their scientific, educational, and recreational values and to ensure that any impacts are mitigated. The primary objective of managing paleontological resources is scientific research. Paleontological resources may only be disturbed or removed in conjunction with scientific research and only upon the issuance of prior written authorization of the disturbance or removal activity. Management of the river to protect identified ORVs would include direct and indirect protection of the paleontological values identified in the river corridor.

A group of stakeholders, including environmental groups, water users, recreationists, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the CRVFO and KFO Resource Management Plans and as an amendment to the WRNF Forest Plan. The strategy is to use cooperative management strategies in multiple arenas, including flow management, water quality management, fisheries and recreation management, and to respond to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders both within and upstream of the segments to continue to address and meet their needs.

*7.* <u>Historical or existing rights that could be adversely affected with designation:</u>

This segment is downstream from a large quantity of current and reasonably foreseeable water projects and diversions that are designed to provide water for the East Slope, West Slope, and for Grand and Summit Counties. The ability to change existing projects and construct new projects upstream could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new projects and changes to existing projects would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORVs. The amount and timing of water to support the ORVs in the federal reserved water right would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system.

Several absolute water rights exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

Current Eagle County Zoning shows the Colorado River Corridor within the Resource and Resource Preservation zone districts. The Resource zone district objectives are to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the county, including water, minerals, fiber, and open land. This is accomplished by the following:

- Limiting residential development to low density single-family uses on lots of 35 acres or larger;
- Encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas;
- Maintaining the remainder of the property as common open space or ranch land; or
- Limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses (Eagle County 2007).

The Resource Conservation zone is meant to preserve the open character and associated public benefits of those lands in Eagle County not within the boundaries of an existing city or town. Certain land uses are disallowed and other land uses which might negatively impact the scenic quality and open character of the land require County approval. Residential development is limited to one dwelling unit per 80 acres (Eagle County 2007).

Grand County zoning along this segment of the river is classified as forestry/open for the entire segment. The zone is designed to protect lands suitable for agriculture and related uses, including forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone districts (Grand County 2006).

Grand County has restrictions on development in floodplains. Dwellings, storage, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

None of the above zoning or land use controls would affect the instream flows necessary to maintain the river's ORVs.

9. Consistency of designation with other agency plans, programs, or policies:

   The State of Colorado Statewide Water Supply Initiative does not list any likely water projects within Colorado River Segment 5. In addition, Denver Water relinquished its water rights associated with Eagle-Piney Project as part of a water rights settlement with Eagle County negotiated in 2007. The proposed project would have affected streamflows within Colorado River Segment 5.

   It appears that designation would be consistent with the Grand County stream management plan. Designation is also potentially compatible with current and future upstream water projects, provided that those projects are managed to provide sufficient flow to protect the ORVs.

10. Contribution to a river system watershed or basin integrity:

    Colorado River Segment 5 provides a critical habitat link between numerous riparian and aquatic habitats within the upper Colorado Basin, especially between major tributaries to the Colorado River, such as the Piney River and Rock Creek.

11. Other issues and concerns, if any:

    Colorado River Segments 3 through 7 include numerous withdrawals made by the BLM to protect various values in the river corridor. (A withdrawal is an administrative designation made by the BLM that prohibits certain activities on the identified federal lands to protect the identified value.) The BLM's determination of whether a stream segment is suitable may affect some of these withdrawals, especially those that are designed to protect potential water storage and potential hydropower generation sites. If the BLM determines that a stream segment is suitable, the final management plan may recommend revocation of water storage or hydropower related withdrawals. In addition, Congress may require revocation of certain withdrawals if it designates a river segment. A WSR management plan created in accordance with designation may also include a recommendation to revoke withdrawals. The various types of withdrawals in the river corridor are described below.

    **Waterpower/Reservoir Resources**

    Congress authorized the withdrawal of waterpower and reservoir sites to formally point out the existence of potential sites and to ensure consideration of these sites in land management decisions. The federal government has been identifying and documenting potential reservoir sites since 1888. The objective of the WRR inventory activity is the identification of the potential sites, a professional assessment of their value, and the protection of the more valuable sites.

    The BLM provides scientific classification of WRR values on all federal lands. This classification is accomplished by resource inventory, evaluation activities, monitoring, and resulting land actions required by legislation, regulation, and

policy. The objective of the WRR evaluation is to identify resource management conflicts and opportunities through the planning process. The importance and value of WRR will be established and compared to conflicting resources.

The following WRR determinations must be made for management areas during resource management planning. All BLM-administered lands in the planning area determined by professional evaluation to have potential for WRR development are assigned to one of three categories:

- Lands suitable for intensive management as waterpower and reservoir resource sites;
- Lands suitable for restricted management as waterpower and reservoir resource sites; or
- Lands unsuitable for management as waterpower and reservoir resource sites.

All BLM-administered land in the river corridor withdrawn for WRR purposes are assigned to either of two categories:

- Lands recommended for continuation of the withdrawal or
- Lands not recommended for continuation of the withdrawal.

Various alternatives will modify the WRR recommendation for either continuing the withdrawals or for not continuing the withdrawals. The mix of other resources described in these various plan alternatives provides a basis for the analysis as to why a withdrawal is or is not recommended for continuation. The BLM land manager is responsible for identifying conflicts that may involve WRR values. When considering conflict resolution, the value of the potential WRR site must be weighed against the value of existing resources. This comparison helps to set priorities, identify possibilities for mitigation or enhancement, determine alternative actions, and provide guidance for future actions.

**Federal Energy Commission Projects**

Additional lands in the river corridor are segregated under the authority of the FERC. These lands are not withdrawn in the same manner as those withdrawn under the waterpower and reservoir resource withdrawals.

The FERC has the authority to issue permits and licenses for proposed hydroelectric (water power) development projects, in accordance with 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 BLM, other agencies, and the public have a right to be involved in the planning process, but that process is separated from the one described in this

document. The BLM's responsibility is to note the public land records, and it has no authority over the lands once they are included in a project.

**Other Types of Withdrawals**

Other withdrawals in the river corridor include those for SRMAs, withdrawals to protect archaeological sites, and withdrawals to protect important springs and watering holes for livestock. A BLM determination of suitable or not suitable for a stream segment would not affect any of these withdrawals.

***Preliminary Determination***

The BLM would be able to manage land uses to successfully protect ORVs and the free-flowing nature of the segment. The BLM believes it could work with local governments and private landowners to prevent development that would be incompatible with the ORVs. Designation would also provide a limited measure of instream flow protection by creating a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flows that are implemented with existing water rights. However, the BLM would be able to claim a federal right for protecting all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protecting the natural environment, and flows to support recreation could not be claimed. The BLM believes that designation of the segment could be compatible with developing and operating new water projects upstream, provided that those projects are operated to ensure flows that are necessary to maintain the quality of the ORVs.

The BLM concluded that this segment contains unique values that merit enduring legislative protection. The current management and protections along this segment are limited to discretionary actions and may be changed at any time. The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **recreational** classification.

### 3.2.8 Segment Name: Kinney Creek

| | | | |
|---|---|---|---|
| **Description:** | Upper portions of Kinney Creek where it flows through BLM land. The segment is from the BLM border with Arapaho National Forest downstream to Dennis Ditch. | | |
| **Total Segment Length:** | 2.35 miles | **Total Segment Area:** | 865 acres |
| **Length on BLM Land :** | 2.35 miles | **Area on BLM Land:** | 802 acres |
| **Preliminary Classification:** | Scenic | | |
| **ORVs:** | Fish | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable fish ORVs related to a population of Colorado River cutthroat trout (*Oncorhynchus clarki pleuriticus*) (a BLM sensitive species). The self-sustaining population is considered a Core Conservation Population (CRCT Conservation Team 2006).

   A road parallels the segment and there are primitive campsites along the creek, where vehicles park. The roads in this area have been constructed in association with past and future timber management activities, which occur on Forest Service land upstream.

   Almost the entire creek is under federal management. The headwaters upstream of the study segment are located in the Arapaho National Forest. Beginning in 1992, the Forest Service evaluated streams within the Arapaho and Roosevelt National Forests and did not find Kinney Creek eligible for inclusion in the NWSRS (Forest Service 1997). Downstream of the segment is on private land for a relatively short distance until the creek reaches its confluence with the Colorado River.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The BLM manages all of the shoreline along the 2.35-mile segment. Within the 865-acre study corridor, BLM manages 802 acres (92.7 percent). The remaining 63 acres (7.3 percent) are on private land. Forest Service manages the lands upstream, as part of the Arapaho National Forest. Downstream, the segment extends to the Dennis Ditch.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   The segment contains some primitive campsites where vehicles park relatively close to the stream. It is foreseeable that these activities could adversely affect the water quality in the segment, thereby impacting the fish populations. If such an impact is observed, BLM could be required to restrict camping along this segment, or attempt to keep vehicles further away from the creek. However, BLM currently manages for the protection of the trout population and would likely implement similar measures regardless of designation.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The Forest Service did not find Kinney Creek upstream of the segment to meet the eligibility criteria (Forest Service 1997).

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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   The entire segment is on BLM land, so no additional land purchases would be necessary, if designated.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
   The BLM would be capable of managing activities within the study corridor for the protection of the Colorado River cutthroat trout by incorporating protective measures in its RMP. The ongoing RMP revision provides for several direct and indirect stipulations and protective measures that would all provide protections for these fish. The continued viability and protection of the Colorado River cutthroat trout population would still also depend on management and cooperation of upstream land managers (WRNF) and the appropriate management of upstream land uses to control sediment and weed proliferation.

   The headwaters are managed by the Forest Service, and diversions associated with water rights are located downstream. Forest Service management activities of the headwaters include timber management. Although this activity is compatible, it could affect water quality within the segment. If changes were to occur on either the private lands surrounding but within the watershed or on the Forest Service lands upstream, BLM may not be able to effectively manage for the protection of Colorado River cutthroat trout populations.

   The BLM does have some grazing permits within the segment, which it is capable of managing for the protection of river values. During allotment management planning and permit reviewing, grazing practices would be considered for potential impacts on ORVs.

   The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties are the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

The Colorado Water Conservation Board holds an instream flow water right for 1 cfs year-round on the creek. This water right helps the BLM manage this creek in a multiple use context.

7. Historical or existing rights that could be adversely affected with designation:
   Existing water rights such as those associated with the Dennis Ditch would not be affected by designation.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The BLM manages all of the land along the segment.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service did not find Kinney Creek eligible for designation (Forest Service 1997) and therefore does not manage specifically for the protection of ORVs on the creek. The fish populations could be affected by timber management activities occurring upstream on Forest Service land. Activities are compatible with protection of the trout populations, but increased use of the roads could result in increased sedimentation in the creek.

   Designating this stream segment would be consistent with the multistate conservation agreement regarding Colorado River cutthroat trout.

10. Contribution to a river system watershed or basin integrity:
    Kinney Creek is a tributary of the upper Colorado River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

The BLM will continue to implement measures to protect the Colorado River cutthroat trout populations and incorporate necessary measures within its RMP. While this stream supports a core conservation population of Colorado River cutthroat trout, the BLM's ability to manage for the protection of this species depends on management of the upstream portions of the creek outside of the BLM's jurisdiction. Other than containing a population of Colorado River cutthroat trout, this segment is typical of other creeks in the area.

The Colorado River cutthroat trout population is the only ORV associated with this segment. Designating this segment would provide legislative protection to the river segment, based on an administratively designated species. This would reduce the BLM's management flexibility, should the administrative protections afforded the species change. The BLM concluded that, although the values associated with this segment are worthy of protection, this protection should be provided administratively

so as to be consistent with the status of the ORV. This segment is preliminarily determined **not suitable.**

### 3.2.9 Segment Name: Muddy Creek

| | | | |
|---|---|---|---|
| **Description:** | All sections of Muddy Creek on BLM land, downstream of Wolford Mountain Reservoir. | | |
| **Total Segment Length:** | 8.93 miles | **Total Segment Area:** | 2,004 acres |
| **Length on BLM Land :** | 3.43 miles | **Area on BLM Land:** | 950 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Wildlife | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable wildlife values associated with river otter *(Lutra canadensis)* habitat. The only potential otter habitat is believed to be in the portion of the segment that is most downstream, little of which is on BLM land. The presence of river otters within the BLM-managed sections of the lower segment is likely, but this has not been confirmed by direct observation.

   BLM-managed lands within the segment are interspersed with sections of private lands.

   Flows within the segment are dependent upon releases from Wolford Mountain Dam.

   A transmission line is located a short distance downstream of the dam. A gravel road parallels the river through much of the segment, primarily in the upstream portions.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The segment is a mix of private and BLM land. BLM manages 3.43 shoreline miles (38.4 percent) of the 8.93-mile segment. BLM manages 950 acres (47.4 percent) of the 2,004-acre study corridor. The remaining 1,054 acres (52.6 percent) is privately owned. Management along much of the river downstream of Wolford Mountain Reservoir is the responsibility of the Colorado River Water Conservation District (CRWCD) as part of a mitigation agreement associated with the construction of Wolford Reservoir.

   The Grand River ranch owns property below the BLM property downstream of the dam, which is used as a fishing camp.

Land use in the study corridor includes some limited grazing, hunting, off-highway vehicle (OHV) use, elk winter range, and fishing camp.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

Flows in Muddy Creek are controlled by releases from the Wolford Mountain Reservoir, which has a capacity of 66,000 acre-feet. The storage space in the reservoir is controlled by the CRWCD and Denver Water. Denver Water uses its space in the reservoir primarily for water substitution, when it is required to release water to the Colorado River to offset diversions to the East Slope. The CRWCD obtained conditional refill rights for the reservoir for 30,000 acre-feet, 15,895 acre-feet of which have been made absolute. A second enlargement water right is pending in water court for an additional 9,775 acre-feet of storage. The CRWCD releases water from the reservoir primarily for satisfying contract water deliveries to downstream locations and to benefit the endangered fish in the 15-mile reach near Grand Junction.

The BLM concluded that increased storage at the Wolford Mountain Reservoir is a reasonably foreseeable action, given that the dam already exists and that the CRWCD already holds water rights for a refill. The BLM also concluded that Denver Water's increased use of the Wolford Mountain Reservoir for substitution operations is also a reasonably foreseeable action, given that Denver already holds decrees that allow such substitution and the facilities are already in place to implement substitution operations. The BLM anticipates that Muddy Creek will continue to experience a wide range of release and spill patterns because of these preexisting rights.

The Colorado Water Conservation Board holds an instream flow right in the following amounts on Muddy Creek: 20 cfs July 15 to April 30, 70 cfs May 1 to May 15, 105 cfs May 15 to June 30, and 70 cfs July 1 to July 15. These rights have a 1998 priority.

The construction of a planned bicycle path from the town of Kremmling to Wolford Dam could be affected by designation of the segment. An assessment would need to be conducted to ensure such a path would not adversely affect the ORVs associated with river otter.

OHV use on BLM lands within the corridor could be curtailed if it is determined to be affecting the ORVs.

Some grazing occurs in the area but is operated in rotation with minimal use in the riparian area. It is not likely that these operations would be affected.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The CRWCD opposes designating this segment for several reasons. First, the District believes that the river otter population is not significant enough to warrant an eligibility finding for this segment. Second, the CRWCD believes that its management and enhancement of the lands downstream from the Wolford Mountain Reservoir have actually improved the stream reach and benefited the ORVs and other values, such as recreation. Finally, the CRWCD believes that designation could interfere with future operations and enlargements of the reservoir, which has become a critical water supply for meeting emerging water demands on the western slope. Denver Water also opposes designation. The State of Colorado and Grand County have not expressed specific opinions about this segment.

   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   The costs of administering the area would be dependent upon the presence and extent of river otter populations. Currently, the presence and extent on BLM-managed portions of the segment is unknown. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The private lands upstream of the potential river otter area are managed in accordance with the mitigation requirements and are compatible with protection of the ORVs. The BLM does minimal management on the downstream portion and would not likely have to do much to protect river otter habitat. However, river otter presence has not been confirmed.

   River otter populations would likely not be contained to BLM-managed lands. Consequently, management for the protection of the species could be challenging.

   The BLM would be capable of managing its lands and associated waters for the protection of river otter habitat through management measures incorporated into its RMP. Activities on surrounding privately owned lands are not under BLM authority and have the potential to affect river otter habitat.

7. Historical or existing rights that could be adversely affected with designation:
   The water rights held by the CRWCD for the Wolford Mountain Reservoir could be impacted if the stream segment was designated and a federal reserved water right was to limit the ability to change or enlarge existing water rights. In addition, designation could limit changes to historical irrigation rights upstream of the reservoir.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   Grand County zoning along this segment of the river is classified as forestry/open for the entire segment. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006).

   Grand County also has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

   Most of the land uses permitted by current Grand County zoning laws would be compatible with the protection of the identified river values. However, if the segment were designated, some of the potential land uses allowed, such as construction of residential and commercial facilities within the corridor, may be incompatible with protection of the ORVs.

9. Consistency of designation with other agency plans, programs, or policies:
   The CRWCD and the State of Colorado consider the operation of the Wolford Mountain Reservoir to be essential to satisfying current and future water demands on the west slope. Designation of this segment may affect the flexibility of reservoir operations needed to meet water supply objectives. It appears that designation would be consistent with the Grand County stream management plan.

10. Contribution to a river system watershed or basin integrity:
    Muddy Creek provides important nursery habitat for trout populations that reside in the Colorado River. The cold water released from the reservoir outlets provides important habitat for river otter.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

The BLM would not be able to effectively manage for the protection of river otter populations given the scattered landownership and the requirement of otters for more habitat than just what is provided within the BLM-managed lands. Additionally, the river otter have only been observed in the lower portion of the segment and not along the entire length. The river otter is a Colorado listed species, but it bears no formal federal legislative protection. A legislative designation to protect this segment, based solely on a state protected species, could create management challenges if the state were to change the river otter's status.

BLM has reached two primary conclusions regarding flows in this segment. First, a junior water right associated with a WSR designation would have very little effect on the flow regime in Muddy Creek because of senior and conditional water rights already established on this stream system. Second, the altered flow regime that has occurred because of the construction of the dam appears to be supporting and may benefit the otter population. Before the dam was constructed, flows in late summer and early fall dropped to low levels and significantly reduced the habitat available for the otter population. If the CRWCD and Denver Water are able to manage their releases with appropriate timing and ramping rates, the river otter population should not be threatened.

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* points out, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). Because river otter is the only ORV in this segment and the BLM cannot manage for its protection without the full cooperation of private landowners, this segment is preliminarily determined **not suitable.**

### 3.2.10 Segment Name: North Platte River

| | | | |
|---|---|---|---|
| **Description:** | Short segment on BLM lands bordering the Routt National Forest and the Platte River Wilderness. This small segment is between two large eligible sections of the North Platte River managed by the Forest Service. | | |
| **Total Segment Length:** | 0.07 mile | **Total Segment Area:** | 149 acres |
| **Length on BLM Land :** | 0.07 mile | **Area on BLM Land:** | 41 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational, Geologic, Historic | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable recreational (fishing and floatboating), geologic, and historic values. These values are dependent upon the rest of the river system, most of which occurs on Forest Service lands. The Forest Service has found the segments of river upstream and downstream of the BLM segment eligible but has not completed a suitability study.

   The BLM segment, 0.07 miles in length, is designated as Gold Medal Water and Wild Trout Water by the Colorado Wildlife Commission. Gold Medal Water is described as "a lake or stream that supports a trout standing stock of at least 60 pounds per acre, and contains an average of at least 12 quality trout per acre" (State of Colorado Wildlife Commission 2008).

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The segment evaluated is only that portion of the river flowing through BLM land (0.07 mile). Of the 149-acre study corridor, 41 acres are on BLM land. The land immediately upstream is privately owned for a distance of approximately 0.1 mile and then is managed by the Forest Service. Downstream of the BLM segment is Forest Service land.

   There is evidence of historic vermiculite mining along the segment.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Due to the extremely small segment being studied, the BLM identified no reasonably foreseeable potential uses.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   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. The Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   Acquiring lands would not be necessary for BLM to manage for the ORVs, and BLM would not pursue land acquisition. The cost of administering the segment would not exceed that of current management.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The BLM manages this property in a manner compatible with the ORVs but does not have enough land to ensure protection. In particular, the recreational values are dependent upon Forest Service land management upstream and downstream of the segment, and the majority of the geologic values occur on Forest Service land as well.

   Cultural resources and historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

   The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

7. Historical or existing rights that could be adversely affected with designation:

   None known.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   The Forest Service manages land both upstream and downstream of the segment. Some private land is adjacent to the river for a short stretch on the west bank downstream of the segment. Forest Service has found the portions of the river occurring on their land upstream and downstream of BLM land to be eligible for designation. While the Forest Service has not completed a suitability study, interim management is compatible with protection of the ORVs.

   The Jackson County zoning near this stretch of the North Platte River is within the Ranching zone district. Uses permitted within the Ranching zone district are ranching and general agriculture. Other uses, such as single-family

dwellings no ranching-related on at least 35 acres of land, could be permitted through special use permit review.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service has found the portion of the river occurring on their land downstream of BLM land to be eligible for designation. While the Forest Service has not completed a suitability study, interim management is compatible with protection of the ORVs.

10. Contribution to a river system watershed or basin integrity:
    The segment is too small to significantly contribute to the watershed.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Due to the short length of river occurring on BLM land, the suitability of this segment is dependent upon similar protective management by the Forest Service upstream and downstream. While the Forest Service has identified this portion of the river as eligible and manages accordingly, a not suitable determination by the Forest Service in the future would jeopardize the ORVs occurring on the BLM portion of the river. The preliminary determination for this segment is **not suitable**. If the Forest service should make a determination of suitable for its portions of the North Platte River, the BLM could reevaluate its determination.

### 3.2.11 Segment Name: Piney River

| | | | |
|---|---|---|---|
| **Description:** | Portion of Piney River occurring on BLM land, including the confluence with the Colorado River at State Bridge. | | |
| **Total Segment Length:** | 2.30 miles | **Total Segment Area:** | 840 acres |
| **Length on BLM Land :** | 2.11 miles | **Area on BLM Land:** | 732 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Paleontologic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   The Piney River is in a relatively narrow canyon on the opposite side of a ridge separating the river canyon from Route 131 south of State Bridge. It contains outstandingly remarkable paleontological values as the site of a tertiary dog fossil. The fossil dates the filling of this ancestral canyon and was likely exposed by the downcutting of the Piney River.

There is a dirt road paralleling the river for a short distance (approximately 0.5 mile). Some primitive camping occurs within the canyon, in particular at the confluence of the Piney River at the Colorado River.

The Piney River has a dense healthy riparian corridor.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:
   The BLM manages 2.11 shoreline miles (91.7 percent) of the 2.30-mile segment. BLM manages 732 acres (87.1 percent) of the 840-acre study corridor. The remaining lands are privately owned.

   Use in the area includes minimal four-wheel drive use on the lower portion of the segment. Some foot traffic also occurs along the upper portion of the segment on the dirt trail. Use in the area is not incompatible with the protection of the ORVs.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:
   As part of a water rights settlement with Eagle County interests in November 2007, Denver Water agreed to abandon its water rights for the Eagle-Piney Project. Accordingly, the BLM is not aware of any significant water supply projects that are planned for the river.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:
   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.

   Denver Water opposes designation of this segment and Eagle County has not established a position on this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   The cost of administering the area would not exceed current costs. BLM would not pursue land acquisition. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Managing for the protection of the ORV and the free-flowing nature on BLM land would not require significant action. Some additional maintenance of the primitive camping area at the mouth of the canyon may be periodically required to ensure it is not negatively impacting the river.

   It is unknown whether future land and water management activities upstream would either deplete river flows or degrade water quality affecting the free flowing nature of the river.

   Paleontological values associated with the river segment are protected and regulated by the BLM primarily under the Antiquities Act of 1906, FLPMA, NEPA, other federal regulations, and BLM orders. Pursuant to FLPMA, the BLM has issued regulations that provide additional protection. Section 8365.1-5 of Title 43 of the CFR prohibits removing any scientific resource or natural object without authorization. There are exceptions to this prohibition for small quantities of common invertebrate fossils and petrified wood. Specific guidance is found in BLM Manual Section 8270, Paleontological Resource Management (BLM 1998).

   The BLM manages paleontological resources for their scientific, educational, and recreational values and to ensure that any impacts are mitigated. The primary objective of managing paleontological resources is scientific research. Paleontological resources may only be disturbed or removed in conjunction with scientific research and only upon the issuance of prior written authorization of the disturbance or removal activity. Management of the river to protect identified ORVs would include direct and indirect protection of the paleontological values identified in the river corridor.

7. Historical or existing rights that could be adversely affected with designation:

   The Colorado River Water Conservation Board holds an instream flow water right for 9 cfs year-round on the Piney River, with a 1986 priority date.

   Senior water rights upstream of this segment are on lands owned by Piney River Ranches and other private landowners. The ability to change this water right and to establish new junior water rights on private lands could be limited if a federal reserved water right is established by designating the reach.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   While the majority of the segment occurs on BLM land, a small portion cuts onto private land in Eagle County. The river is within the resource preservation zone on private land. This zone is meant to preserve the open character and associated public benefits of those lands in Eagle County not within the boundaries of an existing city or town. Certain land uses are

disallowed and other land uses which might negatively impact the scenic quality and open character of the land require County approval. Residential development is limited to one dwelling unit per 80 acres (Eagle County 2007).

9. Consistency of designation with other agency plans, programs, or policies:
   No other agency plans, programs or policies were identified for this segment.

10. Contribution to a river system watershed or basin integrity:
    The Piney River is a significant tributary to the upper Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Although the ORV is river related, its protection does not depend on the free-flowing nature of the segment or on the timing or rate of flows through the segment. Other more appropriate protective measures should be considered as an alternative to WSR designation. It is not reasonably foreseeable that the segment would be impounded, resulting in the submergence of the ORV. The preliminary determination for this segment is **not suitable**.

### 3.2.12 Segment Name: Rabbit Ears Creek

**Description:** Portion of Rabbit Ears Creek occurring on BLM land within the Troublesome Wilderness Study Area (WSA). The preliminary classification for this segment was recreational upper and wild lower. The road shown on the land status map is no longer in use and has become overgrown with vegetation; therefore, the upper segment would meet the criteria for wild classification.

| | | | |
|---|---|---|---|
| **Total Segment Length:** | 4.24 miles | **Total Segment Area:** | 1,410 acres |
| **Length on BLM Land :** | 4.24 miles | **Area on BLM Land:** | 1,297 acres |
| **Preliminary Classification:** | Wild | | |
| **ORVs:** | Geologic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   This segment contains outstandingly remarkable geological values.

The segment occurs in the pristine Troublesome Wilderness Study Area, which has a healthy riparian community containing a diverse ecosystem of plants, including elephant heads, columbines, and sego lilies.

There is little to no evidence of human use in the area. The segment occurs within the Troublesome WSA.

Grazing is permitted in the area, and some new and old troughs are in operation within the corridor.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:
   The entire segment is managed by BLM on either side of the segment shoreline. BLM manages 1,297 acres (92.0 percent) of the 1,410-acre study corridor. Of the remaining area, 50 acres (3.5 percent) are in private ownership and 63 acres (4.5 percent) are Forest Service-managed.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:
   Grazing practices would continue to be monitored to ensure protection of the river segment, whether or not the segment becomes designated. Designating the segment would create enduring protection of the river-related values at a legislative level, rather than protection under wilderness study area status, which is at the administrative level. Designation would also incorporate a federal water right for protection of flows, a type of protection that may or not be incorporated if the area were to be designated as wilderness. BLM may require the removal of troughs within the study corridor to prevent congregation of cattle within the riparian area.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:
   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.

   As part of its Troublesome Creek Potential Conservation Area, the Colorado Natural Heritage Program (CNHP) has recognized Rabbit Ears Creek for having good viability and diversity. Designation would be consistent with the goals of a CNHP Conservation Area.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   The BLM would not pursue land acquisition since it already manages all the land within the stream corridor. Proactive management measurements would not be required to protect the geologic resources, if there continue to be restrictions on surface-disturbing activities.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
   Management as a WSR would be comparable to current management as a WSA. Minimal if any changes in management level would occur. However, current management and WSA determination does not provide protection of flows, which would be afforded through designation as a WSR.

   The geologic values and free-flowing nature of this segment could be protected through designation of the area as wilderness. Its current WSA designation is dependent upon congressional action and could be removed at any time.

   The segment occurs within the Troublesome WSA. Inclusion of the segment in the NWSRS would provide legislative protection for the area in addition to the protection afforded by a WSA determination. If the area is not designated as wilderness and the WSA designation is removed, protection of the area would be limited to RMP management measures or some other administrative protection such as designation as an area of critical environmental concern (ACEC). If the area does not become designated as a wilderness area and it is specifically released by Congress from further wilderness protection, then the lands would be open to multiple use management. In that scenario, protection of the geologic values could be prescribed in the land use management plan.

7. Historical or existing rights that could be adversely affected with designation:
   No historical or existing rights are known to exist in the area.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   Zoning regulations are described below, but, because the BLM manages 92 percent of the land within the study corridor, it is unlikely that activities occurring on the private and Forest Service land within the corridor would affect the river values.

   Grand County zoning along this segment of the river is classified as forestry/open for the entire segment. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006).

Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

9. Consistency of designation with other agency plans, programs, or policies:
   As part of its Troublesome Creek Potential Conservation Area, the CNHP has recognized Rabbit Ears Creek for having good viability and diversity. Designation would be consistent with the goals of a CNHP Conservation Area.

10. Contribution to a river system watershed or basin integrity:
    Rabbit Ears Creek is a tributary to Troublesome Creek, and the CNHP has identified it as a potential Conservation Area.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Because the protection of the geologic ORV is not dependent upon the protection of the free-flowing nature of the segment, other methods of protection would be more appropriate. It is not reasonably foreseeable that the segment would be impounded, resulting in the submergence of the ORV. In addition, the BLM believes that the current WSA status provides adequate protection and that if Congress releases the area from wilderness management, it is likely that the BLM would impose land use plan management prescriptions designed to protect the ORV from surface-disturbing activities. The preliminary determination for this segment is **not suitable**.

### 3.2.13 Segment Name: Spruce Creek

| | | | |
|---|---|---|---|
| **Description:** | Portion of Spruce Creek on BLM land, from the boundary of BLM land and the WRNF. | | |
| **Total Segment Length:** | 0.97 mile | **Total Segment Area:** | 433 acres |
| **Length on BLM Land :** | 0.97 mile | **Area on BLM Land:** | 364 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Fish | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   The March 2007 WSR Eligibility Report determined that this segment contains outstandingly remarkable fish values. This determination was based on the segment supporting a core conservation population of Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*). Subsequent analysis of genetic data has determined that Spruce Creek trout are not Colorado River cutthroat trout but more closely resemble greenback cutthroat trout (*O. c. stomias*), which is a federally listed threatened species. Despite this change, this population warrants the determination that Spruce Creek contains a fish ORV and does not change the eligibility determination.

   The current distribution of subspecies of cutthroat trout in Colorado is largely in question, and cooperative efforts are ongoing to determine the true status of Colorado River and greenback cutthroat trout in the state. Several populations resembling greenback cutthroat trout have been noted in waters on the west slope of Colorado, leading to questions about what is the native cutthroat of southwest, northwest, and eastern Colorado. Regardless of the ultimate status of the Spruce Creek population, given the 96% genetic purity of the fish in the creek, they have conservation value and warrant increased management emphasis.

   Spruce Creek is a 0.97-mile segment, with cutthroat trout observed throughout. However, a recent beaver dam blowout may have flushed some trout downstream and out of the segment. There is thick riparian habitat throughout the segment.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   BLM manages all lands adjacent to the 0.97-mile segment. The Forest Service manages the creek upstream of the BLM study segment. Within the 433-acre study corridor, BLM manages 364 acres (84.1 percent). The land status within the remaining corridor lands consists of 35 acres (8.1 percent) in private ownership and 34 acres (7.9 percent) that are Forest Service-managed. Downstream of the segment, lands are privately owned. Roads have been built in the watershed to access BLM and Forest Service timber units.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Some timber harvests occur in the area. If designated, BLM would need to evaluate any timber sales to ensure protection of the segment, prior to allowing the sales. The BLM would consult with the Forest Service on any

timber sales potentially occurring along the creek upstream of the segment to ensure that water quality would not be degraded.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   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. The Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   The BLM would not pursue land acquisition at this time. The cost of administering the area, if designated, would be minimal. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The BLM would be able to manage the segment with minimal changes to management. It would need closer monitoring of primitive camping activities to ensure protection of the creek and associated ORV. The ongoing RMP revision provides for several direct and indirect stipulations and protective measures that would all provide protections for these fish for new land use authorizations and leases. The continued viability and protection of the greenback cutthroat trout population would still also depend on management and cooperation of upstream land managers (WNRF) and the appropriate management of upstream land uses to control sediment and weed proliferation.

   Land management upstream is controlled by the Forest Service. Current management of upstream segments is compatible with protecting the fish population, but the BLM would need to consult with the Forest Service to ensure long-term protection.

   Downstream portions of the creek are privately owned and managed by Blue Valley Ranch. There are no known fish passage barriers downstream of the BLM parcel.

   The BLM is capable of managing for the protection of the cutthroat trout by incorporating protective measures in its RMP. The headwaters are managed by the Forest Service, and diversions associated with water rights are located downstream.

7. Historical or existing rights that could be adversely affected with designation:
   The Colorado River Water Conservation Board holds an instream flow water right on Spruce Creek for 2.0 cfs summer and 0.5 cfs winter, with a 1985 priority date. This water right will help the BLM manage Colorado River cutthroat trout in a multiple-use context.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The entire segment is on BLM land, so local zoning regulations would not apply.

   The land upstream is managed by the Forest Service, and BLM can consult with The Forest Service to ensure compatible land use upstream. Downstream, however, land is privately held. While the private landowner currently manages the land to be compatible with the protection of the ORV, future management practices cannot be ensured.

9. Consistency of designation with other agency plans, programs, or policies:
   The WRNF did not find the portion of Spruce Creek on National Forest land to be eligible (Forest Service 2002). The land upstream of the segment is managed by the Forest Service, which currently practices timber harvest on lands near the segment. If this practice is not monitored, it has the potential to affect water quality. If the segment is designated, BLM would need to collaborate with the Forest Service to be sure that timber harvest is monitored and does not affect water quality downstream.

10. Contribution to a river system watershed or basin integrity:
    Spruce creek is a tributary to the Blue River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

Because the BLM manages only a small segment, protecting the greenback cutthroat trout depends partially on similar protective management, both upstream and downstream of the segment. Current logging practices by the Forest Service could affect water quality and the cutthroat trout population. Even with cooperation between BLM and Forest Service, it would be difficult to ensure the protection of the ORV.

The greenback cutthroat trout population is the only ORV associated with this segment. Designation would reduce the BLM's management flexibility, should the protections afforded this particular population of cutthroat trout change. The BLM concluded that, although the values associated with this segment are worthy of

protection, as defined by the Endangered Species Act, this protection should be provided administratively so as to be consistent with the current status of the ORV. The preliminary determination for this segment is **not suitable**.

### 3.2.14 Segment Name: Sulphur Gulch

| | | | |
|---|---|---|---|
| **Description:** | Portions of Sulphur Gulch on BLM land, from approximately County Road 2757 downstream to US Highway 40. | | |
| **Total Segment Length:** | 3.04 miles | **Total Segment Area:** | 1,063 acres |
| **Length on BLM Land :** | 3.04 miles | **Area on BLM Land:** | 997 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Paleontologic | | |

***Suitability Criteria***

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>
   This segment is perennial and contains outstandingly remarkable paleontological values.

   The ORV is located throughout the area, not necessarily just within the study corridor.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>
   The entire 3.04-mile segment shoreline is managed by BLM. Within the 1,063-acre study corridor, BLM manages 997 acres (93.8 percent). The remaining lands are privately owned. Downstream of the segment, the land is privately owned.

3. <u>Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:</u>
   The area has some different wetland communities due to the alkaline warm water. A report prepared by The Nature Conservancy identified the upland Osterhout milkvetch *(Astragalus osterhoutii)* to the west of the springs (nearer the county road) and included it and the springs as a unique area. "Two species are extremely rare and endemic to Colorado, and the other is endemic to the Wyoming-Colorado Region." Osterhout milkvetch, penland penstemon *(Penstemon penlandii)*, dog parsley (*Lomatium nuttallii*), a selenium specialist with only two Colorado populations; the population along Sulphur Gulch is

the larger. The riparian area supports two communities, "western slope salt meadow dominated by *Distichlis spicata* var. *stricta* and the American bulrush meadow, primarily of *Scirpus pungens*." In 2006, the CNHP classified the area as *Schoenoplectus pungens* for the plant association, rated it G3/G4S3-A, and recommended it for a potential conservation area due to its excellent occurrence of the *pungens*. The CNHP also recommended that it be protected from adjacent land disturbances to minimize weed invasion or disturbance. The upland plant species discussed above are not river-related, and a result, they were not identified as an ORV. The river-related wetland species discussed above are relatively secure within the state according to the CNHP ratings, and accordingly did not rise to the level of an ORV. However, designation of this segment could enhance management protections for these species and vegetation communities.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   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. The Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   BLM would not pursue land acquisition at this time, as more land is not necessary for the protection of the ORV.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   BLM would be able to manage for the protection of the ORV through RMP management measures or other administrative designations such as an ACEC. The protection of ORVs is not dependent upon inclusion in the NWSRS. Additionally, the protection afforded the segment through WSR designation would be limited to the area within 0.25-mile of the creek and would not cover the entire value.

   Paleontological values associated with the river segment are protected and regulated by the BLM primarily under the Antiquities Act, FLPMA, NEPA, other federal regulations, and BLM orders. Pursuant to FLPMA, the BLM has issued regulations that provide additional protection. Section 8365.1-5 of Title 43 of the CFR prohibits removing any scientific resource or natural object without authorization. There are exceptions to this prohibition for small quantities of common invertebrate fossils and petrified wood. Specific guidance is found in BLM Manual Section 8270, Paleontological Resource Management (BLM 1998).

The BLM manages paleontological resources for their scientific, educational, and recreational values and to ensure that any impacts are mitigated. The primary objective of managing paleontological resources is scientific research. Paleontological resources may only be disturbed or removed in conjunction with scientific research and only upon the issuance of prior written authorization of the disturbance or removal activity. Management of the river to protect identified ORVs would include direct and indirect protection of the paleontological values identified in the river corridor.

7. Historical or existing rights that could be adversely affected with designation:

   No known historical or existing rights would be adversely affected with designation.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Land adjacent to the segment is managed by BLM, except for 66 acres within the 0.25-mile corridor immediately downstream of the segment that is privately owned.

   Grand County zoning along this segment of the river is classified as forestry/open. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006).

   Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

   Most of the land uses permitted by current Grand County zoning laws would be compatible with the protection of the identified river values. However, the County is considering the area west of Sulphur Gulch for a landfill. It is unknown whether this would impact the segment. If the segment were designated, some of the potential land uses allowed such as construction of residential and commercial facilities within the corridor, may be incompatible with protection of the ORVs.

9. Consistency of designation with other agency plans, programs, or policies:

   Grand County is considering placing a landfill to the west of Sulphur Gulch, it is unknown at this time whether such a project would have the potential to affect Sulphur Gulch.

10. Contribution to a river system watershed or basin integrity:
    Sulphur Gulch is a tributary of the Upper Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Protection of the ORV is not dependent upon the free-flowing nature of the segment and could be protected using other methods such as ACEC designation. Additionally, WSR designation would limit protection to the area within the study corridor and would not include the entire ORV. The preliminary determination for this segment is **not suitable**.

### 3.2.15 Segment Name: Troublesome Creek

| | | | |
|---|---|---|---|
| **Description:** | Portions of Troublesome Creek occurring on BLM land predominantly within the Troublesome Creek WSA | | |
| **Total Segment Length:** | 6.14 miles | **Total Segment Study Area:** | 1,883 acres |
| **Length on BLM Land :** | 3.71 miles | **Area on BLM Land:** | 1,179 acres |
| **Preliminary Classification:** | Recreational (upstream portion); Scenic (downstream portion) | | |
| **ORVs:** | Geologic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   This segment contains outstandingly remarkable geological values. BLM-managed portions of the segment are split between a lower section, located downstream of a privately owned development, and an upper section, beginning upstream of the development and proceeding upstream almost to Mattheson Reservoir. However, the geologic values only occur in the upstream portion of the segment, upstream of the private land.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:
   The BLM manages 3.71 shoreline miles (60.4 percent) of the 6.14 miles of river. The middle portion of the segment is privately owned and contains a subdivision consisting of fairly spread out log homes along the creek. Within the 1,883-acre study corridor, BLM manages 1,179 acres (62.6 percent). The remaining lands are privately owned (639 acres, 33.9 percent) and Forest Service-managed (65 acres, 3.5 percent).

A road parallels the creek from the downstream end, through the private parcels, and ends where the BLM land begins again.

Grazing is permitted on BLM lands throughout the segment.

Upstream of the segment is Matheson Reservoir, which is a privately owned and operated reservoir with an associated water right.

The area contains very little mineral potential.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Grazing is permitted on BLM land on both the downstream and upstream sections. The grazing operations do not heavily impact the area.

   Flows through the segment are influenced by the operations of Matheson Reservoir upstream. However, the operations are not expected to negatively affect the geologic ORV.

   The CNHP describes the riparian area as *Alnus incana-Salix drummondiana* Shrubland-B (G3S3) and recommended the area as a potential conservation area due to the number of high quality communities. The potential conservation area has good (B) occurrence of G2G3/S2 community, a G2/S2 community, and four G3/S3 communities. The river-related wetland species discussed above are relatively secure within the state according to the CNHP ratings, and accordingly did not rise to the level of an ORV. However, designation of this segment could enhance management protections for these species and vegetation communities.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   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. The Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   BLM would not pursue land acquisition in this segment, as management of the geologic value is not dependent upon managing the entire segment. The cost of administering the area for the protection of the ORV would be minimal, as public access is very limited.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The area is located within the Troublesome WSA and current management serves to protect the ORV. Designation as a WSR would be complementary to the WSA designation and would provide legislative protection for the creek. The area could be designated as wilderness by Congress, which would provide a similar level of protection.

   Designation of the segment would protect the geological values of the segment by legislatively prohibiting impoundment of the creek. However, it is not likely that an impoundment large enough to submerge the geological features could be constructed in the segment. Therefore, in most cases protection of the geological ORV would not require protection of the free-flowing nature of the segment.

   Minimal management of the area would be required to protect the ORV. The area is not easily accessible by the public due to private inholdings in the middle of the segment.

   If the area is not designated as wilderness and the WSA designation is removed, protection of the area would be limited to RMP management measures or some other administrative protection such as an ACEC designation. If no such administrative designation is implemented, the area could become open to increased resource utilization. Increased resource utilization in the area could adversely impact the geological ORV.

7. Historical or existing rights that could be adversely affected with designation:

   There is a water right on Troublesome Creek associated with the Matheson Reservoir. There are also some water rights downstream, in a large ditch near the end of the segment. Designation would not affect existing rights but could affect potential modifications to those rights.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   The land surrounding the segment is mostly managed by BLM. Grand County zoning along this segment of the river is classified as forestry/open. The forestry/open zone is designed to protect lands suitable for agricultural and related uses, including uses related to forestry, mining, and recreation. Low-density single-family residential uses are permitted in the forestry and open zone district (Grand County 2006).

   Grand County has restrictions on development in floodplains. Dwellings, storage of materials, churches, schools, and other places of public assembly are prohibited in areas subject to inundation. Other structures must first be approved by the Grand County Board of County Commissioners (Grand County 2006).

Most of the land uses permitted by Grand County zoning laws would be compatible with the protection of the identified river values. However, if the segment were designated, some of the permitted potential land uses, such as constructing residential and commercial facilities within the corridor, may be incompatible with protection of the ORVs.

9. Consistency of designation with other agency plans, programs, or policies:
   No other agency plans, programs, or policies were identified for this segment.

10. Contribution to a river system watershed or basin integrity:
    Troublesome creek is a significant tributary of the Upper Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Because protection of the geologic ORV is not dependent upon protection of the free-flowing nature of the segment, other methods of protection would be more appropriate. The segment is not easily accessible to the public, which provides an automatic protective barrier for the ORV.

The BLM concluded that the current WSA status provides adequate protection and that if Congress releases the area from wilderness management, it is likely that the BLM would impose land use plan management prescriptions designed to protect the ORV from surface-disturbing activities.

It is not reasonably foreseeable that the segment would be impounded, resulting in the submergence of the ORV. The preliminary determination for this segment is **not suitable.**

## 3.3 COLORADO RIVER VALLEY FIELD OFFICE SUITABILITY DATA AND DETERMINATIONS

Twenty-six eligible river and stream segments were evaluated for suitability within the CRVFO. This includes 11 segments determined to meet the eligibility criteria in the March 2007 eligibility study (BLM 2007a), two creek complexes composed of 13 individual segments determined to meet the eligibility criteria under the Roan Plateau RMP eligibility study in September 2002 (BLM 2002), and two segments determined to meet the eligibility criteria under the Deep Creek, Colorado Wild and Scenic River Eligibility Evaluation in August 1995 (Forest Service and BLM 1995).

The 11 eligible river segments evaluated in the March 2007 study (BLM 2007a) include the following:

- Abrams Creek (one segment);
- Battlement Creek (one segment);
- Colorado River (2 segments);
- Eagle River (one segment);
- Egeria Creek (one segment);
- Hack Creek (one segment);
- Mitchell Creek (one segment);
- No Name Creek (one segment);
- Rock Creek (one segment); and
- Thompson Creek (one segment), including a portion of the North Fork.

Two creek complexes composed of 13 individual segments determined eligible as part of the Roan Plateau RMP process were evaluated for suitability, which includes lands administered by the BLM's CRVFO and White River Field Office in Garfield and Rio Blanco Counties (BLM 2002). These include the following:

- East Middle Fork Parachute Creek complex, composed of the following five segments:
    - East Middle Fork Parachute Creek (one segment);
    - Trapper Creek (three segments); and
    - Northwater Creek (one segment).
- East Fork Parachute Creek complex, composed of the following eight segments:
    - East Fork Parachute Creek (two segments);
    - First Anvil Creek (two segments);
    - Second Anvil Creek (two segments);

- Golden Castle Creek (one segment); and
- JQS Gulch (one segment).

The two segments evaluated as part of the Deep Creek, Colorado Wild and Scenic River Eligibility Evaluation (Forest Service and BLM 1995) include the following:

- Deep Creek (two segments).

A third segment is identified as occurring on BLM land in the Deep Creek, Colorado Wild and Scenic River Eligibility Evaluation; however, BLM land is not adjacent to the creek but rather falls within the 0.25-mile corridor. Therefore, it was not studied for suitability.

### 3.3.1 Segment Name: Abrams Creek

| | | | |
|---|---|---|---|
| **Description:** | From the downstream end of BLM lands approximately 1.5 miles upstream of the confluence with Hernage Creek to the boundary of the WRNF. | | |
| **Total Segment Length:** | 3.44 miles | **Total Segment Study Area:** | 1,198 acres |
| **Length on BLM Land :** | 3.44 miles | **Area on BLM Land:** | 1,128 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Fish | | |

#### *Suitability Criteria*

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>

   This segment contains outstandingly remarkable fish values for the existence of a self-sustaining population of genetically pure native Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*). The population is considered a core conservation population.

   The segment contains diversions that are owned by a developer in the town of Gypsum who has a water right. The diversion operates under a pre-FLPMA right-of-way grant from the BLM. The diversion does not impair the free-flowing nature of the segment. However, the Colorado River cutthroat trout only appear in very low densities downstream of the diversion.

   There is no development occurring near the stream, and much of the area is open to grazing. There is a dirt road crossing midway through the segment (downstream of the diversion), but water flows over the road.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   Shoreline management for this segment is entirely BLM-managed. Land immediately adjacent upstream is managed by the WRNF. Within the 1,198-acre study corridor, BLM manages 1,128 acres (94.2 percent), while the remaining 70 acres (5.8 percent) are privately owned.

   Cattle grazing occurs around the upstream portion of the segment. While an electric fence is meant to keep cattle out of the creek, there are signs of cattle intrusion in some portions.

   Some mountain bike use has been observed below the fence and gate but not directly along the creek. No mountain bike use has been observed above the gate. There appears to be occasional motorized dirt bike use in the area.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Cattle grazing upstream and along the segment has the potential to impact water quality and the trout species. The BLM would continue to take into account impacts on water quality and on the Colorado River cutthroat trout core conservation population when reviewing grazing permits, and whether or not the segment is designated. If the segment is released from further study, the Colorado River cutthroat trout core conservation population would no longer be considered an ORV under the WSR study process, but the BLM would continue to manage this value.

   A private developer in the town of Gypsum has a water right. The amount of water drawn at this diversion into the JPO ditch is marginally compatible with the segment fish ORVs. At times at least half of the creek flow is drawn out at the diversion, impairing habitat suitability downstream for the Colorado River cutthroat trout. Inadequate water and therefore habitat is the most likely cause for low Colorado River cutthroat trout densities downstream of the diversion.

   The Forest Service has a timber management program within the upper watershed of Abrams Creek.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The creek is small and remote and does not show signs of public use. A private developer in the town of Gypsum has a water right.

   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
No lands would need to be acquired to manage this segment for the ORV. The cost of administering the segment would be similar to current management.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
Under current management practices, the BLM is capable of managing the segment for the ORV, as minimal management is required. Because the area is remote, it does not require routine maintenance. If designated, closer monitoring of cattle grazing may be needed to ensure practices are not negatively affecting the ORV.

The BLM is generally capable of managing for the protection of the cutthroat trout by incorporating protective measures in its RMP, upstream of the diversion. Downstream of the diversion, a lack of water and therefore habitat is the likely cause for low population densities. Because trout populations in small creeks are relatively fragile ecosystems, management measures associated with designation may not be enough to ensure protection of a self-sustaining genetically pure trout population. The ongoing RMP revision provides several direct and indirect stipulations and protective measures that would provide protection for the fish for new land use authorizations and leases. The continued viability and protection of the Colorado River cutthroat trout population would still also depend on the appropriate management of upstream land uses to control sediment and weed proliferation.

The Colorado Water Conservation Board holds a 0.5 cfs instream flow water right on this creek, year-round. Although this water right is junior to the privately-owned diversion, it does help to ensure that future changes to water rights do not further decrease flows in the creek. Without an instream water right, the ability of the BLM to manage for the protection of fish ORVs downstream of the diversion would be diminished.

The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties are the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

7. Historical or existing rights that could be adversely affected with designation:
   A developer in the town of Gypsum has a water right on the segment. The ability to change or enlarge this water right would be affected if the reach is designated.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   Because the land adjacent to Abrams Creek is BLM-managed, incompatible development is not likely to occur.

   The Colorado Water Conservation Board holds a 0.5 cfs instream flow water right on this creek, year-round. Although this water right is junior to creek diversion, it does help to ensure that future changes to water rights do not further decrease flows in the creek. Without an instream water right, the ability of the BLM to manage for the protection of fish ORVs downstream of the diversion is diminished.

   The segment is also part of the *Conservation Agreement for Colorado River cutthroat trout* (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service has an active timber management program within the upper watershed of Abrams Creek. Designation of the segment could place additional constraints on the Forest Service management program to ensure protection of water quality and fish populations.

   Designating this stream segment would be consistent with the multistate conservation agreement regarding Colorado River cutthroat trout.

10. Contribution to a river system watershed or basin integrity:
    Abrams Creek supports an isolated population of Colorado River cutthroat trout and there is very limited opportunity, based on hydrology and land uses, to expand the population to other creeks in this watershed.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

BLM is currently managing for the protection of the ORV and could continue to protect the area using other management prescriptions. For example, Alternative C of the RMP is proposing Abrams Creek as an ACEC to protect the Colorado River cutthroat trout. BLM administrative management is effective upstream of the diversion where flows come from Forest Service land. Downstream of the diversion, low flows are most likely the cause of low population densities. Designation would

not necessarily increase flows as the federal water right would be junior to the existing right operating the diversion. However some instream flow water rights downstream of the diversion are already in place, which provides some measure of protection. The BLM will continue to manage this creek under the provisions of the conservation agreement, even if the segment is not designated.

Trout populations in small creeks are relatively fragile ecosystems. Management activities within the watershed not under BLM authority have the potential to affect the segment. Consequently, management measures associated with designation may not be enough to ensure the protection of a self-sustaining population of genetically pure Colorado River cutthroat trout.

The Colorado River cutthroat trout population is the only ORV associated with this segment. Designating this segment would provide legislative protection to the river segment, based on a BLM-designated sensitive species, which is an administrative designation. This would reduce the BLM's management flexibility, should the species' administrative protection status change. The BLM concluded that, although the values associated with this segment are worthy of protection, protection would be administratively consistent with the status of the ORV and in conformance with the *Conservation Agreement for Colorado River Cutthroat Trout (*CRCT Conservation Team 2006).

This segment is preliminarily determined **not suitable.**

### 3.3.2 Segment Name: Battlement Creek

| | | | |
|---|---|---|---|
| **Description:** | From downstream end of BLM lands in Township 7 South, Range 95 West, Section 10 to the upstream end of BLM land in Township 7 South, Range 95 West, Section 23. BLM lands along Battlement Creek are divided into two parcels, with approximately one mile of private land splitting the creek. | | |
| **Total Segment Length:** | 2.88 miles | **Total Segment Study Area:** | 1,027 acres |
| **Length on BLM Land :** | 1.66 miles | **Area on BLM Land:** | 558 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Fish | | |

#### *Suitability Criteria*

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>
   This segment has outstandingly remarkable fish values for a genetically pure population of Colorado River cutthroat trout (*Oncorhynchus clarkii*

*pleuriticus*). This population is considered a core conservation population (CRCT Conservation Team 2006). While this stream supports a core conservation population of Colorado River cutthroat trout, it is not near any other similar populations that would provide watershed-level protection for the species and provide for genetic interaction with other populations.

Battlement Creek is listed on the Colorado Department of Public Health and Environment's 303(d) list (segments requiring total maximum daily loads) based on the following reasoning: tributaries to the Colorado River between the Roaring Fork River at Glenwood Springs downstream to Parachute Creek for selenium (Colorado Department of Public Health and Environment Water Quality Control Commission 2006). The BLM anticipates either initiating further studies that would indicate whether or not human activities are increasing selenium levels or developing a total maximum daily load standard for selenium that would help reduce human activities in the watershed.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   BLM manages 1.66 shoreline miles (57.6 percent) of the 2.88-mile segment. Within the 1,027-acre study corridor, BLM manages 558 acres (54.3 percent). The remaining land (469 acres, 45.7 percent) is privately owned.

   Battlement Creek is within the Piceance Basin oil and gas development region and lands near the creek have been leased, which constitutes a valid existing right. Legislation would not likely negate their lease or their rights to recover the natural gas, but additional conditions of approval could be placed on future applications to drill.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Battlement Creek is within the southern portion of the Piceance Basin, which covers approximately 7,225 square miles in northwest Colorado. An estimated 80 trillion to 136 trillion cubic feet of gas are contained in the coal beds within the basin. Much of the basin has been leased and is being heavily developed for natural gas. All public lands adjacent to the creek have been leased and are undergoing development. Designation of this segment would not likely negate rights to recover natural gas, but additional conditions of approval could be placed on future applications to drill.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The Piceance Basin has been highlighted as one of the largest natural gas producing areas in the US. The Energy Bill also recognized the Piceance Basin and the country's need to access and develop those resources. As a result

designation of this segment, which could constrain future resource development, could be incompatible with the goals of the Energy Bill.

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. The Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   Acquisition of additional property is not anticipated to be necessary for the protection of the trout population. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
   The BLM will continue to protect Colorado River Cutthroat trout by implementing stipulations that have already been applied to current land use authorizations and mineral leases. These stipulations address stream corridors and steep slopes. The ongoing RMP revision provides several direct and indirect stipulations and protective measures under various alternatives that would protect the fish for new land use authorizations and leases. The continued viability and protection of the Colorado River cutthroat trout population would still also depend upon management and cooperation of upstream private landowners and the appropriate management of upstream land uses, such as grazing, to control sediment and weed proliferation.

   The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties are the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

   In addition, the Colorado Water Conservation Board has acted to appropriate an instream flow water right on this stream reach, which should provide some measure of protection for flows.

7. Historical or existing rights that could be adversely affected with designation:
   Several entities have resource development rights in the area associated with natural gas development.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The segment is within Garfield County and 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).

   The segment is also part of the *Conservation Agreement for Colorado River cutthroat trout* (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

   In addition, the Colorado Water Conservation Board has acted to appropriate an instream flow water right on this stream reach, which should provide some measure of protection for flows.

9. Consistency of designation with other agency plans, programs, or policies:
   The Piceance Basin has been highlighted as one of the largest natural gas producing areas in the US. The Energy Bill also recognized the Piceance Basin and country's need to access and develop those resources. As a result designation of this segment, which could constrain future resource development, could be incompatible with the goals of the Energy Bill.

   Designating this stream segment would be consistent with the multistate conservation agreement regarding Colorado River cutthroat trout.

10. Contribution to a river system watershed or basin integrity:
    Battlement Creek is a tributary of the Colorado River but is listed on the Colorado Department of Public Health and Environment 303(d) list related to selenium contribution.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

Battlement Creek is within the Piceance Basin oil and gas development region and is recognized in the Energy Bill as one of the largest natural gas producing areas in the US. Designation of this segment would not likely affect the numerous existing leases and development projects but could constrain future development. Designation of the creek may cause future oil and gas leases to be issued with a no surface occupancy

stipulation within 0.25-mile of the creek, which would allow development of the oil and gas resources while protecting the fishery resource.

Because the BLM-managed portions of this segment constitute a small portion of the larger watershed, the protection of the Colorado River cutthroat trout ORV would depend largely on the cooperation of the adjacent private landowner. Water quality issues also exist within the segment, and BLM would have a difficult time ensuring the preservation of the trout with these issues. The BLM will continue to implement measures to protect the Colorado River cutthroat trout populations and will incorporate necessary measures within its RMP. The BLM and the Colorado Department of Public Health and Environment Water Quality Control Commission will work cooperatively to manage this creek under the provisions of the conservation agreement, even if the segment is not designated.

The Colorado River cutthroat trout population is the only ORV associated with this segment. Designating this segment would provide legislative protection to the river segment, based on a BLM sensitive species administrative designation. This would reduce the BLM's management flexibility, should the species administrative protections change. The BLM concludes that although the values associated with this segment are worthy of protection, this protection should be provided administratively to be consistent with the status of the ORV.

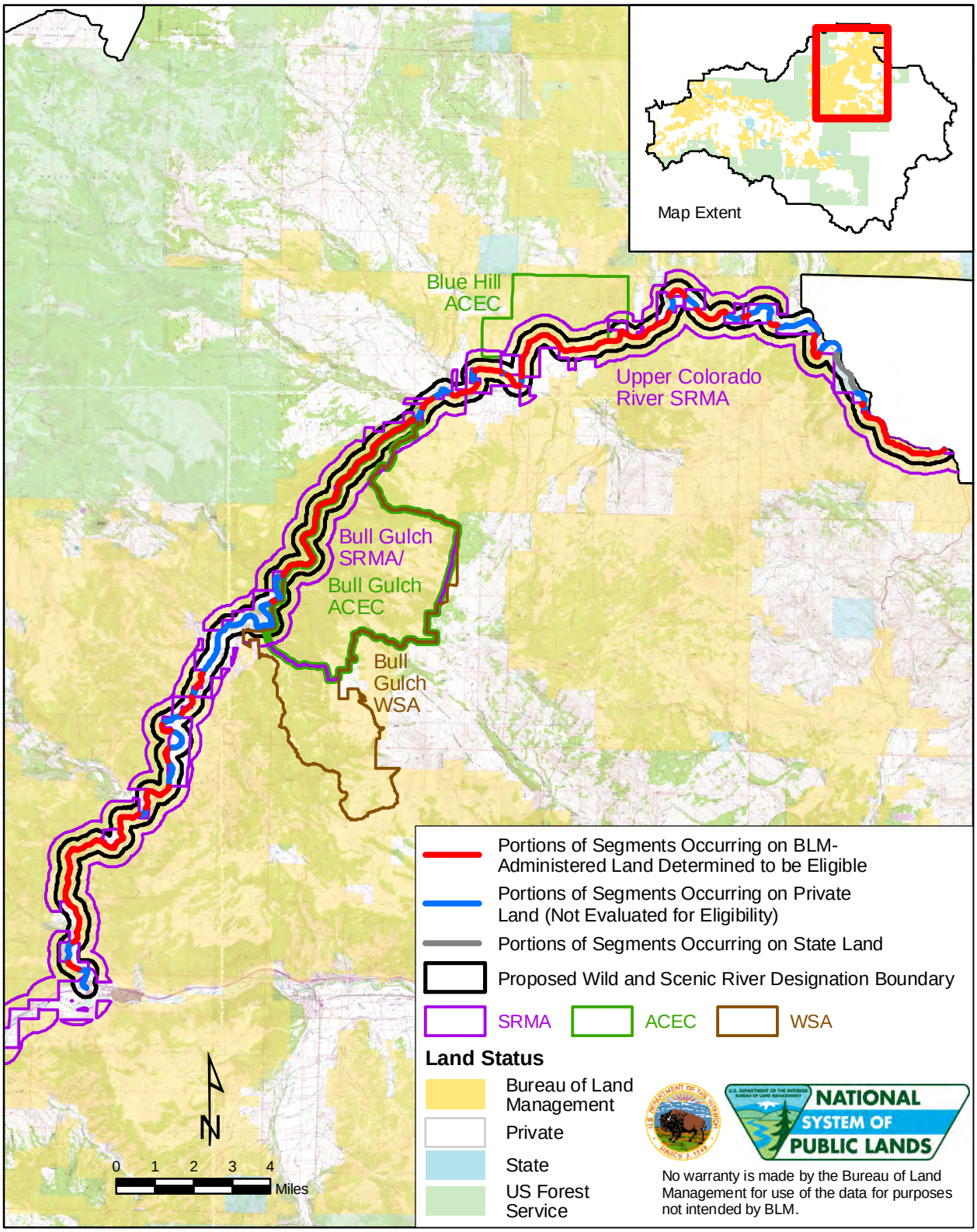
This segment is preliminarily determined **not suitable.**

### 3.3.3 Segment Name: Colorado River—State Bridge to Dotsero (Segment 6)

| | | | |
|---|---|---|---|
| **Description:** | Colorado River from State Bridge to Dotsero (Figure 3.3-1). | | |
| **Total Segment Length:** | 45.38 miles | **Total Segment Study Area:** | 14,102 acres |
| **Length on BLM Land :** | 27.30 miles | **Area on BLM Land:** | 9,019 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Scenic, Recreational, Wildlife, Botanic | | |

#### *Suitability Criteria*

1. <u>Characteristics that do or do not make the river a worthy addition to the NWSRS:</u>
   This segment contains outstandingly remarkable scenic, recreational (fishing, floatboating and scenic driving), wildlife, and botanical values. The eligibility report also identified geologic and historic ORVs, but upon further inspection these ORVs were dropped from study. The geologic value associated with the McCoy fan deltas was determined not to be river related. Although, the fan deltas are within the study corridor, their existence was not the result of the




Note: About 238.37 BLM acres, 205.35 Private acres, and 98.81 State acres fall within the KFO

**Colorado River Segment 6**
**Colorado River Valley Field Office, Colorado**

**Total Acreage:**
14,102 acres

**Acreage on Private Land:**
4,754 acres

**Acreage on BLM Land:**
9,019 acres

**Acreage on State Land:**
329 acres

**Figure 3.3-1**

Colorado River. The historic Ute Trail was determined to be too far away from the shoreline and representing such a small portion of the trail that it does not qualify as an ORV. While the Ute Trail is a very significant historic value, when only considering a few hundred yards, it does not qualify as outstandingly remarkable.

Colorado River Segments 4 through 7 represent one of the last major river corridors in the State of Colorado that is relatively undeveloped. In these segments, residents and visitors can experience how rural Colorado appeared and see how rural ranching and farming functioned, before major population increases began in the state from the 1970s onward. In addition, visitors can experience a very broad range of values, including white water rafting, scenic float trips, fishing, historical structures and routes, and plants and animals that are infrequently seen elsewhere in the state. Overall, these segments could be managed as a legacy river for Colorado.

This segment has long been recognized for its important recreation and scenic values. This segment falls within the Upper Colorado River SRMA and flows adjacent to the Bull Gulch WSA. This segment of the river corridor has also been managed to preserve its outstanding scenic values related to its diverse topography. geologic features and stark contrasting colors within the river corridor. River Road, Amtrak passengers, and river users can view the adjacent wilderness study area and its scenic resources from the river. The Bull Gulch SRMA is also near the study corridor. Significant recreation use comes from nearby communities such as Glenwood Springs and Eagle/Vail areas, as well as front range visitor's from the Denver metropolitan area.

The wildlife values are related to CDOW identification of this segment as occupied habitat for river otters that is considered a state threatened species in Colorado. The Botanical values is related to several significant riparian communities recommended by the CNHP that are considered imperiled within the state. A road parallels the segment for much of its length which provides numerous public access points for recreational opportunities within the river corridor. A railroad and power line are also visible through much of the segment.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

BLM manages 27.30 miles (60.2 percent) of shoreline throughout the 45.38-mile segment. Within the 14,102-acre study corridor, BLM manages 9,019 acres (64.0 percent). The rest of the segment is predominantly in private ownership (4,754 acres, 33.7 percent). Because the segment falls within the Upper Colorado River SRMA, management throughout the segment is compatible with the protection of the recreation ORVs. Multiple developed recreation sites and access points on BLM land along the river enhance the recreational use of the segment.

According to National Uranium Resource Evaluation reports, Segment 6 contains land favorable for uranium and vanadium deposits. Existing mining activities on BLM land within the WSR corridor include an old gold mine with low to moderate potential (Beach et. al. 1985), and two nonmetallic (sand, sand and gravel, and borrow material) operation sites of moderate- to high-potential. Four other nonmetallic (sand, sand and gravel, and borrow material) operation sites are on private land within the WSR corridor with moderate- to high-potential. One uranium site with moderate potential exists just outside of the WSR corridor on private land. It is unknown if the site is currently active (Schwochow 1981). There is moderate- to high-potential for gravel within the WSR corridor.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

Colorado River Segment 6 benefits from the increased reliability of flows from the intersection of two major tributaries, the Blue River and Muddy Creek, with the upper Colorado River. In addition, by the time the Colorado River arrives at this segment, the river receives inflow from many major tributaries, including the Piney River and Rock Creek. Segment 6 is not known to experience flows that may impact the quality of the ORVs, but monitoring of ORVs in these reaches has been limited. Average monthly flow rates for the Colorado River through this section are typically high enough to support good quality rafting from May through July, and flows are typically sufficient for smaller personal watercraft during August and September.

Presently, there are no state-based instream flow water rights in this reach that ensure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir and Wolford Mountain Reservoir, and by water deliveries that are made as part of the Colorado River Recovery Program. The water right associated with the Shoshone hydroelectric plant in Glenwood Canyon helps insure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right. In addition, many of the senior downstream rights that ensure flow for this stream reach are irrigation rights, and as such, they operate only during the irrigation season.

The BLM concludes that continuing upstream water development and increasing water demands associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of

existing water uses. The BLM also concludes that a junior, instream, flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

Current land uses are compatible with protection of the ORVs in this segment. While BLM does have some grazing permits within the segment, grazing is not generally practiced in most of the corridor due to the steep and rugged topography. During allotment management planning and permit reviewing, grazing practices are considered for potential impacts on ORVs. In this segment, where cattle are an integral part of the historic ORV and scenic experience, the presence of cattle may be complementary.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

The State of Colorado and water user organizations have expressed concern about the impact of designation of this segment on current and future upstream water projects. However, they also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values. Eagle County has not formally indicated to the BLM whether it is interested in supporting designation.

Denver Water and the Clinton Ditch and Reservoir Company have expressed opposition to designation of this segment.

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 in order to preserve the recreational values that are unique to the region.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

BLM would pursue land acquisition from willing sellers in order to enhance the recreation opportunity throughout the segment. Designation of the segment would enhance the BLM's ability to obtain funding for such acquisitions, which would enhance the BLM's ability to manage the segment. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

Under all action alternatives, the Upper Colorado River area would be designated as an SRMA due to the existing recreation opportunities and recreation setting characteristics that are recognized for their unique value, importance and/or distinctiveness, especially as compared to other areas used

for recreation. The SRMA would be managed under two discrete Recreation Management Zones (RMZs). From State Bridge to Burns, opportunities to participate in fishing and float-boating would be emphasized; from Burns to Glenwood Canyon, opportunities to participate in float-boating and tubing would be emphasized.

In a region that is already renowned and marketed for its outdoor recreation amenities, a subsequent congressional designation would probably highlight the Colorado River to more destination visitors. Visitation would probably increase, and consequently the need for more intensive recreation management and administration to protect resources and maintain the desired social Recreation Setting Characteristics (RSC's)

Management practices with this administrative designation serve to protect the recreational ORV's opportunities (fishing, floatboating) and to ensure the desirable setting characteristics of the SRMA are maintained. However, this would not secure a permanent flow regime into the future.

In addition to the SRMA, portions of this segment run adjacent to and fall within the Bull Gulch WSA. The Bull Gulch WSA will continue to be managed under BLM's Interim Management Policy (IMP) to protect wilderness characteristics until the area is designated or released by Congress. That same portion was rated as a "Scenic Quality A" area in the 1984 RMP for its outstanding scenic qualities (BLM 1984). The BLM will continue to manage this area under a VRM Class I designation. These management prescriptions will provide administrative protection for the identified scenic ORV.

The BLM does not have authority over railroad, Eagle County or Colorado Department of Transportation road maintenance, operation, or construction activities within the corridor. It is not anticipated that these activities would adversely affect the ORVs.

Private landowners are cooperating with the management prescriptions of the SRMA designation currently in place along this segment. However, they may or may not be cooperative in managing for WSR designation.

A group of stakeholders, including environmental groups, water users, recreational users, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the CRVFO and Kremmling Field Offices Resource Management Plans and as an amendment to the WRNF Forest Plan. The strategy is to employ cooperative management strategies in multiple arenas, including flow management, water quality management, and fisheries and recreation management, and to respond to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders both within and upstream of the segments to continue to address and meet their needs.

7. Historical or existing rights that could be adversely affected with designation:
   This segment is downstream from a large quantity of current and reasonably foreseeable water projects and diversions designed to provide water for the East and West Slopes and for Grand and Summit Counties. The ability to change existing projects and to construct new projects upstream could be affected if the segment were designated and were to include a federal reserved water right. With this water right in place, new projects and changes to existing projects would be allowed to the extent that it would not degrade water quality and sufficient flow remains in the river segment to support the identified ORVs. The amount and timing of water to support the ORVs in the federal reserved water right would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   Current Eagle County Zoning shows the entire Colorado River Corridor within a Resource zone district. The Resource zone district objectives are to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the county, including water, minerals, fiber, and open land. This is accomplished by the following:

   - Limiting residential development to low density single-family uses on lots of 35 acres or larger;
   - Encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas;
   - Maintaining the remainder of the property as common open space or ranch land; or
   - Limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses (Eagle County 2007).

9. Consistency of designation with other agency plans, programs, or policies:
   The State of Colorado Statewide Water Supply Initiative does not list any likely water projects within Colorado River Segment 6. Colorado Department of Natural Resources, USFS, USFWS are all cooperating agencies for this RMP revision effort and close coordination would continue to ensure designation would be consistent with their plans and ongoing programs. WSR designation would be compatible with current Eagle county zoning that would affect private lands within the corridor.

10. Contribution to a river system watershed or basin integrity:
Colorado River Segment 6 provides a critical habitat link between riparian and aquatic habitats within the lower Eagle River basin, Glenwood Canyon, and the upper Colorado River basin.

11. Other issues and concerns, if any:
Colorado River Segments 3 through 7 include numerous withdrawals made by BLM to protect various values in the river corridor. A withdrawal is an administrative designation made by BLM that prohibits certain activities on the identified federal lands to protect the identified value. BLM's determination of whether a stream segment is suitable or not suitable may affect some of these withdrawals, especially withdrawals that are designed to protect potential water storage and potential hydropower generation sites. If BLM determines that a stream segment is suitable, the final management plan may recommend revocation of water storage or hydropower related withdrawals. In addition, Congress may require revocation of certain withdrawals if it designates a river segment. A WSR management plan created in accordance with designation may also recommend revocation of withdrawals. The various types of withdrawals in the river corridor are described below.

**Waterpower/Reservoir Resources**

Congress authorized the withdrawal of waterpower and reservoir sites to formally point out the existence of potential sites and to ensure consideration of these sites in land management decisions. The Federal government has been identifying and documenting potential reservoir sites since 1888. The objective of the Waterpower and Reservoir Resources (WRR) inventory activity is the identification of the potential sites, a professional assessment of their value, and the protection of the more valuable sites.

The BLM provides scientific classification of WRR values on all Federal lands. This classification is accomplished by resource inventory, evaluation activities, monitoring, and resulting land actions required by legislation, regulation and policy. The objective of the WRR evaluation activity is to identify resource management conflicts and opportunities through the planning process. The importance and value of WRR will be established and compared to conflicting resources.

The following WRR determinations must be made for management areas during resource management planning. All BLM administered lands in the planning area determined by professional evaluation to have potential for WRR development are assign to one of three categories:

1. Lands suitable for intensive management of waterpower and reservoir resource site.

2. Lands suitable for restricted management as waterpower and reservoir resource sites.
3. Lands unsuitable for management as waterpower and reservoir resource sites.

All BLM administered within the river corridor currently withdrawn for WRR purposes are assign to one of two categories:

1. Lands recommended for continuation of the withdrawal.
2. Lands not recommended for continuation of the withdrawal.

Various alternatives will modify the WRR recommendation for either continuing the withdrawals or for not continuing the withdrawals. The mix of other resources described in these various plan alternatives provides a basis for the analysis as to why a withdrawal is or is not recommended for continuation. The BLM land manager has responsibility for the identification of conflicts that may involve WRR values. When considering conflict resolution, the value of the potential WRR site must be weighed against the value of existing resources. This comparison helps to set priorities, identify possibilities for mitigation or enhancement, determine alternative actions, and provide guidance for future actions.

**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 BLM, 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. BLM's responsibility is to note the public land records, and has no authority over the lands once they are included in a project.

**Other Types of Withdrawals**

Other withdrawals in the river corridor include those for Special Recreation Management Areas, withdrawals to protect archaeological sites, and withdrawals to protect important springs and waterholes for livestock watering. A BLM determination of suitable or not suitable

for a stream segment would not affect any of these existing withdrawals.

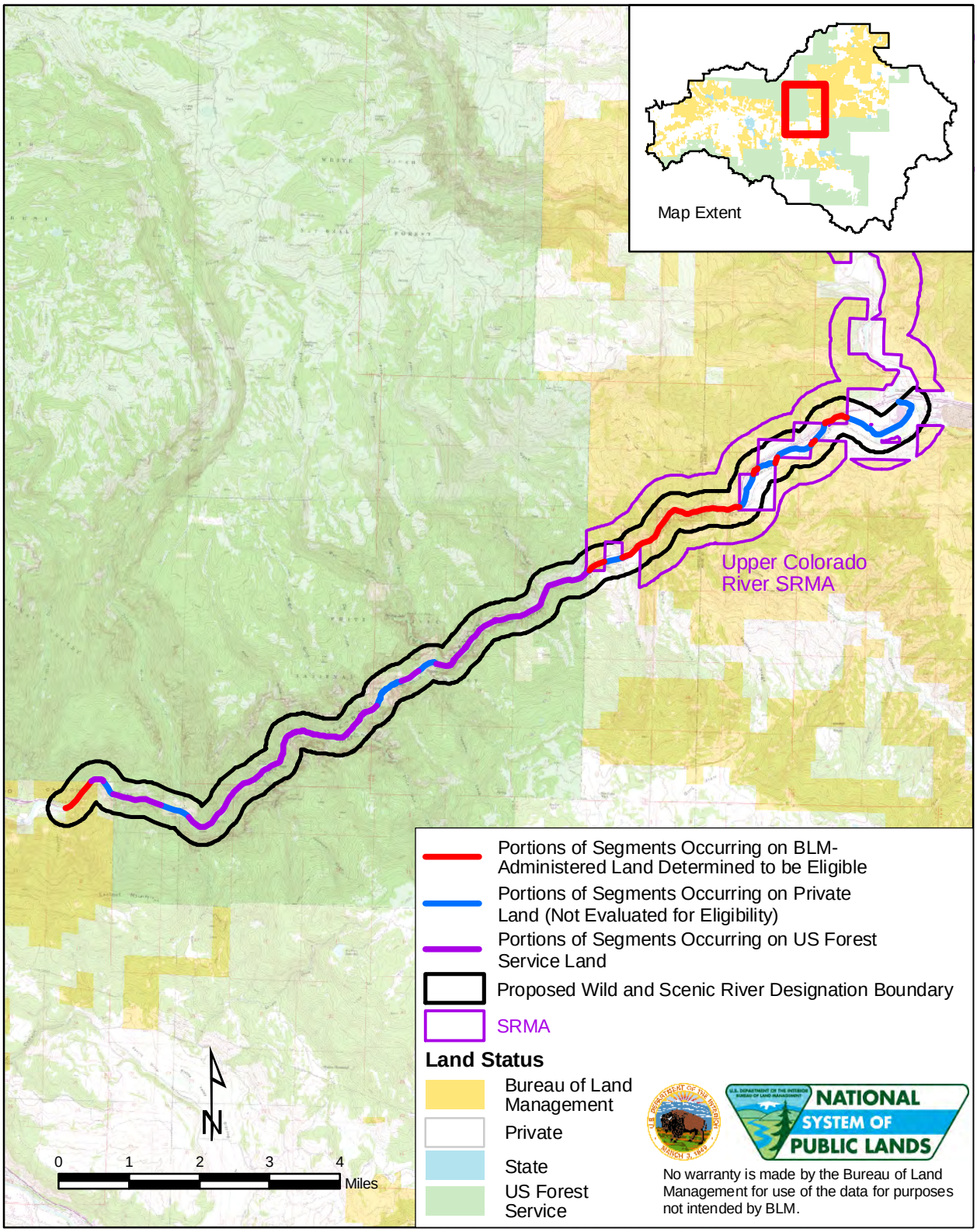
***Preliminary Determination***

While BLM does not manage the segment in its entirety, it does have control over most of the lands throughout the segment. BLM cannot guarantee compatible management on private land, but current management practices are compatible with protection of the ORVs, and BLM can ensure the values and free-flowing nature of the river within the portions it does manage. This segment provides an integral link between Segment 5 upstream and Segment 7 downstream. The recreational experience is different than the other segments being considered, focused on less crowded, short duration float trips, and is part of the complete Colorado River experience in Colorado. Designation would also provide a limited measure of instream flow protection by creating a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flows that are implemented with existing water rights. However, the BLM would be able to claim a federal right for protecting all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protecting the natural environment; flows to support recreation could not be claimed. The BLM believes that designating the segment could be compatible with developing and operating new water projects upstream, provided that those projects were operated to ensure flows that are necessary to maintain the quality of the ORVs. The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **recreational** classification.

### 3.3.4 Segment Name: Colorado River—Glenwood Canyon to Approximately One Mile East of No Name Creek (Segment 7)

**Description:** From Dotsero to approximately one mile east of the confluence with No Name Creek (Figure 3.3-2). This segment is adjacent to the Colorado River segments managed by the WRNF, which was determined to be eligible in the WRNF eligibility report (Forest Service 2002) and is being evaluated for suitability as part of this study.

| | | | |
|---|---|---|---|
| **Total Segment Length:** | 15.70 miles | **Total Segment Study Area:** | 5,054 acres |
| **Length on BLM Land :** | 3.40 miles | **Area on BLM Land:** | 1,167 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Scenic, Recreational, Geologic | | |




**Total Acreage:**
5,054 acres

**Acreage on BLM Land:**
1,167 acres

**Acreage on Private Land:**
1,357 acres

**Acreage on US Forest Service Land:**
2,530 acres

**Colorado River Segment 7**
**Colorado River Valley Field Office, Colorado**

**Figure 3.3-2**

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable scenic, recreational (floatboating), and geological values. Residents and tourists regularly use this segment for recreation. It is highly accessible because of its location next to Interstate 70 and the presence of the Glenwood Canyon Recreation Trail, which runs from Dotsero west to Glenwood Springs. Hanging Lake attracts approximately 80,000 visitors per year.. Segment 7 is one of the most visible and prominent river segments in the state due to its location.

   The eastern portion of the segment on BLM land falls within the Upper Colorado River SRMA, and management is compatible with the protection of the ORVs.

   Within this segment (at the downstream end of WRNF Segment 1) is the Shoshone Dam, which is a significant diversion, supplying power to the Shoshone Hydroelectric Power Plant. The river immediately downstream of the dam, although not part of the segment, is often significantly depleted as a result of the diversion.

   A railroad, Interstate 70, and the Glenwood Canyon Recreation Trail are within the management area. The BLM and Forest Service do not have authority over maintenance, operation, and construction associated with the highway and railroad. In addition, a power line is visible through much of the segment. Some riprap also occurs on both sides of the river throughout the segment.

   The majority of the segment is under federal management. Forest Service manages a 7.50-mile stretch of river in the middle of the segment that has been found eligible and is being managed for the preservation of scenic driving, geology, and whitewater boating ORVs (Forest Service 2002). The Forest Service portion of this segment is being studied for suitability as part of this effort (see Part II of this report).

   Colorado River Segments 4 through 7 represent one of the last major river corridors in the State of Colorado that is relatively undeveloped. In these segments, residents and visitors can experience how rural Colorado appeared, and they can see how rural ranching and farming functioned, before the population increased in the state from the 1970s onward. In addition, visitors can experience a broad range of values, including challenging whitewater rafting, scenic float trips, historical structures and routes, geologic values, and plants and animals that are infrequently seen elsewhere in the state. Overall, these segments could be managed as a legacy river for the State of Colorado.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   BLM manages 3.40 shoreline miles (21.7 percent) of the 15.70-mile segment. Another 7.50 miles (47.8 percent) are managed by Forest Service for similar ORVs, and Forest Service management is compatible with protection of BLM ORVs. The Forest Service is evaluating two segments of the Colorado River for WSR suitability within this segment (see Part II of this report for the analysis). The remainder of the segment shoreline (4.80 miles, 30.6 percent) is privately owned. The BLM manages 1,167 acres (23.1 percent) of the 5,054-acre study corridor. Forest Service management accounts for 2,530 acres (50.1 percent) while 1,357 acres (26.9 percent) are under private management.

   Water rights exist along the segment, including Xcel Energy's Shoshone hydroelectric plant, which diverts water from the Colorado River and returns it to the Colorado River after use. In the summer of 2007, the plant was closed for repair; the plant reopened during 2008.

   Several rights-of-way and easements exist through the canyon, associated with the railroad, Interstate 70, and the Glenwood Canyon Recreation Trail. Associated with the interstate and the recreation trail are developed facilities at the Hanging Lake rest area that help in the management of recreational scenic driving, rafting, and fishing in the area.

   BLM does not have authority over maintenance, operation, and construction activities associated with the highway and railroad. Activities associated with the highway and railroad are not likely to impact the ORVs.

   There is moderate- to high-potential for gravel within the WSR corridor.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Colorado River Segment 7 benefits from the increased reliability of flows that result from the intersection of the Colorado River with the Eagle River. Segment 7 is not known to experience flows that may impact the quality of the ORVs, but ORV monitoring in these reaches has been limited. Average monthly flow rates for the Colorado River through this section are typically high enough to support good quality rafting from May through July, and flows are often sufficient for commercial rafting throughout the summer. Flows for smaller personal watercraft are typically sufficient from April through October.

   Presently, there are no state-based instream flow water rights in this reach to ensure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir, Wolford Mountain Reservoir, Ruedi Reservoir,

and by water deliveries that are made as part of the Colorado River Recovery Program. The water right associated with the Shoshone hydroelectric plant in Glenwood Canyon helps insure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right. In addition, many of the senior downstream rights that ensure flow for this stream reach are irrigation rights, and as such, they operate only during the irrigation season.

The BLM concludes that continuing upstream water development and increasing water demands associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of existing water uses. The BLM also concludes that a junior, instream flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

Several water rights exist along the segment, including the aforementioned Shoshone hydroelectric plant. In addition to the potential upstream water development projects mentioned previously on the Colorado River, the major potential upstream water project on the Eagle River is the Homestake Project, which is jointly operated by the cities of Aurora and Colorado Springs. Phase I of the project was completed in 1968, and Phase II has been granted the necessary federal and state permits and approvals for construction, including the issuance of a Record of Decision by the Forest Service, as part of NEPA. If this segment or WRNF Segments 1 or 2 of the Colorado River are designated as Wild and Scenic and instream flow prescriptions are put into place, it could have an impact on Phase II development of the Homestake Project.

Colorado Springs Utilities also has plans to develop conditional water storage rights associated with the Continental-Hoosier System, which diverts water from the headwaters of the Blue River, upstream of the study river segments. Designation could adversely affect the ability of Colorado Springs Utilities to fully develop the conditional water storage rights.

The Clinton Ditch and Reservoir Company is the owner and operator of Clinton Gulch Reservoir in Summit County, which has a decreed water right of approximately 4,250 acre-feet of storage. Shareholders represent the major water users and providers in Summit County, as well as the largest ski resort in Grand County.

Future development or upgrades of electrical transmission facilities could be restricted in order to protect the scenic ORV if the segment were included in

the NWSRS. However, restrictions already exist under current forest plan management.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The State of Colorado and water user organizations have expressed concern about the impact of designating this segment on current and future upstream water projects. However, they also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values. Eagle County has not made a formal indication to the BLM as to whether it is interested in supporting designation.

   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 in order to preserve the recreational values that are unique to the region.

   Denver Water and the Clinton Ditch and Reservoir Company of expressed opposition to designation of this segment.

   The prominence of CDOT facilities and Interstate 70 would require the Forest Service to coordinate with CDOT to protect river values. Management would be consistent with the current levels, so additional costs to CDOT are not anticipated.

   The WRNF is currently undergoing a suitability analysis for two segments within Segment 7.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   Designation of the segment would not likely increase the cost of administering the segment for the protection of the ORVs. Recreational use of the canyon is already very high, and the BLM has already constructed facilities, such as parking lots, trailheads, and interpretive sites, to accommodate the high level of usage. The cost of maintaining and administering these sites would continue regardless of designation. The BLM would pursue land acquisition from willing sellers to increase the recreational experiences as funds and opportunities arise. Designation of the segment would enhance the BLM's ability to obtain funding for such acquisitions, and acquisitions would enhance the BLM's ability to manage the segment. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   While the segment is fragmented in regards to ownership, more than half of the segment is federally managed. The Forest Service, which manages a 7.5-

mile stretch of river within the segment, has found its portion to be eligible and is managing it for similar ORVs.

The BLM does not have authority over railroad or CDOT road maintenance, operation, or construction. It is not anticipated that these activities would adversely affect the ORVs.

Private landowners are cooperating with the management prescriptions of the SRMA designation currently in place along the upper portion of the segment. However, an SRMA designation is only short-term administrative protection and does not give the BLM the ability to protect the flow regimes that the ORVs depend on.

Presently, there are no state-based instream flow water rights in this reach to ensure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights holders, contractual water deliveries from Green Mountain Reservoir, Wolford Mountain Reservoir and Ruedi Reservoir,, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program. The water right associated with the Shoshone Hydroelectric Power Plant in Glenwood Canyon helps ensure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right. In addition, many of the senior downstream rights that ensure flow for this stream reach are irrigation rights and, as such, operate only during the irrigation season.

A group of stakeholders, including environmental groups, water users, recreational users, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the CRVFO and Kremmling Field Offices Resource Management Plans and as an amendment to the WRNF Forest Plan. The strategy is to employ cooperative management strategies in multiple arenas, including flow management, water quality management, and fisheries and recreation management, and to respond to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders both within and upstream of the segments to continue to address and meet their needs.

7. <u>Historical or existing rights that could be adversely affected with designation:</u>

This segment is downstream from a large quantity of current and reasonably foreseeable water projects and diversions that are designed to provide water for the East and West Slope and for Grand, Summit, and Eagle Counties. This is the only segment on the Colorado River in this suitability evaluation that is downstream from the Eagle River watershed, which is known to be experiencing water supply shortages. In addition, significant water projects,

such as the proposed Wolcott Reservoir, are being proposed in the Eagle River watershed to help provide additional water supplies for both East Slope and West Slope needs. The ability to change existing projects and construct new ones upstream could be affected if the segment were designated and the designation were to include a federal reserved water right. With such a water right in place, new projects and changes to existing projects would be allowed to the extent that sufficient flow would remain in the river segment to support the identified ORVs. The amount and timing of water to support the ORVs in the federal reserved water right would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

The majority of the segment is within Garfield County, with a small portion lying in Eagle County. The segment passes through both Open Space and Agricultural/Residential/Rural Density zoning in Garfield County. 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).

Current Eagle County Zoning shows the Colorado River Corridor within the Resource zone district. The Resource zone district objectives are to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the county, including water, minerals, fiber, and open land. This is accomplished by the following:

- Limiting residential development to low density single-family uses on lots of 35 acres or larger;
- Encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas;
- Maintaining the remainder of the property as common open space or ranch land; or
- Limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses (Eagle County 2007).

9. Consistency of designation with other agency plans, programs, or policies:

   Designation of this segment would be consistent with the recent WRNF's Revised Land and Resource Plan management prescription of the area as a "4.4" area, which is "Recreation Rivers-Designated & Eligible" (Forest Service 2002). The WRNF has not completed the suitability phase as of the date of this report. If the WRNF completes a suitability study on its portion of the segment and finds it not suitable, designation would be inconsistent and it would be difficult for BLM to manage for the ORVs.

   The State of Colorado Statewide Water Supply Initiative does not list any likely water projects within Colorado River Segment 7.

10. Contribution to a river system watershed or basin integrity:

    The segment provides a landscape connection between the upper Colorado River valley and the lower Colorado River valley.

11. Other issues and concerns, if any:

    Colorado River Segments 3 through 7 include numerous withdrawals made by BLM to protect various values in the river corridor. A withdrawal is an administrative designation made by BLM that prohibits certain activities on the identified federal lands to protect the identified value. BLM's determination of whether a stream segment is suitable or not suitable may affect some of these withdrawals, especially withdrawals that are designed to protect potential water storage and potential hydropower generation sites. If BLM determines that a stream segment is suitable, the final management plan may recommend revocation of water storage or hydropower related withdrawals. In addition, Congress may require revocation of certain withdrawals if it designates a river segment. A WSR management plan created in accordance with designation may also include a recommendation to revoke withdrawals. The various types of withdrawals in the river corridor are described below.

    **Waterpower/Reservoir Resources**

    Congress authorized the withdrawal of waterpower and reservoir sites to formally point out the existence of potential sites and to ensure consideration of these sites in land management decisions. The Federal government has been identifying and documenting potential reservoir sites since 1888. The objective of the Waterpower and Reservoir Resources (WRR) inventory activity is the identification of the potential sites, a professional assessment of their value, and the protection of the more valuable sites.

    The BLM provides scientific classification of WRR values on all Federal lands. This classification is accomplished by resource inventory, evaluation activities, monitoring, and resulting land actions required by legislation, regulation and policy. The objective of the

WRR evaluation activity is to identify resource management conflicts and opportunities through the planning process. The importance and value of WRR will be established and compared to conflicting resources.

The following WRR determinations must be made for management areas during resource management planning. All BLM administered lands in the planning area determined by professional evaluation to have potential for WRR development are assign to one of three categories:

1. Lands suitable for intensive management of waterpower and reservoir resource site.
2. Lands suitable for restricted management as waterpower and reservoir resource sites.
3. Lands unsuitable for management as waterpower and reservoir resource sites.

All BLM administered within the river corridor currently withdrawn for WRR purposes are assign to one of two categories:

1. Lands recommended for continuation of the withdrawal.
2. Lands not recommended for continuation of the withdrawal.

Various alternatives will modify the WRR recommendation for either continuing the withdrawals or for not continuing the withdrawals. The mix of other resources described in these various plan alternatives provides a basis for the analysis as to why a withdrawal is or is not recommended for continuation. The BLM land manager has responsibility for the identification of conflicts that may involve WRR values. When considering conflict resolution, the value of the potential WRR site must be weighed against the value of existing resources. This comparison helps to set priorities, identify possibilities for mitigation or enhancement, determine alternative actions, and provide guidance for future actions.

**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 BLM, 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. BLM's responsibility is to note the public land records, and has no authority over the lands once they are included in a project.

**Other Types of Withdrawals**

Other withdrawals in the river corridor include those for Special Recreation Management Areas, withdrawals to protect archaeological sites, and withdrawals to protect important springs and waterholes for livestock watering. A BLM determination of suitable or not suitable for a stream segment would not affect any of these existing withdrawals.

### *Preliminary Determination*

This segment contains highly visible and highly accessible ORVs, but the lands and waters that support them do not have permanent protection. The BLM concludes that this segment is a resource of statewide significance and that designation would help the BLM ensure that future land and water uses are compatible with long-term support of the ORVs.

The segment is divided by a large Forest Service segment in between the two BLM sections. However, successful management for the protection of river values is dependent on compatible management of both Forest Service and BLM portions. The Forest Service manages its portion as an eligible segment protecting the river values and is currently undergoing a suitability analysis as part of this study (see Part II of this report). Consequently, current management is compatible with protection of the ORVs. If the Forest Service segment is not designated, it would not be reasonable to designate the BLM segment. Both segments should be considered together when making a designation. Designation would also provide a limited measure of instream flow protection by creating a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flows that are implemented with existing water rights. However, the BLM would be able to claim a federal right for protecting all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protecting the natural environment; flows to support recreation could not be claimed. The BLM believes that designating the segment could be compatible with developing and operating new water projects upstream, provided that those projects are operated to ensure flows that are necessary to maintain the quality of the ORVs.

The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **recreational** classification.

### 3.3.5 Segment Name: Deep Creek—From the BLM/Forest Service Land Boundary to the Deep Creek Ditch Diversion (Segment 2b)

| | | | |
|---|---|---|---|
| **Description:** | From the BLM/Forest Service land boundary to the Deep Creek Ditch diversion (Figure 3.3-3). This segment was found to be eligible in a joint WRNF and BLM eligibility evaluation (Forest Service and BLM 1995). | | |
| **Total Segment Length:** | 3.60 miles | **Total Segment Study Area:** | 1,197 acres |
| **Length on BLM Land :** | 3.60 miles | **Area on BLM Land:** | 1,101 acres |
| **Preliminary Classification:** | Wild | | |
| **ORVs:** | Scenic, Geologic, Ecologic | | |

#### *Description of Outstandingly Remarkable Values*

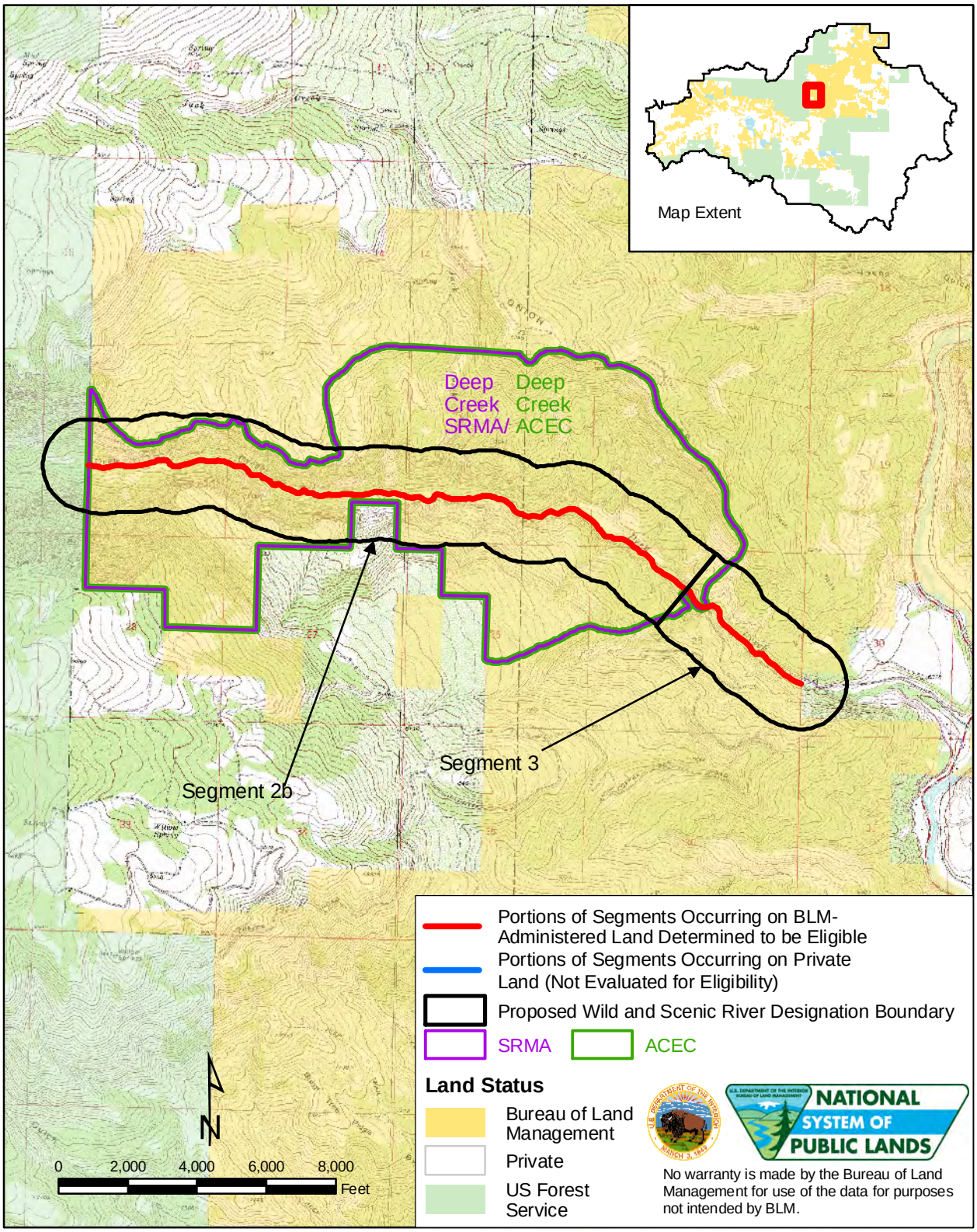
The eligibility determination for the Deep Creek segments was made in 1995 as part of a joint BLM and Forest Service study, whereas the rest of the eligibility determinations in the planning area were made in the more recent March 2007 eligibility study. In order to facilitate a better understanding of the river values, this report includes a description of the ecological, scenic, and geological ORVs for the Deep Creek segments.

*Ecologic*

Deep Creek Canyon has one of the most pristine, intact canyon landscapes in Colorado, as described by the CNHP. The area contains high quality, significant riparian communities, with several state and globally rare species. Although rare elements can be found in the canyon, Deep Creek is most impressive because of the integrity of the landscape.

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).




**Segment 2b**
**Total Acreage:** 1,197 acres
**Acreage on US Forest Service Land:** 63 acres
**Acreage on BLM Land:** 1,101 acres
**Acreage on Private Land:** 33 acres

**Segment 3**
**Total Acreage:** 330 acres
**Acreage on BLM Land:** 293 acres
**Acreage on Private Land:** 37 acres

**Deep Creek Segments 2 and 3**
**Colorado River Valley Field Office, Colorado**

**Figure 3.3-3**

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 (*Falco peregrinus*).

### Scenic

The study area contains many outstanding landforms, 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 2,300 feet 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 a 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 intersected by many side gulches and drainages, with rolling benches above the canyon rim. Several prominent geologic faults and unusual erosional formations are found along 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 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.

### Geologic

Deep Creek descends nearly 4,300 feet, from 10,462 feet at Deep Lake to 6,220 feet at the confluence with the Colorado River. This sharp drop in elevation 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, some of which are among the deepest and longest and with the most remarkable formations in Colorado. There are about 40 known caves in Deep Creek Canyon, and some 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.

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   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.

   The segment has limited access but contains primitive camping at the lower portion and undeveloped dispersed campsites along the trail in the lower stretch.

   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.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The BLM manages 1,101 acres (92.0 percent) of the land within the 1,197-acre study corridor and all of the 3.60 miles of segment shoreline. The remaining land status is composed of 33 acres (2.8 percent) in private ownership and 63 acres (5.3 percent) under Forest Service management.

   The area has been recommended for mineral withdrawal. Previously a limestone claim existed, but it has since defaulted and closed. A gypsum claim exists on private land within the WSR corridor but the site is inactive (Schwochow 1981). There is moderate potential for gypsum and limestone just outside of, and possibly within, the WSR corridor.

   Recreation such as hiking, camping, and hunting composes the majority of land use in the area and would be compatible with designation.

The Forest Service manages the stream corridor upstream of the segment, which was found eligible in a joint eligibility study by the Forest Service and the BLM. The Forest Service's management activities upstream are commensurate with the protection of the ORVs on BLM land. The Forest Service segments upstream are currently being studied for suitability (see Part II of this report).

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Current military training practices in the area would not be affected by designation of this segment. The segment corridor provides outstanding habitat for Colorado bighorn sheep *(Ovis canadensis)*, which were reintroduced in 1995. Additionally, Deep Creek Canyon is considered ideal habitat for American peregrine falcon *(Falco peregrinus anatum)*, a species of Colorado state special concern. If the area is not designated, the quality of these habitats could be diminished.

   The CRWCD owns a conditional water right for 200 cfs for the Deep Lake Collection System, but this right has not been developed. While the CRWCD does not have reasonably foreseeable plans for water development, it does maintain diligence on the conditional water right to preserve the opportunity for water development over the long term. Designation of the segment would include a water right to protect the scenic, geological, and ecological values in the segment, which 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 3,255.33 acre-feet of storage in the Heart Lake Reservoir upstream of Segment 1. 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.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The WRNF manages the land upstream of the segment, and its current management area prescription as a 1.5 area: Wild Rivers-Designated & Eligible, as identified in the Land and Resource Management Plan (Forest Service 2002), are consistent and compatible with protections of the identified ORVs on both agencies' lands. The WRNF found its portions of Deep Creek to meet eligibility criteria (Forest Service and BLM 1995). They are currently completing suitability on the two segments upstream from BLM segment 2b (see Part II of this report).

Various interests are concerned that a WSR designation will close the area to public use or that publicity generated by the process will result in increased 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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
No additional lands would be required to administer the segment. It is unlikely that BLM would incur administration costs above what it is currently experiencing. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
Under current management, the BLM is protecting the segment for the ORVs. Since 1984, protective management prescriptions have been in place through administrative designations for the Deep Creek ACEC and SRMA (BLM 1984), though the BLM is exploring the option of dropping the area as an SRMA through the RMP revision process. The area is currently in a legislative proposal for wilderness designation by citizens groups.

The ACEC designation is managed under VRM Class I. According to BLM Manual 8400, *Visual Resource Management*, the objective of VRM Class I areas, "is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention" (BLM undated).

It is also managed to provide primitive recreation opportunities, is closed to motorized vehicles, and is unsuitable for location of utilities and communication facilities due to primitive and natural values. A WSR designation would not require much more or different management effort than what is already in place with the administrative ACEC and SRMA administrative designations. However, the WSR designation would provide a more permanent legislative designation that would protect the instream flows necessary to maintain the ORVs.

Protecting adequate stream flows is essential to protecting the identified water-dependent ORVs. Presently, the reach has an instream flow right established by the Colorado Water Conservation Board in 1980 for 14 cfs from May through September 30, and eight cfs from October 1 through April 20. Protective administrative designations available to the BLM would not include a water right, but the BLM would have the ability to recommend an increase

in the instream flow water right to the Colorado Water Conservation Board. Federal wilderness designation may or may not include a federal water right, depending upon the language used in the legislation.

7. Historical or existing rights that could be adversely affected with designation:
   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. In addition, the CRWCD holds a conditional water right for 200 cfs on the Deep Lake Collection System. Designation of the segment would include a junior federal water right to protect the scenic, geological, and ecological values in the segment. This water right could limit changes to the existing rights and restrict the development potential of the conditional water rights.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The area is remote, and topography generally prohibits development along the segment corridor. However, there is some potential for development along the rim. The ACEC designation has restrictions in place to protect the ORVs and prevent incompatible use, including development, in the area.

9. Consistency of designation with other agency plans, programs, or policies:
   Designation would be consistent with management practices by Forest Service upstream, as the Forest Service is currently protecting the same ORVs under interim management until a suitability determination is made.

10. Contribution to a river system watershed 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 elevation and low elevation lands. The creek provides an important link between the aquatic and riparian habitats throughout the watershed.

11. Other issues and concerns, if any:
    None.

### *Preliminary 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 BLM in maintaining the ORVs in the context of continuing landscape development in the watersheds adjacent to the creek. The Forest Service is currently studying the suitability of the portion of Deep Creek upstream of this segment as part of this effort. Designation of this segment should take into account the Forest Service's determination upstream.

In addition, this segment has a high percentage of federal landownership and a lack of significant land use conflicts. Protecting adequate stream flows is essential to protecting the identified water-dependent 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. The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **wild** classification.

### 3.3.6 Segment Name: Deep Creek—From the Deep Creek Ditch Diversion to the BLM/Private Land Boundary (Segment 3)

| | | | |
|---|---|---|---|
| **Description:** | From the Deep Creek Ditch diversion to the BLM/private land boundary (Figure 3.3-3). The segment is paralleled by Coffee Pot Road. This segment was found eligible in a joint WRNF and BLM eligibility evaluation (Forest Service and BLM 1995). | | |
| **Total Segment Length:** | 0.86 mile | **Total Segment Study Area:** | 330 acres |
| **Length on BLM Land :** | 0.86 mile | **Area on BLM Land:** | 293 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Scenic, Geologic, Ecologic (refer to Segment 2b for an expanded description of ORVs) | | |

#### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment has outstandingly remarkable scenic, geological, and ecological values. 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.

   This segment is a continuation of the 3.60-mile Segment 2b immediately upstream. It has been identified as a separate segment based on a classification difference due to the level of development, including a road and ditch parallel to the creek, but it contains the same values as Segment 2b.

   The segment includes the Deep Creek Ditch diversion and ditch, which parallels the entire segment on the north side. Coffee Pot Road parallels this stretch of Deep Creek. The gravel road is heavily traveled and well maintained and is a major access road to National Forest land in the Flat Tops. The road crosses the creek and is within the corridor at a couple locations within the segment.

   A limited number of developed camp sites exist within this segment but are managed in a manner compatible with protection of the identified ORVs.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The BLM manages 293 acres (88.8 percent) of the land within the 330-acre study corridor. The remaining 37 acres (11.2 percent) are in private ownership.

   Use in the area consists predominantly of recreation such as hiking, camping, and fishing. BLM maintains a limited number of camp sites within the corridor.

   There is a gypsum claim just outside of the WSR corridor boundary on National Forest land but the site is inactive (Schwochow 1981). There is moderate potential for gypsum and limestone just outside of, and possibly within, the WSR corridor.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   The CRWCD owns a conditional water right for 200 cfs for the Deep Lake Collection System, but this right has not been developed. While the Colorado River Water Conservation District does not have reasonably foreseeable plans for water development, it does maintain diligence on the conditional water right to preserve the opportunity for water development over the long term. Designation of the segment would include a water right to protect the scenic, geological, and ecological 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 3,255.33 acre-feet of storage in the Heart Lake Reservoir upstream of Segment 1. 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..

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The WRNF manages the land upstream of the segment, and its current management area prescription is as a 1.5 area: Wild Rivers, Designated and Eligible, as identified in the Land and Resource Management Plan (Forest Service 2002). This is consistent and compatible with protections of the identified ORVs on both agencies' lands. The WRNF found its portions of Deep Creek to meet eligibility criteria (Forest Service and BLM 1995), and it is completing suitability on the two segments upstream from BLM segment 2b (see Part II of this report).

Various interests are concerned that a WSR designation will close the area to public use or that publicity generated by the process will result in increased 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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

No additional lands would be required to administer the segment. It is unlikely that BLM would incur administration costs above what it is currently experiencing.

BLM would pursue land acquisition from willing sellers within the segment if the opportunity arose. Designation could provide necessary funds to acquire these lands, which would help ensure the protection of the ORVs throughout the BLM-managed segments of Deep Creek. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

Under current management, the BLM is protecting the segment for the ORVs. Since 1984, protective management prescriptions have been in place through administrative designations for the Deep Creek ACEC and SRMA (BLM 1984), though the BLM is exploring the option of dropping the area as an SRMA through the RMP revision process. The area is in a legislative proposal for wilderness designation by citizens groups.

The ACEC designation is managed under VRM Class I. According to BLM Manual 8400, *Visual Resource Management*, the objective of VRM Class I areas, "is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention" (BLM undated).

It is also managed to provide primitive recreation opportunities, is closed to motorized vehicles, and is unsuitable for location of utilities and communication facilities due to primitive and natural values. A WSR designation would not require much more or different management effort than what is already in place with the ACEC and SRMA administrative designations. However, the WSR designation would provide a more permanent legislative designation that would protect the instream flows necessary to maintain the ORVs.

Protecting adequate stream flows is essential to protecting the identified water-dependent ORVs. Presently, the reach has an instream flow right established by the Colorado Water Conservation Board in 1980 for 14 cfs from May through September 30, and eight cfs from October 1 through April 30. Protective administrative designations available to the BLM would not include a water right, but the BLM would have the ability to recommend an increase in the instream flow water right to the Colorado Water Conservation Board. Federal wilderness designation may or may not include a federal water right, depending on the language used in the legislation.

7. Historical or existing rights that could be adversely affected with designation:
   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. In addition, the CRWCD holds a conditional water right for 200 cfs on the Deep Lake Collection System. Designation of the segment would include a junior federal water right to protect the scenic, geological, and ecological values in the segment. This water right could limit changes to the existing rights and restrict the development potential of the conditional water rights.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The ACEC designation has restrictions in place to protect the ORVs and prevent incompatible use, including development, in the area. Because land immediately surrounding the segment is managed by BLM, it is unlikely that incompatible development would occur. Some land within the 0.25-mile corridor is privately owned and housing exists. However, incompatible use of the land is not occurring.

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service manages the land and water upstream of Segment 2b of Deep Creek. Maximum protection of the ORVs would be partially dependent upon a suitability determination by the Forest Service. However, Forest Service is currently managing their segment for the protection of the ORVs under interim management until it is able to make a suitability determination.

10. Contribution to a river system watershed 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 elevation and low elevation lands. The creek provides an important link between the aquatic and riparian habitats throughout the watershed.

11. Other issues and concerns, if any:
    None.

***Preliminary 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 BLM in maintaining the large number of ORVs in the context of continuing landscape development in the watersheds adjacent to the creek. The Forest Service is currently studying the suitability of the portion of Deep Creek upstream of this segment as part of this effort (see Part II of this report). Designation of this segment should take into account the Forest Service's determination upstream.

In addition, this segment has a high percentage of federal landownership and a lack of significant land use conflicts. Protecting adequate stream flows is essential to protecting the identified water-dependent 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. The preliminary determination for this segment is **suitable** for inclusion in the NWSRS with a **recreational** classification.

### 3.3.7 Segment Name: Eagle River

| | | | |
|---|---|---|---|
| **Description:** | From BLM land at Wolcott Recreation Area through Red Canyon to the confluence with the Colorado River near Dotsero. | | |
| **Total Segment Length:** | 25.69 miles | **Total Segment Study Area:** | 7,741 acres |
| **Length on BLM Land :** | 5.46 miles | **Area on BLM Land:** | 2,517 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Recreational | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   This segment contains ORVs for recreational floatboating (fishing, kayaking, and whitewater rafting). The segment is next to a high tourism area and is very accessible because of the highway system next to the segment.

   There is a primary highway (Interstate 70) and a railroad that run parallel to the river for the entire segment. Commercial, industrial, and housing development occurs within the viewshed of the corridor. Additionally, the BLM-managed portions of the corridor are highly fragmented with a high percentage of privately owned land.

The segment contains a diversion at Dead Cow Rapid that does not impair the free-flowing nature of the river or the recreational ORV.

The BLM manages four developed recreation sites and several day use areas, which are all heavily used. The BLM provides two boat launches on public lands within this segment and numerous walk-in sites. The Wolcott Recreation Area, a day-use area, contains a concrete boat-launch and a boulder used for rock climbing.

In the summertime, the Eagle River runs at low levels and the water temperature rises. Some fish contract diseases due to the suboptimal water quality at that time.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

Land in this 25.69-mile segment is mostly privately owned. The BLM manages only 5.46 shoreline miles (21.25 percent) of the shoreline for this segment. Within the 7,741-acre study corridor, the BLM manages 2,517 acres (32.5 percent); the remaining land (67.5 percent) is privately owned. The BLM-managed portions are not continuous but are very fragmented.

Floatboating activities are available with some access constraints. Recreationists are only allowed access to put-ins and take-outs on BLM-managed land.

Heavy development continues to occur on land adjacent to the segment and throughout the Eagle Valley area. Increased development along the shoreline could diminish the recreational experience on the river.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

Numerous water rights and water projects are upstream from this segment. The major potential upstream water project on the Eagle River is the Homestake Project, which is jointly operated by the cities of Aurora and Colorado Springs. Phase I of the project was completed in 1968, and Phase II has been granted the necessary federal and state permits and approvals for construction, including the issuance of a Record of Decision by the Forest Service, as part of NEPA. If this segment is designated as Wild and Scenic and instream flow prescriptions are put into place, it could have an impact on Phase II development of the Homestake Project.

In addition, the population of the Eagle River watershed above this segment is growing, creating increased water demand. Designating the segment, along with a federal reserved water right to support the ORVs, may limit opportunities to build large new projects, such as the proposed Wolcott

Reservoir. Small projects and incremental changes to existing water rights and water projects would likely not be affected by designation.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   Interest in designating and not designating this segment is anticipated to be mixed. The Eagle County land use plan supports recreation as a primary use of the river corridor, but Eagle County has not indicated that is favors designation of this segment as a Wild and Scenic River.

   Floatboaters who enjoy recreation along the segment may have an interest in designation of this segment. Floatboating outfitters heavily use this segment for recreation. Other groups may not support the designation of this segment because it appears that the BLM has been adequately managing the segment for the ORV where it has the authority. Thus, these groups may believe that designation is not warranted.

   The State of Colorado has not voiced an opinion on this segment.

   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.

   Denver Water and Colorado River Water Conservation District have expressed opposition to designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   It is not feasible for BLM to acquire enough of the privately owned property to increase its ability to manage for the protection of ORVs. Real estate prices along the Eagle River are prohibitively expensive. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Where BLM has the authority, it is adequately managing the segment to protect the ORV under current management. Although BLM can manage to enhance certain aspects of the recreational floatboating opportunities such as access and facilities, it cannot manage for the overall recreational experience on the river. The overall experience is dependent upon the surrounding private land uses. Management actions would not change much with a designation and if designated, the BLM may have a difficult time protecting the segment for the ORV because it cannot ensure compatible use on private land.

   Currently BLM-authorized commercial use is restricted due to the limited capacity of the existing infrastructure on public lands. Crowding and user

conflicts occur during the summer season at many of the Eagle River recreation sites

Heavy development continues to occur on land adjacent to the segment and throughout the Eagle Valley area. An increase in population combined with the potential for an increase in tourism because of WSR designation could enhance current management problems on these small isolated public land parcels providing river access.

The Colorado Water Conservation Board holds the following instream flow water rights on the Eagle River:

- Lake Creek to Brush Creek—110 cfs, May 1 to September 30, and 45 cfs, October 1 to April 30; and
- Brush Creek to Colorado River—130 cfs, May 1 to September 30, and 50 cfs, October 1 to April 30.

These water rights help the BLM maintain sufficient flows for the ORVs in a multiple-use environment, but, because of senior water rights upstream, they do not always provide the flow rates needed for recreational boating.

7. Historical or existing rights that could be adversely affected with designation:
Privately owned water rights and diversion structures, as well as a railroad right-of-way, exist along this segment. None of these rights would likely be affected by designation as they are prior existing rights.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
Current Eagle County Zoning shows the Colorado River Corridor within the Resource, Resource Preservation, Residential Suburban Low Density, Agricultural Limited, Rural Residential, and Industrial zone districts. The Resource zone district objectives are to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the county, including water, minerals, fiber, and open land. This is accomplished by the following:

- Limiting residential development to low density single-family uses on lots of 35 acres or larger;
- Encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas;
- Maintaining the remainder of the property as common open space or ranch land; or
- Limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses (Eagle County 2007).

The Resource Preservation zone is meant to preserve the open character and associated public benefits of those lands in Eagle County not within the boundaries of an existing city or town. Certain land uses are disallowed and other land uses which might negatively impact the scenic quality and open character of the land require County approval. Residential development is limited to one dwelling unit per 80 acres (Eagle County 2007).

The Residential Suburban Low Density is meant to provide for relatively low density residential neighborhoods within and at the periphery of the County's community centers and rural centers. This is accomplished by permitting development of single-family, duplex and multi-family residences on lots of 15,000 square feet or larger and by setting standards that limit the maximum lot coverage and maximum floor area of structures (Eagle County 2007).

The Agriculture Limited zone is meant to maintain the rural character of areas outside of the County's towns, community centers, rural centers, and resorts, while still allowing for some rural residential development. The zone permits development of single-family dwelling units on lots of five acres or more, encourages clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas, and maintains the remainder of the property as a common open space or agricultural land (Eagle County 2007).

The Rural Residential zone serves as a transition area between the denser development in towns, community centers, and rural centers, and the lower density areas in the County's agricultural and resource areas. This zone permits development of single-family dwelling units on lots of two acres or more (Eagle County 2007).

The purpose of the Industrial zone district is to provide appropriate areas for light and general industrial and service businesses, in locations where conflicts with residential, commercial and other land uses can be minimized. Uses permitted in this zone district include those for industrial, service-commercial, and wholesale uses (Eagle County 2007).

9. <u>Consistency of designation with other agency plans, programs, or policies:</u>

The Eagle River Watershed Plan is a collaborative plan for protecting and improving water quantity, water quality, wildlife habitat and recreational opportunities, and promoting compatible land use practices. Goals of the Eagle River Watershed Plan that relate to the protection of the ORVs include: 1) Determine and provide optimum water quantity and quality to maintain a healthy and naturally self-sustaining trout population as an indicator species of a healthy aquatic environment and for a quality fishing experience; 2) Protect or restore open space and sensitive areas such as springs, wetlands, floodplains, riparian zones, critical habitat and other geographic features that are associated with the watershed; and 3) Protect and improve recreational opportunities, such as fishing and boating, which exist along the Eagle River and its

tributaries. Each jurisdiction has an option for choosing which actions to implement. Designation would generally be consistent with the Eagle River Watershed Plan. However, the plan seeks to provide for a variety of uses, whereas a WSR designation would protect the ORVs and the instream flow water right associated with designation would only be enough to protect the identified ORVs.

10. Contribution to a river system watershed or basin integrity:
    The Eagle River is a major tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992).

Due to the scattered landownership and limited BLM lands along the segment, the BLM would not be capable of protecting the river values and ensuring an outstandingly remarkable recreational experience. The preliminary determination for this segment is **not suitable**

### 3.3.8 Segment Name: Egeria Creek

| | | | |
|---|---|---|---|
| **Description:** | From the northern extent of BLM land along Egeria Creek in Township 1 South, Range 83 West, Section 2, downstream to the boundary between BLM land and private land, approximately 0.50-mile upstream of the confluence with Red Dirt Creek. | | |
| **Total Segment Length:** | 8.31 miles | **Total Segment Study Area:** | 2,502 acres |
| **Length on BLM Land :** | 7.78 miles | **Area on BLM Land:** | 1,959 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Historic | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   The segment contains outstandingly remarkable historic values for the Denver and Rio Grande Railroad-Moffat Road railroad that runs along the creek. This segment makes up a very small percentage of this historic route. The railroad is still active today and the BLM does not have the authority to manage railroad activities. It is possible that the railroad may not occur within the 0.25-mile study corridor in all parts of the segment, as exact measurements have not been taken.

   The segment is remote, and steep terrain makes it difficult for people to access.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:
   The BLM manages 7.78 miles of shoreline of the 8.31-mile segment. Within the 2,502-acre study corridor, the BLM manages 1,959 acres (78.3 percent) The remaining 543 acres (21.7 percent) are privately owned. There is some private landownership interspersed throughout the segment as well as upslope of the upstream portion of the segment. The private ownership restricts access to the segment.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:
   BLM does not manage all aspects of the historic ORV because BLM does not have the authority to manage railroad use or maintenance but designation would not likely result in changes to railroad use or maintenance. BLM does, however, manage the historical landscape context in which the railroad occurs and BLM does not anticipate that management prescriptions for these lands will change.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:
   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   No lands would need to be acquired in order to manage the area. Likewise, the cost of administering the area would be relatively minimal, if any, because of the remote location of the segment.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
   Current management practices by the BLM are protecting the segment for the ORV. However, BLM does not have authority in the management of the railroad itself. Historic values associated with the river segment are protected and regulated by a number of laws, regulations, executive orders, programmatic agreements and other requirements. The principal federal law addressing cultural resources is the NHPA, and its implementing regulations (36 CFR 800). These regulations, commonly referred to as the Section 106 process, describe the procedures for identifying and evaluating historic properties, for assessing the effects of federal actions on historic properties, and for project proponents consulting with appropriate agencies to avoid, reduce, or minimize adverse effects.

   The primary objective of managing cultural resources is the protection of the resource from damage or destruction. To the extent consistent with protection, the BLM also manages cultural resources for scientific research, public education and enjoyment. Where interpretation of these sites for public benefit and knowledge is developed, it is required that this use be compatible with the protection of cultural resources. As part of the RMP, the field offices are allocating known cultural resources to various uses and establishing priorities for management emphasis and protection of cultural resources. Management of the river to protect identified ORVs would include direct and indirect protection of cultural resources in the river corridor.

   Inclusion of the historic railroad in the National Register of Historic Places (NRHP) would protect the ORV in this segment without a WSR designation.

   The Colorado Water Conservation Board holds an instream flow on this creek as follows: 8 cfs, April 1 to October 31, and 2 cfs, November 1 to March 31. These water rights have a 1995 priority date. Because these water rights are junior, they do not guarantee that the creek will not be dried up, but they do help prevent future changes that would decrease flows below the decreed rates.

7. Historical or existing rights that could be adversely affected with designation:
   The Denver and Rio Grande Railroad-Moffat Road railroad has an easement upslope of the creek, but these rights would not be affected with designation.

   There are a high number of irrigation and livestock water rights upstream in the Egeria Park and Toponas area. A federal reserved water right created for

this reach may restrict the ability of these water rights owners to change or enlarge their water rights.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   While most lands surrounding the creek are managed by BLM, any future development would not diminish the ORV.

   The portion of the segment occurring on private land is zoned as agriculture and forestry. The purpose of this zone in Routt County is to provide productive agricultural and forested lands, while preserving visual, productive, and cultural values associated with agriculture and agricultural lifestyles in the rural unincorporated parts of the county. Resource extraction is allowed, but most types require a permit (Routt County 2006). Routt County also has a minimum setback standard for building near a water body. The minimum setback is 50 feet from the ordinary high water mark of any water body (Routt County 2006).

9. Consistency of designation with other agency plans, programs, or policies:
   Designation would be consistent with other agency plans, programs, and policies.

10. Contribution to a river system watershed or basin integrity:
    Egeria Creek flows into Rock Creek, which is a tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). In this instance, the BLM would be dependent upon the railroad for protection of the historic ORV.

Because the BLM lacks authority over railroad activities, it would not be able to manage and protect the historic value associated with the railroad. The BLM believes the best management approach for this stream segment is to ensure that land use prescriptions and actions in the segment do not conflict with or degrade the historical ORV. The preliminary determination for this segment is **not suitable**.

### 3.3.9 Segment Name: Hack Creek

| | | | |
|---|---|---|---|
| **Description:** | From headwaters to the confluence with Sweetwater Creek. | | |
| **Total Segment Length:** | 2.42 miles | **Total Segment Study Area:** | 893 acres |
| **Length on BLM Land :** | 1.63 miles | **Area on BLM Land:** | 549 acres |
| **Preliminary Classification:** | Scenic | | |
| **ORVs:** | Historic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment has a historic ORV for the presence of a Ute Trail variant. The Ute Trail in its entirety is eligible for inclusion in the NRHP for Criterion D (has yielded, or may be likely to yield, information important in history or prehistory). The trail winds in and out of the 893-acre study corridor along the segment. The portion of the trail occurring on BLM lands in this segment is a very small portion of the entire historic trail. The Ute Tribe used the creek as a water source when on the trail and traveling between the Colorado River basin and the Flat Tops.

   Some permitted activities such as horseback and guided hunting trips are allowed on the trail.

   The portion of Hack Creek upstream of private land as well as about one-third of the segment below private land are within the Hack Lake SRMA.

   At one point, Hack Creek goes subsurface a short distance from Hack Lake, then resurfaces. Additionally, gabions have been put into place to reduce trail erosion and to prevent the creek from rerouting onto the trail.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   BLM manages 1.63 miles (67.4 percent) of the shoreline within the segment. The remaining portion of the segment (32.6 percent) runs through private land. BLM manages 549 acres (61.5 percent) of the land within the 893-acre study corridor. The remaining 344 acres (38.5 percent) of the study corridor are privately owned.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Some grazing is permitted in the area but is not likely occurring. No other reasonably foreseeable potential uses of the land are known that would affect or be affected if the segment were designated or not designated.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The Forest Service maintains the historic Ute Trail variant along the segment although the trail lies partially on BLM-managed land. If designated, BLM would either need to resume trail maintenance or sign a formal agreement with the Forest Service outlining the maintenance of the trail for its protection.

   The Hack Lack SRMA encompasses about three-quarters of the segment on BLM-managed land.

   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   No acquisition of lands would be required to maintain the ORV of this segment.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   If designated, BLM would need to take over trail maintenance from Forest Service or coordinate with Forest Service for trail maintenance. Erosion of the trail into the river is an issue at points, and measures have been taken to prevent the creek from rerouting the trail. The Ute Trail has a historical significance, and increased public use could result with designation.

   Alternative management strategies could be used to protect the segment for the ORV. Alternative strategies such as RMP management measures or administrative designations such as an ACEC may be preferred because the Ute Trail variant winds in and out of the WSR study corridor. Alternative strategies could provide a more comprehensive management strategy to protect the value.

   The historic values along this segment could be protected by its inclusion in the NRHP without WSR designation.

7. Historical or existing rights that could be adversely affected with designation:
   No historic or existing rights were identified.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   Current Eagle County Zoning shows the Colorado River Corridor within the Resource zone district. The Resource zone district objectives are to maintain the open rural character of Eagle County and to protect and enhance the appropriate use of natural resources and agricultural uses in the county, including water, minerals, fiber, and open land. This is accomplished by the following:
   - Limiting residential development to low density single-family uses on lots of 35 acres or larger;
   - Encouraging clustered development on smaller lots within those portions of a property that do not contain environmental resources or natural hazard areas;
   - Maintaining the remainder of the property as common open space or ranch land; or
   - Limiting new commercial development to uses that have a resource orientation and to small recreation areas that comply with Master Plan policies for such uses (Eagle County 2007).

9. Consistency of designation with other agency plans, programs, or policies:
   The adjacent National Forest land is part of the Flattops Wilderness and is managed to protect wilderness characteristics.

10. Contribution to a river system watershed or basin integrity:
    Hack Creek is a tributary of Sweetwater Creek.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992).

Because the trail winds in and out of the study corridor, it would not be feasible for BLM to protect the trail values through a WSR designation. Management of the trail through other means such as RMP measures or administrative designation such as an ACEC would provide a more comprehensive means of protecting the values. The preliminary determination for this segment is **not suitable**.

### 3.3.10 Segment Name: Mitchell Creek

| | | | |
|---|---|---|---|
| **Description:** | From approximately the Mitchell Creek Trailhead upstream to the border between BLM and the WRNF. | | |
| **Total Segment Length:** | 0.89 mile | **Total Segment Study Area:** | 409 acres |
| **Length on BLM Land :** | 0.89 mile | **Area on BLM Land:** | 299 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Fish | | |

#### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   The Mitchell Creek segment has outstandingly remarkable fish values for the genetically pure population of native Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*). The self-sustaining population is considered a Core Conservation Population (CRCT Conservation Team 2006). The creek averages 10 feet in width and contains multiple travertine pools.

   A road runs up to the downstream portion of the segment, and a trail parallels the entire segment.

   The segment is within the Glenwood Springs Debris Flow ACEC. Current management objectives of the ACEC are to protect the Core Conservation Population of Colorado River cutthroat trout, as well as minimize the risk to lives and property from debris flows, slump, and rock fall. Management actions include designating the area as a right-of-way avoidance area, prohibiting a net increase in motorized/mechanized routes, managing the area as VRM Class II, and applying a No Surface Occupancy stipulation that would prevent new surface occupancy and surface-disturbing activities.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The BLM manages 299 acres (73.1 percent) of the 409-acre study corridor. It manages all of the 0.89-mile segment shoreline. Approximately 38 acres (9.3 percent) of the study corridor are in private ownership, and 72 acres (17.6 percent) are Forest Service land.

Downstream of the segment the land is in private ownership and is developed. Forest Service manages the land upstream of the segment. In its 2002 Wild and Scenic eligibility study, the Forest Service did not find the portion of Mitchell Creek occurring on Forest Service land to be eligible for inclusion in the NWSRS (Forest Service 2002).

The segment is within the Glenwood Springs Debris Flow ACEC compatible with protective management.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Because the segment is located in the Glenwood Springs Debris Flow ACEC where no grazing, OHV use, or timber harvest is permitted, the use would not change with designation or nondesignation. However, if the ACEC designation were to be repealed, future use such as livestock grazing or timber harvest could be introduced.

   The Forest Service manages the land upstream of the segment and allows some timber harvest. As of the date of this report, the Forest Service has not found any cutthroat trout where Mitchell Creek runs through Forest Service land.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The Forest Service manages the land upstream of the segment and did not find the portion of Mitchell Creek occurring on Forest Service land to be eligible for inclusion in the NWSRS (Forest Service 2002).

   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.

   Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   No lands would need to be acquired but if designated, the cost of maintenance could increase due to the accessibility of the creek for recreation purposes such as hiking. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Under current management and ACEC protection, the BLM is able to protect the segment for the ORV. The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing current known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties include the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006). The BLM intends to manage this segment in accordance with the conservation agreement, even if it is not designated.

   The Colorado Water Conservation Board holds an instream flow right on this creek for 1.0 cfs year-round, established in 1978. This water right assists BLM in managing the creek for the Colorado River cutthroat trout population.

   Because the segment is short and trout populations in small creeks are relatively fragile ecosystems, management measures associated with designation may not be enough to ensure protection of a self-sustaining genetically pure trout population. The ongoing RMP revision provides several direct and indirect stipulations and protective measures that would provide protection for the fish for new land use authorizations and leases. The continued viability and protection of the Colorado River cutthroat trout population would still also depend on management and cooperation of upstream land managers (WNRF) and the appropriate management of upstream land uses to control sediment and weed proliferation.

7. Historical or existing rights that could be adversely affected with designation:

   None known.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   Currently the segment is under ACEC protection, which prevents incompatible development in the area. Additionally, designating this stream segment would be consistent with the multistate conservation agreement regarding Colorado River cutthroat trout.

   The entire length of the segment passes through BLM-managed land. However, within the 409-acre study corridor both Forest Service and private land is present.

9. Consistency of designation with other agency plans, programs, or policies:
   Upstream, Forest Service did not find its portion of Mitchell Creek to be eligible for WSR designation, so designation of the BLM portion downstream would be inconsistent with the Forest Service finding (Forest Service 2002).

10. Contribution to a river system watershed or basin integrity:
    Mitchell Creek is a tributary of the upper Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

Designation would be inconsistent with the Forest Service finding that the portion of Mitchell Creek occurring on Forest Service land upstream is not eligible for WSR designation. Additionally, because of the fragile nature of the ecosystem, it would be difficult for BLM to ensure the continued protection of the Colorado River cutthroat trout population, even if designated. Other management prescriptions would be more appropriate for this segment.

The Colorado River cutthroat trout population is the only ORV associated with this segment. Designating this segment would provide legislative protection to the river segment, based on a BLM sensitive species (which is an administrative designation). This would reduce the BLM's management flexibility, should the species' administrative protections change. The BLM concludes that although the values associated with this segment are worthy of protection, this protection should be provided administratively to be consistent with the status of the ORV.

The BLM will continue to implement measures to protect the Colorado River cutthroat trout populations and incorporate necessary measures within its RMP. The area upstream of the segment is managed by the Forest Service, and water quality within the segment is dependent upon activities upstream. This segment is preliminarily determined **not suitable.**

### 3.3.11 Segment Name: No Name Creek

| | | | |
|---|---|---|---|
| **Description:** | Small section of No Name Creek occurring on BLM-administered land between the WRNF and Interstate 70, near the No Name Rest Area. | | |
| **Total Segment Length:** | 0.08 mile | **Total Segment Study Area:** | 150 acres |
| **Length on BLM Land :** | 0.08 mile | **Area on BLM Land:** | 36 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Historic | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:
   Although the historic ORV associated with the No Name flume occurred within this corridor, the historically valuable remnants of the flume are not present on BLM land. As a result, the ORV is limited to the historic route of the flume rather than easily visible evidence, such as that upstream and downstream of the BLM segment.

   This segment is also included within the study corridor for Segment 7 of the Colorado River. If Colorado River Segment 7 is determined suitable, this portion of No Name Creek would be under protective management.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:
   BLM manages 36 acres (24.0 percent) of the 150-acre study corridor. The remainder of the study corridor is predominantly privately owned (68.7 percent) and a small portion (7.3 percent) is managed by the Forest Service.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:
   It would not be necessary to foreclose or diminish any potential use because the ORV is based on the historic route of the flume, although physical evidence is no longer visible.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:
   Most of No Name Creek occurs within the WRNF. The Forest Service has not identified No Name Creek as an eligible segment (Forest Service 2002).

   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.

   Colorado River Water Conservation opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:
   The BLM manages too short of a segment to make acquisition of the necessary lands feasible. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:
   The segment of No Name Creek occurring on BLM land is too short to make protective management feasible. In addition, the remnants of the historic flume occur on adjacent properties.

7. Historical or existing rights that could be adversely affected with designation:
   No historic or existing rights potentially affected were identified.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The private land within the segment corridor is zoned as rural with a small portion to the south zoned as residential/suburban, which is comprised of low-density suburban residential uses developed to maintain a rural character. Garfield County also has restrictions on development within the 100-year floodplain, riparian areas, and wetlands (Garfield County 2008).

9. Consistency of designation with other agency plans, programs, or policies:
   Designation would not be consistent with adjacent Forest Service management because the Forest Service did not find its portion of No Name Creek eligible.

10. Contribution to a river system watershed or basin integrity:
    No Name Creek is a tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

***Preliminary Determination***

The segment of No Name Creek occurring on BLM land is too small to make protective management feasible. In addition, field investigations showed that the historic remnants of No Name flume that may require protection occur on adjacent properties, rather than on BLM management lands. The preliminary determination for this segment is **not suitable**.

### 3.3.12 Segment Name: Rock Creek

**Description:** All portions of Rock Creek occurring on BLM land. This segment is next to the lower part of Rock Creek on Forest Service land, which was identified in the Routt-Medicine Bow Forest Plan (Forest Service 2003) as an eligible Wild River for its geological, cultural, scenic, and fisheries values.

**Total Segment Length:** 4.78 miles **Total Segment Study** 1,588 acres

| | | | |
|---|---|---|---|
| | | **Area:** | |
| **Length on BLM Land :** | 3.17 miles | **Area on BLM Land:** | 1,078 acres |
| **Preliminary Classification:** | Recreational | | |
| **ORVs:** | Historic | | |

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable historical values for the Denver and Rio Grande Railroad-Moffat Road that runs upslope along the segment. The railroad is still active but is only visible from a few locations along the segment. Although exact measurements were not taken, it is likely that the railroad does not occur within the study corridor for the entire segment. The portion of the railroad occurring in this segment is a small portion of the entire historic route.

   Livestock grazing is permitted, and cattle grazing exists up to the creek.

   There is a single bridge crossing in the segment; this bridge is accessed by a dirt road. Some private lands surround the segment. Within sight of the bridge crossing there is a gauging station.

   The BLM has no authority to manage the maintenance or operation of the railroad.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   Of the 4.78-mile segment, 3.17 miles (66.3 percent) of the shoreline is BLM-managed and the rest is private land (33.7 percent). Within the 1,588-acre study corridor, BLM manages 1,078 (67.9 percent) acres, while 509 acres (32.1 percent) are privately owned. Less than two acres of land within the study corridor are managed by the state and the Forest Service. The primary land use in the area is grazing, which is compatible with protection of the ORV in this segment.

   The BLM has no authority to manage the maintenance or operation of the railroad.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Changes that occurred to the railroad would not be under the authority of BLM and therefore would not be affected by designation. However, the changes could adversely affect the historic railroad ORV.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   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.

   Colorado River Water Conservation District opposes designation of this segment.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   It would not be necessary to acquire lands in order to administer the area if designated. Costs associated with administration and protection of the area would be about the same as they are currently. Access is limited due to private landownership upstream of the bridge crossing and to the upslope of the creek. No detailed cost analysis or estimate was prepared as part of this study.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Under current management, BLM is able to protect the segment's free-flowing nature. However, BLM does not have the authority to manage the maintenance or operation of the railroad ORV. Consequently, BLM does not have full ability to manage the segment as a WSR. The land management prescriptions that the BLM would likely implement through its land use planning process would not impact the historic ORV in this segment.

   Including the historic railroad in the NRHP would protect the ORV in this segment without a WSR designation.

   The Colorado Water Conservation Board holds an instream flow water right of 10 cfs year-round, with a 1997 priority. Because this water right is junior, it does not guarantee that the creek will not be dried up, but it does help prevent future changes that would decrease flows below the decreed rates.

7. Historical or existing rights that could be adversely affected with designation:

   The railroad crosses BLM land, but this right would not be affected by designation.

   The CRWCD holds a conditional water right on this creek for Rock Creek Reservoir, which would be upstream of the BLM's study reach on Forest Service lands. The CRWCD holds a conditional water right for 54,000 acre-feet of storage. There is no construction or financing plan in place for this reservoir, so the BLM does not consider the reservoir to be a reasonably foreseeable development during the life of the land use plan. However, the

CRWCD has indicated a strong position in maintaining the option to build the project.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The segment is located in a very rural area. Land use controls are mostly topographic, as steep terrain prohibits development around most of the segment. With the exception of some grazing, land use is compatible with protection of the ORV.

   The portion of the segment occurring on private land is zoned as agriculture and forestry. The purpose of this zone in Routt County is to provide productive agricultural and forested lands, while preserving visual, productive, and cultural values associated with agriculture and agricultural lifestyles in the rural unincorporated parts of the county. Resource extraction is allowed, but most types require a permit (Routt County 2006). Routt County has a minimum setback standard for building near a water body. The minimum setback is 50 feet from the ordinary high water mark of any water body (Routt County 2006).

9. Consistency of designation with other agency plans, programs, or policies:
   Designation appears to be consistent with existing plans but may not be consistent with future water development plans, which are not reasonably foreseeable within the life of the RMP.

10. Contribution to a river system watershed or basin integrity:
    Rock Creek, which is joined at its downstream end by Egeria Creek, is a tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management* states, "for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values" (BLM 1992). In this instance, the BLM would be dependent upon the railroad for protection of the historic ORV.

Because BLM lacks authority over railroad activities, BLM would not be able to manage and protect the historic value associated with the railroad. The preliminary determination for this segment is **not suitable**.

### 3.3.13 Segment Name: Thompson Creek

| | | | |
|---|---|---|---|
| **Description:** | From the Thompson Creek Trailhead to the boundary of BLM land and private land, approximately 1.5 miles upstream of the confluence with the Crystal River. The segment also includes portions of the North Fork of Thompson Creek where it occurs on BLM land near the confluence with Thompson Creek. | | |
| **Total Segment Length:** | 4.76 miles | **Total Segment Study Area:** | 1,514 acres |
| **Length on BLM Land :** | 4.76 miles | **Area on BLM Land:** | 1,308 acres |
| **Preliminary Classification:** | Scenic | | |
| **ORVs:** | Scenic, Geologic, Historic | | |

***Suitability Criteria***

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   This segment contains outstandingly remarkable scenic, geologic, and historic values. The area is remote, and no development can be seen from the creek. The historic ORV is a railroad, the Aspen and Western Railroad, which is no longer active. Little remains of the railroad except for the roadbed, which can be seen from where it crossed Thompson Creek, approximately 1.5 miles from the trailhead.

   A trail leaving from the west end of the drainage is passable for approximately one mile at which point, due to steep and rugged topography, hiking must be done in the creek until reaching the old railroad bed. Recently recreational sport climbing has occurred on one rock fin that is part of the identified geological ORV. BLM and the local climbing community are addressing future management options for climbing in Thompson Creek in the RMP revision. The BLM and the local climbing group have a written agreement in place that the climbing will not proliferate beyond the one rock fin currently used.

   This segment provides a remote, primitive recreation experience in the Roaring Fork Valley, where heavy recreation use and developed trails are the norm. Additionally, because the segment is at a lower elevation it is accessible for recreation during seasons where other higher elevation areas are not accessible.

   The area was designated as the Thompson Creek ACEC in the 1984 RMP and is managed to protect the geological, ecological, cultural, and scenic values. The area is of high scenic quality and is currently managed as VRM Class I. According to BLM Manual 8400, *Visual Resource Management*, the objective of VRM Class I areas, "is to preserve the existing character of the landscape. This

class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention" (BLM undated).

The geologic formations along the left bank of the North Fork of Thompson Creek are from the Cretaceous, Jurassic, and Triassic Periods of the Mesozoic Era and the Permian and Pennsylvania Periods of the Paleozoic Era. After deposition, the formations were tilted nearly vertical during the Tertiary Period regional uplift. Downcutting of the North Fork of Thompson Creek has exposed the formations in cross section, and erosion of weaker layers between more resistant layers has resulted in sandstone, conglomerate, and siltstone fins. These fins are unique on Colorado federal lands.

2. The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:

   The entire segment runs through BLM-managed lands. Within the 1,514-acre study corridor, BLM manages 1,308 acres (86.4 percent). Approximately 142 acres are in private ownership (9.4 percent), and 64 acres are managed by the Forest Service (4.2 percent). Over 90 percent of the corridor is under federal management.

   Current recreation use in the area includes rock climbing, hiking, and some primitive camping near the trailhead. The climbing community enjoys the close-to-home climbing experience that Thompson Creek provides. Interest in rebolting routes that were dismantled has been expressed. If climbers continue to bolt more rocks, it could affect the geological ORV and scenic quality.

   Activities associated with mine reclamation occur upstream of the North Fork of Thompson Creek; these activities have the potential to affect water quality.

   The railroad has not been used in a long time and is barely visible. The route was originally used to service mines located away from the river corridor. Because the route was abandoned long ago, no railroad activities are applicable.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   There are approximately 55 cfs of absolute water rights and 106 cfs of conditional water rights upstream from this segment, along with 10 acre-feet of conditional storage rights. Within the segment, there are 33 cfs of conditional direct flow water rights and 32,393 acre-feet of conditional water rights. The BLM is not aware of any proposal to develop those conditional water rights during the life of this planning document. It should be noted however, that those rights could be developed on adjacent private lands without any notification to the BLM. Two large senior water rights above this segment divert water to Divide Creek. Three senior rights for three ditches (Highline,

Pioneer and Thompson ditches) occur below the segment. Colorado Water Conservation Board (CWCB) holds a BLM-recommended instream flow water right for 12.4 cfs April 1 to July 14 and for 4.3 cfs from July 15 to March 31 . Stream gage data show flushing peak flows in May and June that average 250 cfs. Average July flow rates drops to approximately 30 cfs, and August to 15 cfs. September through March have average flow rates below 10 cfs.

While development of the senior conditional water rights above this segment may not occur during the life of this plan, they may occur over the long term., Congressional designation of this stream segment, which includes a federal reserved water right would not necessarily insure adequate flows because the federal water right would be junior to existing conditional water rights. The greatest risk for insufficient flows to support the ORVs would be presumed to occur during the August to March period, when flows are already low and development a conditional water right could divert a high percentage of the available flow.

While restrictions for recreational uses do not automatically occur with WSR designation, protection measures for the identified geologic, visual, and historic ORVs would be implemented. Some recreational uses that impact the ORVs could be limited or curtailed if the segment is designated..

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

It is expected that most groups will support designating this segment, with the exception, perhaps, of some rock climbing groups who might associate designation with increased restrictions on climbing opportunities.

Pitkin County has not expressed opposition or support toward designating this segment.

There is a public proposal, entitled the Hidden Gems Wilderness Campaign, that is seeking wilderness designation for the Thompson Creek area that would incorporate this segment.

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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

No additional lands would be required to manage the segment, as the entire segment falls within BLM-managed lands. Because the area is remote and the majority of use occurs near the trailhead, costs associated with management and administration would be limited.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   Currently the area is designated as an ACEC to protect the identified important and relevant values as described in Areas of Critical Environmental Concern Report on the Application of the Relevance and Importance Criteria (BLM 2007b). Three of the five ACEC relevant values are the same as the three ORVs identified in the WSR eligibility study (BLM 2007a). The other two values identified in the ACEC Report are its ecological values and primitive recreation opportunities. As an ACEC, the BLM is able to manage the area for these values, and management under a WSR designation would be similar. Under Alternative B, management of the area would continue under ACEC status. Under this management prescription, the area would operate under a No Surface Occupancy (NSO) stipulation for oil and gas leasing. In addition, under Alternative C BLM is considering management of the area under the "Lands With Wilderness Characteristics" (LWWC) prescription. This management prescription would be even more restrictive than ACEC management prescriptions.

   Designation would be consistent with the VRM Class I designation in place in this area. The objective of VRM Class I areas is to preserve the existing character of the landscape (BLM, undated). The ongoing RMP revision proposes to continue management as a VRM Class I area under all alternatives and includes managing the area to maintain its identified wilderness characteristics under one alternative.

   While designation could bring more recreational use to the area, most use would be concentrated a short distance from the trail head; the trail becomes impassable in certain areas, requiring hikers to hike in the stream channel. This would deter many recreationists from accessing the entire segment. Increased monitoring may be necessary to ensure that climbers are staying within designated climbing areas.

   The Colorado Water Conservation Board has appropriated instream flow water rights on the North, Middle, and South forks and on the main stem of Thompson Creek. The BLM believes that these water rights help it to provide the flow necessary to support the scenic ORV.

7. Historical or existing rights that could be adversely affected with designation:

   Historically the railroad had a right-of-way that crossed the segment and ran parallel for some distance. The railroad use was associated with mining activities that have long since been abandoned. Although a resurgence of railroad use is not expected, a designated right-of-way would not be granted for such purposes.

There is a conditional water right upstream of the segment that could impair the scenic ORV.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   The segment is in a remote location, and development cannot be seen from the area. The Thompson Creek ACEC designation protects the area from incompatible development and land use within the study corridor. However, this does not protect from incompatible use on adjacent private lands outside of the corridor.

   This area is zoned as RS-30 (Resource 30 acres) by Pitkin County zoning. Low-density, single-family residential development is permitted but natural hazards, wildlife areas, and limited utility services, roads, schools, and other facilities may constrain development. Sprawl is discouraged. The main focuses are on preservation of agricultural operations and environmental resources and to maintaining the visual quality and character (Pitkin County 2006).

9. Consistency of designation with other agency plans, programs, or policies:
   The Forest Service did not find the portion of North Thompson Creek occurring on Forest Service land, Middle Thompson Creek, or South Thompson Creek to be eligible in their 2002 study (Forest Service 2002). However, North Thompson Creek on BLM land is relatively isolated, and adjacent National Forest lands to the south are being managed as 1.2: Recommended Wilderness.

10. Contribution to a river system watershed or basin integrity:
    The Roaring Fork Valley is experiencing significant development. This segment of Thompson Creek, which is a tributary of the Crystal River, is remote and primitive compared to many low elevation rivers in the area.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

The BLM would be able to manage the segment for the protection of river values with minimal management changes. The river corridor is highly scenic and contains several ORVs worthy of long-term protective status. As development and visitation in the area increases, BLM would experience increased challenges in managing for the protection of these ORVs whether or not the segment were designated.

The BLM believes that designation would not be the optimal method to address threats that could arise from development of storage projects and conditional water rights in upstream locations. Federal permits may not be required for development of diversion and storage projects located upstream because project proponents could elect

to locate all facilities on private lands. If federal permits are not required for water development projects, then terms and conditions to protect water-dependent ORVs would not be imposed on the projects. A federal reserved water right that would accompany designation of the segment would likely be too junior to guarantee enough flow to maintain the Scenic ORV. It is unknown without further study whether the geologic ORV is flow-dependent, but if it is, a junior federal reserved water right is unlikely to be able to guarantee sufficient flows to support the ORV. The historic ORV is river related but not flow dependent and would not benefit from a federal reserved water right. Although designation of the segment would be compatible with current management of Thompson Creek, it is not likely to add sufficient flow protection to increase protection of river values. The BLM has been able to adequately manage the scenic, geologic, and historic ORVs as an ACEC, under current flow conditions, and BLM proposes to continue the ACEC designation as part of this land use plan revision. The preliminary determination for this segment is **not suitable**.

### 3.3.14 East Middle Fork Parachute Creek Complex

The East Middle Fork Parachute Creek complex (located on the Roan Plateau) is composed of five segments: East Middle Fork Parachute Creek (one segment), Northwater Creek (one segment), and Trapper Creek (three segments) (Figure 3.3-4). Because many of the suitability criteria factors are the same for all segments, the discussion for the East Middle Fork Parachute Creek complex is consolidated. Where differences occur, descriptions of the factors are broken out by segments. A brief description of the segments making up the complex is provided below. Note that the preliminary determination is for the complex as a whole and not for individual segments.

**East Middle Fork Parachute Creek**

**Description:** The segment starts at the BLM/private land boundary and extends eastward to the headwaters at the confluence of Trapper and Northwater Creeks.

**Total Segment Length:** 1.10 miles **Total Segment Study Area:** 328 acres

**Length on BLM Land :** 1.10 miles **Area on BLM Land:** 328 acres

**Preliminary Classification:** Wild

**ORVs:** Fish, Botanic

**Northwater Creek**

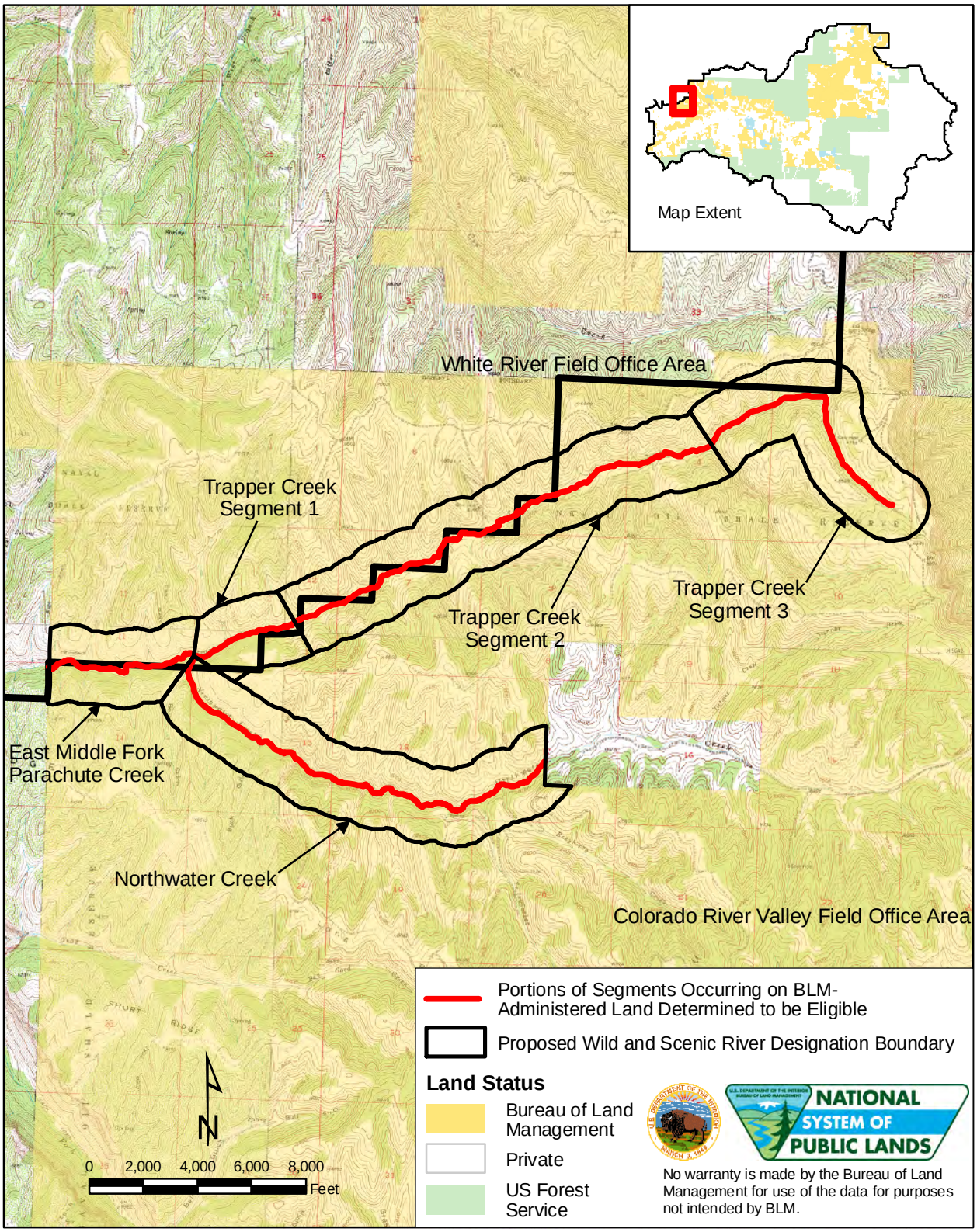
**Description:** From the BLM/private land boundary downstream to the confluence of Trapper Creek.

**Total Segment Length:** 3.20 miles **Total Segment Study Area:** 962 acres

**Length on BLM Land :** 3.20 miles **Area on BLM Land:** 962 acres

**Preliminary Classification:** Wild

**ORVs:** Fish, Botanic




**East Middle Fork Parachute Creek Complex**
**Colorado River Valley Field Office, Colorado**

| East Middle Fork Parachute Creek: | Trapper Creek Segment 1: | Trapper Creek Segment 2: | Trapper Creek Segment 3: | Northwater Creek: |
|---|---|---|---|---|
| 328 acres | 215 acres | 1,059 acres | 648 acres | 962 acres |

**Figure 3.3-4**

**Trapper Creek Segment 1**

**Description:** From the confluence of Northwater Creek and East Middle Fork Parachute Creek upstream to the fence line on the south side of the creek in Section 12.

**Total Segment Length:** 0.78 mile **Total Segment Study Area:** 215 acres

**Length on BLM Land :** 0.78 mile **Area on BLM Land:** 215 acres

**Preliminary Classification:** Wild

**ORVs:** Fish

**Trapper Creek Segment 2**

**Description:** From the western end of a pasture fence in the SE quarter of Section 12 east to the NE quarter of Section 4 where a bank stabilization project is located and BLM RD #8003 comes down to the creek.

**Total Segment Length:** 3.40 miles **Total Segment Study Area:** 1,059 acres

**Length on BLM Land :** 3.40 miles **Area on BLM Land:** 1,059 acres

**Preliminary Classification:** Recreational

**ORVs:** Fish

**Trapper Creek Segment 3**

**Description:** From the headwaters of Trapper Creek downstream to where a bank stabilization project is located and BLM RD #8003 comes down to the creek.

**Total Segment Length:** 1.80 miles **Total Segment Study Area:** 648 acres

**Length on BLM Land :** 1.80 miles **Area on BLM Land:** 648 acres

**Preliminary Classification:** Scenic

**ORVs:** Fish

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   The East Middle Fork Parachute Creek complex has outstandingly remarkable fish and botanical values. The fish values are present in all five segments, and botanic values are present in East Middle Fork Parachute Creek and Northwater Creek.

   The Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) is considered a core conservation population in all five segments. It is extremely rare on BLM lands to have entire watersheds occupied by Colorado River cutthroat trout, which helps preserve species genetic diversity and population viability.

The hanging garden seeps along the canyon walls support the rare hanging garden sullivantia *(Sullivantia hapemanii* var. *purpusii)*. The occurrences of the hanging garden sullivantia on the Roan Plateau are more numerous and extensive than anywhere else.

Trapper Creek Segment 2 has some minor drop structures that were installed to enhance the riparian habitat and improve the fish habitat. The structures consist of drop structures, two fence enclosures, and bank stabilization. The area affected by these structures is minimal, and the structures do not impair the free-flowing nature of the creek. Additionally, a series of beaver dams exist in the upper portions of Trapper Creek Segment 3.

The shorelines are primitive, and no developments exist within the segment corridors. The complex is generally inaccessible except by trail. Grazing is present in the area. Along Northwater Creek there is a historic cabin that serves as a cow camp within the upper reaches of the segment. The cabin is located on a bench above the creek and is inconspicuous from within the corridor.

The complex is generally inaccessible except by trail. The exceptions are within Trapper Creek Segments 2 and 3. One road comes down to the creek from the north on Trapper Creek Segment 2 directly adjacent to the exclosure fences. An additional road comes down to the creek at the eastern portion of the segment and ends at the bank stabilization improvement project. Both roads serve as recreational access points. In Trapper Creek Segment 3, one undeveloped two-track road comes in from the west and enters the corridor at the upstream boundary of the segment.

All portions of the study corridor (shoreline and surrounding lands) are managed by BLM.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

The BLM manages all lands (3,212 total acres) within the study corridor identified for the complex.

Mineral leasing was allowed for in the Roan Plateau EIS Records of Decision (BLM 2007c and BLM 2008). Leasing has occurred but some of these leases were under protest at the time of this study. The BLM's management plan for the Roan Plateau contains restrictions to ensure that mineral development will be compatible with management for Colorado River cutthroat trout.

Other land uses within the segment corridor include livestock grazing, fishing, and hunting. Currently, these activities are compatible with protection of the river values.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Mineral extraction is expected to occur in accordance with phased development plans prescribed in the Roan Plateau EIS (BLM 2006b). It should be noted that mineral extraction occurs on the upper portion of the Roan Plateau on private land, and BLM does not have the authority to manage these activities. If the complex is designated, BLM would need to consider the potential effects on the complex when authorizing leases and associated activities on BLM land.

   Cattle grazing occurs in the area. If designated, grazing practices would be considered for potential impacts on ORVs during allotment management planning and permit reviewing.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   It is likely that there will be both support and opposition to designation of the complex. Support will likely come from hunters, recreationists, environmental groups, and others who use the Roan Plateau for nonconsumptive purposes. Opposition will likely come from the oil and gas proponents who may view designation as potentially restricting exploration and extraction within the watershed.

   The State of Colorado has indicated strong support for protecting the water-dependent values in this stream complex, via the state's comments on the Roan Plateau Plan. However, the State of Colorado has not specifically supported Wild & Scenic river designation.

   Through interagency discussions with Colorado Department of Natural Resources,

   BLM concluded that the measures implemented according to the BLM Roan Plateau Management Plan are sufficient to protect the Colorado River cutthroat trout.

   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   It would not be necessary to acquire lands in order to administer the area if designated. The BLM manages all waters, including headwaters, of this segment. However, increased public attention to the area might draw more visitors, and the cost of administration could increase if designated.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The Colorado Water Conservation Board has appropriated instream flow water rights on all of the stream segments that make up the East Middle Fork Parachute Creek complex. The BLM believes these water rights are sufficient protection for lands under general multiple use management. Nevertheless, these water rights may not protect the full range of flows that would be necessary to optimize trout habitat in a protected area where Colorado River cutthroat trout management is the primary management objective. Groundwater seeps are essential for supporting the hanging garden sullivantia communities. A federal reserved water right may assist in claiming flows that could be depleted by upstream development on private lands or by groundwater development on private lands surrounding Northwater Creek.

   Under current management and level of development, BLM is able to manage these segments to protect the ORVs. The entire complex falls within the Trapper/Northwater Creek ACEC. Specific management actions are designed to protect the Colorado River cutthroat trout and rare and significant plant communities (BLM 2008). Because special designations are field office designations and not legislative designations, with the exception of the WSA, the protections are not as permanent as W&SR designation. However, the ACEC designation and associated protective measures were written with long-term protection in mind, even as the overall level of development on the Roan Plateau increases.

   The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing current known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties include the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006).

7. Historical or existing rights that could be adversely affected with designation:

   None known.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:

   A minimal amount of private land is within the corridor. Private lands to the west are experiencing high degree of natural gas development downstream of these segments. While development will occur on top of the plateau near the WSR corridors, land use controls identified in the Roan Plateau EIS and RODs (BLM 2006b; BLM 2007c; BLM 2008) are specific to the protection of the identified ORVs.

9. Consistency of designation with other agency plans, programs, or policies:
   Designation would be consistent with the multi-state conservation agreement for the Colorado River cutthroat trout.

10. Contribution to a river system watershed or basin integrity:
    The East Middle Fork Parachute complex is composed of the key creeks and tributaries for the watershed. The integrity of the watershed is dependent upon comprehensive management of the complex. The complex flows into Parachute Creek, which is a tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

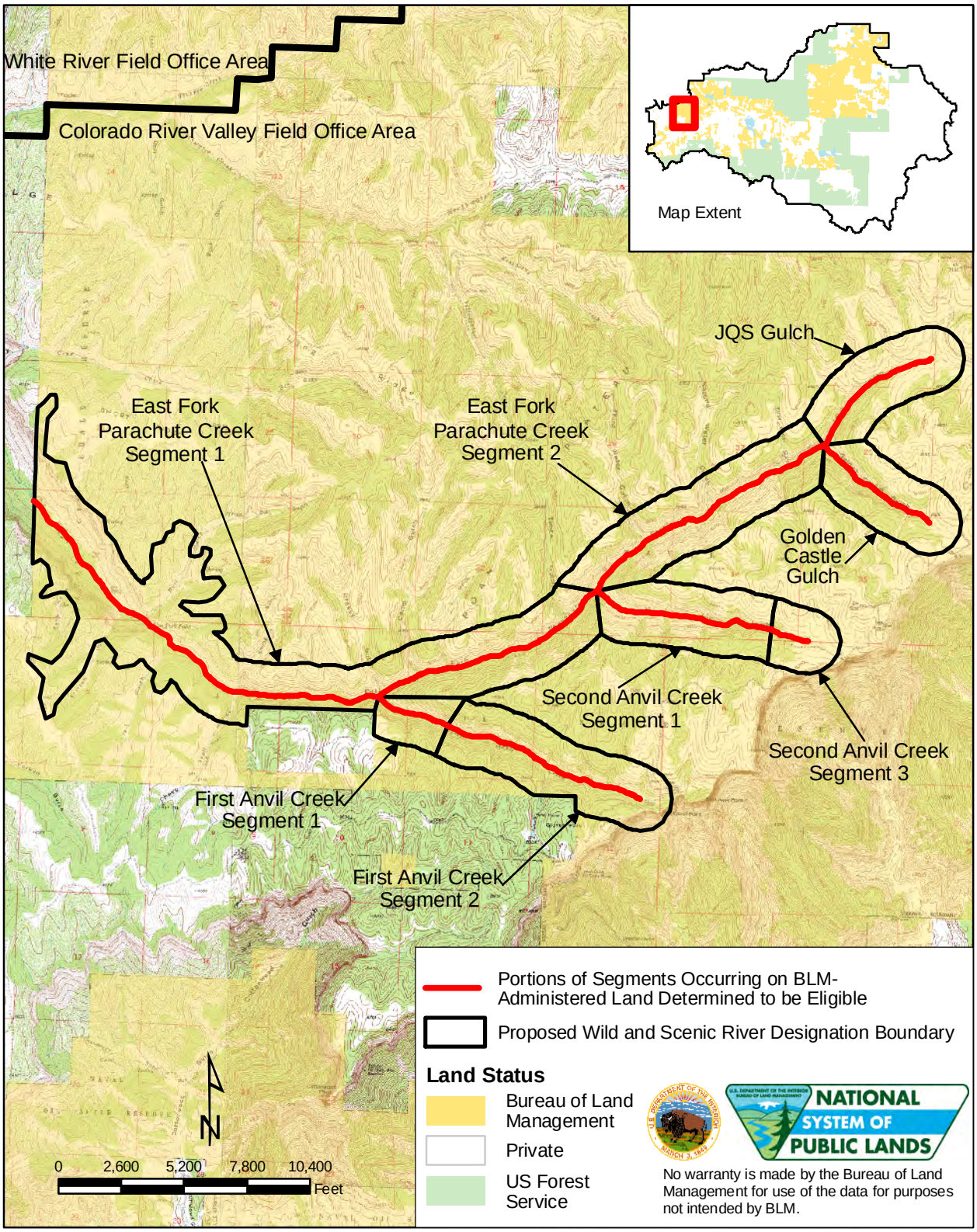
***Preliminary Determination***

The East Middle Fork Parachute Creek complex contains two unique river values warranting protection, fish and botanic. The BLM manages most of the land within the watershed, enabling it to control most activities within the watershed. The Roan Plateau management plan adopted by the BLM established highly restrictive ACECs that are designed to protect the river-related values (BLM 2006b). The primary differences between the ACEC protection and Wild and Scenic River designation are that the latter would provide permanent protection to these stream corridors and would include a federal reserved water right that would allow appropriation of a full range of flows to protect the fish species. Through interagency discussion, the measures implemented according to the BLM Roan Plateau Management Plan are thought to be sufficient to protect the Colorado River cutthroat trout populations.

The BLM concluded that careful management of the entire watershed is necessary to protect the ORVs, given the need to balance environmental protection with energy development. A designation limited to 0.25 mile on both sides of the stream segments may not be fully protective of the ORVs as a watershed approach. In addition, the BLM has the capability to recommend protection of larger flow amounts on these stream segments to the Colorado Water Conservation Board if it appears that development of surface and groundwater could affect the full range of flows necessary for the health of the ORVs. The preliminary determination for the East Middle Fork Parachute Creek Complex is **not suitable** for inclusion in the NWSRS.

### 3.3.15 East Fork Parachute Creek Complex

The East Fork Parachute Creek complex is composed of eight segments: East Fork Parachute Creek (two segments), First Anvil Creek (two segments), Golden Castle Gulch (one segment), JQS Gulch (one segment), and Second Anvil Creek (two segments) (Figure 3.3-5). Because many of the suitability criteria factors are the same for all segments, the discussion for the East Fork Parachute Creek complex is consolidated. Where differences occur, descriptions of the factors are broken out by




**East Fork Parachute Creek Segment 1:** 1,889 acres

**First Anvil Creek Segment 1:** 144 acres

**Second Anvil Creek Segment 1:** 426 acres

**East Fork Parachute Creek Segment 2:** 673 acres

**First Anvil Creek Segment 2:** 568 acres

**Second Anvil Creek Segment 3:** 159 acres

**Golden Castle Gulch:** 364 acres

**JQS Gulch:** 400 acres

**East Fork Parachute Creek Complex**
**Colorado River Valley Field Office, Colorado**

**Figure 3.3-5**

segments. A brief description of the segments making up the complex is provided below. Note that the preliminary determination is for the complex as a whole and not for individual segments.

**East Fork Parachute Creek Segment 1**

**Description:** From the BLM/private land boundary on the west, extending upstream to Second Anvil Creek.

**Total Segment Length:** 5.36 miles **Total Segment Study Area:** 1,889 acres

**Length on BLM Land :** 5.36 miles **Area on BLM Land:** 1,889 acres

**Preliminary Classification:** Wild

**ORVs:** Fish, Scenic, Botanic

**East Fork Parachute Creek Segment 2**

**Description:** From Second Anvil Creek, extending upstream to the headwaters.

**Total Segment Length:** 2.21 miles **Total Segment Study Area:** 673 acres

**Length on BLM Land :** 2.21 miles **Area on BLM Land:** 673 acres

**Preliminary Classification:** Scenic

**ORVs:** Fish, Botanic

**First Anvil Creek Segment 1**

**Description:** From the confluence of East Fork Parachute Creek to the fence line on the south side of the creek.

**Total Segment Length:** 0.60 mile **Total Segment Study Area:** 144 acres

**Length on BLM Land :** 0.60 mile **Area on BLM Land:** 144 acres

**Preliminary Classification:** Wild

**ORVs:** Botanic

**First Anvil Creek Segment 2**

**Description:** From the headwaters, extending downstream to the end of the fence line on the south side of the creek.

**Total Segment Length:** 1.65 miles **Total Segment Study Area:** 648 acres

**Length on BLM Land :** 1.65 miles **Area on BLM Land:** 648 acres

**Preliminary Classification:** Scenic

**ORVs:** Botanic

**Golden Castle Creek**

**Description:** This segment includes all of Golden Castle Gulch, from the headwaters to the confluence of East Fork Parachute Creek.

**Total Segment Length:** 1.05 miles **Total Segment Study Area:** 364 acres

**Length on BLM Land :** 1.05 miles **Area on BLM Land:** 364 acres

**Preliminary Classification:** Wild

**ORVs:** Fish, Botanic

**JQS Gulch**

**Description:** From the western end of the exclosure fences/corrals, running downstream to the confluence of the East Fork Parachute Creek.

**Total Segment Length:** 1.14 miles **Total Segment Study Area:** 400 acres

**Length on BLM Land :** 1.14 miles **Area on BLM Land:** 400 acres

**Preliminary Classification:** Scenic

**ORVs:** Fish, Botanic

**Second Anvil Creek Segment 1**

**Description:** From the confluence of East Fork Parachute Creek upstream to where BLM RD #8015 enters the boundary from the north.

**Total Segment Length:** 1.46 miles **Total Segment Study Area:** 426 acres

**Length on BLM Land :** 1.46 miles **Area on BLM Land:** 426 acres

**Preliminary Classification:** Wild

**ORVs:** Botanic

**Second Anvil Creek Segment 3**

**Description:** From the headwaters, downstream to where BLM RD #8015 comes into the boundary from the north.

**Total Segment Length:** 0.31 mile **Total Segment Study Area:** 568 acres

**Length on BLM Land :** 0.31 mile **Area on BLM Land:** 568 acres

**Preliminary Classification:** Recreational

**ORVs:** Botanic

### *Suitability Criteria*

1. Characteristics that do or do not make the river a worthy addition to the NWSRS:

   The East Fork Parachute Creek complex has outstandingly remarkable fish, botanical, and scenic values. The Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) is present and considered a core conservation population in four of the eight segments. Colorado River cutthroat trout are not present in the two segments of First Anvil Creek nor the two segments of Second Anvil Creek. Nonnative brook trout (*Salvelinas fontinalis*) are present in the creek complex. These fish are detrimental to the long-term retention of Colorado River cutthroat trout in the creek. Even with WSR designation for the cutthroat trout, the brook trout could eventually outcompete and replace

the Colorado River cutthroat trout in the stream in the absence of human intervention.

Botanic values are present in all of the segments. The hanging garden seeps along the canyon walls support the rare hanging garden sullivantia *(Sullivantia hapemanii* var. *purpusii)*. The occurrences of the hanging garden sullivantia on the Roan Plateau are more numerous and extensive than anywhere else.

Scenic values are present in Segment 1 of East Fork Parachute Creek, which contains the East Fork Parachute Canyon and waterfall. The scenic quality in this area was determined to be Class A, a high-quality scenic area. The waterfall in this segment also provides a barrier from nonnative fishes found below. There is currently one well pad visible from the trail adjacent to the waterfall. The well pad occurs on private lands to the west.

The shorelines throughout the segment are mostly undeveloped and primitive. Grazing exists throughout the complex; however, access to the streams is limited due to fencing and alternative water sources are placed outside of the riparian corridor.

Access to the complex is limited to trails except throughout the East Fork Parachute Creek segments. A stock driveway/trail exists in the western portion of Segment 1 of East Fork Parachute Creek that is maintained to allow for passage of cattle and horses. It also receives maintenance when rock slides prevent passage. There is a maintained access road that goes down to the creek of Segment 2 of East Fork Parachute Creek. A fence line parallels the south side of Segment 2 of First Anvil Creek and there is evidence of a two-track road for approximately one mile. However, the road does not offer access to the creek for most portions of the segment.

2. <u>The status of landownership, minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses:</u>

The BLM manages all shorelines and surrounding lands (4,622 acres) within the study corridor identified for the complex.

Mineral leasing is permitted on BLM-managed lands on the Roan Plateau but oil and gas well sites currently exist only on adjacent private property. . The BLM's management plan for the Roan Plateau contains restrictions to ensure that mineral development will be compatible with Colorado River cutthroat trout management. A well pad is visible from the East Fork Parachute Canyon.

Other land uses within the segment corridor include livestock grazing, fishing, camping, and hunting. Currently, these activities are compatible with protection of the river values.

3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated:

   Mineral extraction is expected to occur in accordance with phased development plans prescribed in the Roan Plateau EIS (BLM 2006b).It should be noted that mineral extraction occurs on the upper portion of the Roan Plateau on private land, and BLM does not have the authority to manage these activities. If the complex is designated, BLM would need to consider the potential effects on the complex when authorizing leases and associated activities on BLM land. For example, opening leasing near the top of the Roan Plateau near East Fork Parachute Creek could diminish the scenic quality of the segment.

   Cattle grazing occurs, and cattle drives are performed throughout the complex. If designated, grazing practices would be considered for potential impacts on ORVs during allotment management planning and permit review.

4. Federal, state, tribal, local, public, or other interest in designating or not designating the river:

   The BLM has not received comments specific to this complex during its outreach effort.

   It is likely that there will be both support and opposition to designation of the complex. Support will likely come from hunters, recreationists, environmental groups, and others who use the Roan Plateau for nonconsumptive purposes. Opposition will likely come from the oil and gas proponents who may view designation as potentially restricting exploration and extraction within the watershed.

   The State of Colorado has indicated strong support for protecting the water-dependent values in this stream complex via its comments on the Roan Plateau Plan. However, the State of Colorado has not specifically supported Wild & Scenic River designation.

   Designation would be consistent with the multi-state conservation agreement for the Colorado River cutthroat trout. Through interagency discussion with the Colorado Department of Natural Resources, BLM concluded that the measures implemented according to the BLM Roan Plateau Management Plan are sufficient to protect the Colorado River cutthroat trout populations.

   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.

5. Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated:

   It would not be necessary to acquire lands in order to administer the area if designated. BLM manages all waters, including headwaters, of this segment. However, increased public attention to the area might draw more visitors, and the cost of administration could increase if designated.

6. Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation:

   The Colorado Water Conservation Board has appropriated instream flow water rights on all of the stream segments that make up the East Fork Parachute Creek complex. The BLM believes that these water rights are sufficient protection for lands under general multiple use management. Nevertheless, these water rights may not protect the full range of flows that would be necessary to optimize trout habitat in a protected area where Colorado River cutthroat trout management is the primary management objective. Groundwater seeps are essential for supporting the hanging garden sullivantia communities. A federal reserved water right may assist in claiming flows that could be depleted by upstream development on private lands or by groundwater development on private lands.

   Under current management and level of development, the BLM is able to manage this segment to protect the ORVs. Under current management and level of development, BLM is able to manage these segments to protect the ORVs. The entire complex falls within the East Fork Parachute Creek ACEC. Specific management actions are designed to protect the Colorado River cutthroat trout and rare and significant plant communities (BLM 2008). Because special designations are field office designations and not legislative designations, with the exception of the WSA, the protections are not as permanent as WSR designation. However, the ACEC designation and associated protective measures were written with long-term protection in mind, even as the overall level of development on the Roan Plateau increases.

   The "Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" provides a framework for maintaining and enhancing current known populations of Colorado River cutthroat trout and also for creating new populations of the species, where feasible. Involved parties include the BLM, the Forest Service, the US Fish and Wildlife Service, the National Park Service, CDOW, and the Ute Indian Tribe (CRCT Conservation Team 2006).

   East Fork of Parachute Creek Canyon will be managed under VRM Class I to protect its identified scenic ORV. The objective of this class is to preserve the existing character of the landscape. This class provides for natural ecological changes; and may allow very limited management activity. The level of change

to the characteristic landscape should be very low and must not attract attention.

7. Historical or existing rights that could be adversely affected with designation:
   The BLM holds reserved water rights for oil shale development along East Fork Parachute Creek including both storage rights and groundwater development rights. These rights are associated with the historic Naval Oil Reserves created by Congress and are to be exercised only in times of national defense emergencies. The ability to develop these water rights would be impeded by a wild and scenic river designation so Congress would have to resolve this conflict before designating the segments.

8. Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development:
   A minimal amount of private land is within the corridor. Private lands to the west are experiencing high degree of natural gas development downstream of these segments. While development will occur on top of the plateau near the WSR corridors, land use controls identified in the Roan Plateau EIS and RODs (BLM 2006b; BLM 2007c; BLM 2008) are specific to the protection of the identified ORVs.

   The private land is zoned as Resource Lands by Garfield County. Development is oriented towards rural activities. Oil and gas drilling is permitted. Garfield County also has restrictions on development within the 100-year floodplain, riparian areas, and wetlands (Garfield County 2008).

9. Consistency of designation with other agency plans, programs, or policies:
   Designation would be consistent with the multi-state conservation agreement for the Colorado River cutthroat trout.

10. Contribution to a river system watershed or basin integrity:
    The East Fork Parachute Creek complex is composed of the key creeks and tributaries for the watershed. The integrity of the watershed is dependent upon comprehensive management of the complex. The complex flows into Parachute Creek, which is a tributary of the Colorado River.

11. Other issues and concerns, if any:
    None.

### *Preliminary Determination*

The East Fork Parachute Creek complex contains three unique river-related values, fish, scenic, and botanical, warranting protection. The BLM manages the majority of the land within the watershed, enabling it to control most activities within the watershed. The Roan Plateau management plan adopted by the BLM established highly-restrictive Areas of Critical Environmental Concern that are designed to

protect the river-related values (BLM 2006b). The primary differences between the ACEC protection and wild and scenic designation are that the wild and scenic designation would provide permanent protection to these stream corridors and it would include a federal reserved water right that would allow appropriation of a full range of flows to protect the fish species. Through interagency discussion it is thought that the measures implemented according to the BLM Roan Plateau Management Plan are sufficient to protect the Colorado River cutthroat trout populations.

The BLM concluded that careful management of the entire watershed is necessary to protect the ORVs given the need to balance environmental protection with energy development. A designation limited to 0.25 miles on both sides of the stream segments may not be fully protective of the ORVs as a watershed approach. In addition, BLM has the capability to recommend protection of larger flow amounts on these stream segments to the Colorado Water Conservation Board if it appears that development of surface and groundwater could affect the full range of flows necessary for the health of the ORVs. The preliminary determination for the East Fork Parachute Creek Complex is **not suitable** for inclusion in the NWSRS.

## 3.4 SUMMARY OF SUITABILITY DETERMINATIONS

Below in Table 3-1 is a summary of the preliminary suitability determinations. Of the 28 individual segments and two creek complexes evaluated, six individual segments, two in the KFO and four in the CRVFO, were determined to be suitable for inclusion in the NWSRS. The suitable segments are:

- Colorado River (four segments, two in the KFO and two in the CRVFO);
- Deep Creek (two segments)

**Table 3-1**
**Summary of Preliminary Suitability Determinations**

| River or Creek | Segment | Segment Length (miles) | Preliminary Suitability Determination | Classification |
|---|---|---|---|---|
| *Kremmling Field Office* | | | | |
| Blue River | Total of two segments | 4.60 (total) | | |
| | Segment 2 | 2.55 | Not Suitable | |
| | Segment 3 | 2.05 | Not Suitable | |
| Colorado River | Total of five segments | 54.74 (total) | | |
| | Segment 1 | 7.32 | Not Suitable | |
| | Segment 2 | 2.44 | Not Suitable | |
| | Segment 3 | 24.36 | Not Suitable | |
| | Segment 4 | 5.36 | Suitable | Recreational |
| | Segment 5 | 15.26 | Suitable | Recreational |
| Kinney Creek | one segment | 2.35 | Not Suitable | |
| Muddy Creek | one segment | 8.93 | Not Suitable | |
| North Platte River | one segment | 0.07 | Not Suitable | |

**Table 3-1**
**Summary of Preliminary Suitability Determinations**

| River or Creek | Segment | Segment Length (miles) | Preliminary Suitability Determination | Classification |
|---|---|---|---|---|
| Piney River | one segment | 2.30 | Not Suitable | |
| Rabbit Ears Creek | one segment | 4.24 | Not Suitable | |
| Spruce Creek | one segment | 0.97 | Not Suitable | |
| Sulphur Gulch | one segment | 3.04 | Not Suitable | |
| Troublesome Creek | one segment | 6.14 | Not Suitable | |
| ***Colorado River Valley Field Office*** *(excluding Roan Plateau)* | | | | |
| Abrams Creek | one segment | 3.44 | Not Suitable | |
| Battlement Creek | one segment | 2.88 | Not Suitable | |
| Colorado River | Total of two segments | 71.38 (total) | | |
| | Segment 6 | 45.38 | Suitable | Recreational |
| | Segment 7 | 26.00 | Suitable | Recreational |
| Deep Creek | Total of two segments | 4.46 (total) | | |
| | Segment 2b | 3.60 | Suitable | Wild |
| | Segment 3 | 0.86 | Suitable | Recreational |
| Eagle River | one segment | 25.69 | Not Suitable | |
| Egeria Creek | one segment | 8.31 | Not Suitable | |
| Hack Creek | one segment | 2.42 | Not Suitable | |
| Mitchell Creek | one segment | 0.89 | Not Suitable | |
| No Name Creek | one segment | 0.08 | Not Suitable | |
| Rock Creek | one segment | 4.78 | Not Suitable | |
| Thompson Creek | one segment | 4.76 | Not Suitable | |
| ***Roan Plateau*** | | | | |
| *East Middle Fork Parachute Creek complex* | Total of five segments | 10.28 (total) | Not Suitable | |
| | East Middle Fork Parachute Creek (one segment) | 1.10 | | |
| | Northwater Creek (one segment) | 3.20 | | |
| | Trapper Creek Segment 1 | 0.78 | | |
| | Trapper Creek Segment 2 | 3.40 | | |
| | Trapper Creek Segment 3 | 1.80 | | |
| *East Fork Parachute Creek complex* | Total of 8 segments | 13.78 (total) | Not Suitable | |
| | East Fork Parachute Creek Segment 1 | 5.36 | | |
| | East Fork Parachute Creek Segment 2 | 2.21 | | |
| | First Anvil Creek Segment 1 | 0.60 | | |
| | First Anvil Creek Segment 2 | 1.65 | | |

**Table 3-1**
**Summary of Preliminary Suitability Determinations**

| River or Creek | Segment | Segment Length (miles) | Preliminary Suitability Determination | Classification |
|---|---|---|---|---|
| | Golden Castle Creek (1 segment) | 1.05 | | |
| | JQS Gulch (1 segment) | 1.14 | | |
| | Second Anvil Creek Segment 1 | 1.46 | | |
| | Second Anvil Creek Segment 3 | 0.31 | | |

# SECTION 4
# LIST OF PREPARERS

An interdisciplinary team of resource specialists from the BLM KFO and CRVFO prepared this eligibility report (Table 4-1). A contractor, Tetra Tech, Inc., assisted the BLM.

**Table 4-1**
**Wild and Scenic River Suitability Report Preparers**

| Name | Role/Responsibility |
|---|---|
| ***BLM, Colorado State Office*** | |
| Eric Finstick | Wilderness |
| Roy Smith | Water Rights, Instream Flow |
| ***BLM, Kremmling Field Office*** | |
| Joe Stout | Project Manager |
| Paula Belcher | Hydrologist |
| Dennis Gale | Assistant Field Manager |
| Megan McGuire | Wildlife Biologist—Special Status Species, Plants |
| John Monkouski | Geographic Information Systems |
| John Morrone | Geology, Minerals |
| Frank Rupp | Archaeologist, Native American Tribes |
| Bunny Sterin | Outdoor Recreation Planner |
| Renee Straub | Visual Resources |
| ***BLM, Colorado River Valley Field Office*** | |
| Tom Fresques | Wildlife Biologist |
| Denise Gergen | Geographic Information Systems |
| Cheryl Harrison | Archaeologist, Native American Concerns |

**Table 4-1**
**Wild and Scenic River Suitability Report Preparers**

| Name | Role/Responsibility |
|---|---|
| Kay Hopkins | Outdoor Recreation Planner |
| Jeffrey O'Connell | Hydrologist, Geologist |
| Carla Scheck | Ecologist—Special Status Species, Plants, Land Health, Vegetation, Weeds |
| ***Contractor, Tetra Tech, Inc.*** | |
| Genevieve Kaiser | Geographic Information Systems |
| Mike Manka (ESA) | Fisheries, Wild and Scenic Rivers |
| Kate Wynant (EMPSi) | Wild and Scenic Rivers |

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# SECTION 6
# INTRODUCTION – WRNF

The Forest Service, WRNF is assessing the suitability of four river segments, two on the Colorado River and two on Deep Creek, in conjunction with a similar BLM assessment on adjoining river segments. The following report is the Draft Wild and Scenic Suitability Report. This study evaluated four segments, previously determined to meet eligibility criteria (Forest Service 2002) to determine whether they would be appropriate additions to the NWSRS. The report describes the ORVs, suitability factors, and preliminary suitability determinations for each of the segments.

Because this study is being conducted in conjunction with the BLM study on adjacent segments, the following report references the BLM report (Part I), where applicable, to avoid redundancy. Where the Forest Service study process is not consistent with the BLM process, the differences are described. For an overview of the entire report structure, refer to the Readers Guide following the Table of Contents.

## 6.1 PROJECT AREA

The Forest Service project area for this suitability study included four WRNF-managed river segments that have been determined to meet the eligibility criteria for WSRs. In 2002, the WRNF determined two segments of the Colorado River eligible as part of its Land and Resource Management Plan (White River LRMP) revision process (Forest Service 2002). Deep Creek was determined eligible in a joint Forest Service and BLM study completed in 1995 (Forest Service and BLM 1995). Figure 1-1 displays the four segments being studied as part of this WSR suitability analysis.

## 6.2 WHY CONDUCT A SUITABILITY STUDY AND WHY NOW?

The BLM is conducting a suitability study for 41 individual segments as part of their RMP revision process, in accordance with Section 5(d)(1) of the WSR Act. The four eligible Forest Service WRNF segments being evaluated in this study are part of the same river systems being evaluated by the BLM. Specifically, the two WRNF Colorado River segments are contained within the upstream and downstream ends of BLM Colorado River Segment #6, and the two WRNF Deep Creek segments (1 and

2a) are immediately upstream of the two BLM Deep Creek segments. The WRNF was invited by BLM to participate in a joint study of these rivers. By jointly examining eligible segments of the Colorado River and Deep Creek, the federal agencies can comprehensively assess the suitability of these segments, and avoid conflicting determinations which would result in management challenges. In addition, by jointly assessing suitability, the Forest Service can meet its requirements under NEPA as part of the BLM RMP/EIS. The Forest Service will be preparing a separate Record of Decision (ROD) specific to its portion of the suitability study.

## 6.3 WILD AND SCENIC RIVERS STUDY PROCESS

A general description of the WSR study process and its two phases (eligibility and suitability) is in Sections 1.4, 1.5, and 1.6 of Part I of this report. The following discussion highlights WSR study process items particular to the Forest Service.

At this point, the WRNF has completed the eligibility phase and is completing the suitability phase for four segments being evaluated in this study. .The eligibility and suitability phases were conducted in accordance with the Wild and Scenic Rivers Act of 1968 (WSR Act), Forest Service Handbook 1909.12, Chapter 8 (Forest Service 1992), Forest Service Handbook 1909.12, Chapter 80 (Forest Service 2006), and *The Wild and Scenic River Study Process Technical Report* (Interagency Wild and Scenic Rivers Coordinating Council 1999).

### *Eligibility Phase*

The WRNF previously determined as eligible the four segments being evaluated for this study. The Deep Creek Segments were determined eligible as part of a joint study conducted by the Forest Service and the BLM (1995). In 2002, the Forest Service determined as eligible the two segments on the Colorado River, as part of the WRNF's Land and Resource Management Plan revision (Forest Service 2002).

A determination of eligibility includes identifying the river segment's ORVs, free-flowing nature, and preliminary classification. A summary of segments identified as eligible in the WRNF and that were evaluated for suitability in this report is provided in Table 6-1.

**Table 6-1**
**Eligible Segments Studied for Suitability**

| River or Creek | Segment | Total Segment Length (miles) | Length on National Forest Land (miles) | Preliminary Classification | Outstandingly Remarkable Values |
|---|---|---|---|---|---|
| Colorado River | Segment 1 | 3.35 | 2.97 | Recreational | Recreation, Scenic, Geologic |
| | Segment 2 | 3.13 | 2.46 | Recreational | Recreation, Scenic, Geologic |

**Table 6-1**
**Eligible Segments Studied for Suitability**

| River or Creek | Segment | Total Segment Length (miles) | Length on National Forest Land (miles) | Preliminary Classification | Outstandingly Remarkable Values |
|---|---|---|---|---|---|
| Deep Creek | Segment 1 | 0.24 | 0.24 | Scenic | Ecologic, Scenic, Geologic |
| | Segment 2a | 10.53 | 10.53 | Wild | Ecologic, Scenic, Geologic |

### *Suitability Phase*

The general suitability phase is described in Section 1.6 (Part I) of this report. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration and would be managed according to the objectives and specific management prescriptions outlined in the White River LRMP (Forest Service 2002). As part of the NEPA process (included in the BLM RMP/EIS) WRNF included a range of alternatives that would address management of the segments should they be determined not suitable. This was necessary because if segments are found not suitable, the management prescriptions outlined in the current White River LRMP would no longer be applicable, as they are tied to the segments' eligibility determinations. Consequently, a determination of not suitable would result in amending the White River LRMP to provide revised management prescriptions for the segments.

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# SECTION 7
# METHODOLOGY – WRNF

This section describes the methodology implemented to evaluate eligible segments for suitability where the WRNF process differs from the BLM process described in Section 2 (Part I). The criteria used to evaluate eligible river and stream segments are those described in Forest Service Handbook 1909.12 – Land Management Planning Handbook, Chapter 80 – Wild and Scenic River Evaluation (Forest Service 2006) and recommendations from the Interagency Wild and Scenic Rivers Coordinating Council (1999).

## 7.1 SUITABILITY CRITERIA USED TO EVALUATE RIVER AND STREAM SEGMENTS

The following 13 suitability criteria, as described in Forest Service Handbook 1909.12, Chapter 80 (Forest Service 2006), were applied to each eligible river segment:

1. Characteristics that do or do not make the area a worthy addition to the National System;
2. The current status of land ownership and 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;
4. The federal agency that would administer the area should it be added to the National System;
5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies;
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. 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;

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development;
9. The state and local governments' ability to manage and protect the ORVs on nonfederal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of state and local governments. Such mechanisms may include statewide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values, such as open space and historic areas;
10. Support or opposition to designation. Assessment of this factor will define the political context. What should be taken into consideration are the interest in designation or nondesignation by federal agencies, state, local and tribal governments, national and local publics, and the state's Congressional delegation;
11. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the goals of tribal governments or other federal, state, or local agencies. For example, designating a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet statewide recreation goals. However, designation might limit irrigation or flood control measures in a manner inconsistent with regional socioeconomic goals.
12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach, for example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.
13. The potential for water resources development. The intent of the WSR Act is to preserve selected rivers from the harmful effects of water resources projects. Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization.

## 7.2 DATA SOURCES AND METHODOLOGY

The Forest Service relied on several sources, including geographic information systems data, White River National Forest resource specialists, informational sources, other agencies, and public input. The result was a compilation of data applicable to the suitability criteria. This data was then used to determine the suitability of a particular segment.

### *Geographic Information Systems*

Geographic information systems data prepared for the White River LRMP was used to identify the study boundaries considered when assessing segment suitability. Forest Service and US Geological Survey data were used to identify land ownership status within the WSR study corridors.

#### *Forest Service Resource Interdisciplinary Team*

The Forest Service interdisciplinary team consisted of 10 resource specialists. The interdisciplinary team provided information pertaining to the suitability criteria factors and also reviewed data from additional sources, such as agency and public input, for accuracy. Once all available data were compiled, the team evaluated each segment and made a suitability determination.

#### *Informational Sources*

The Forest Service used a number of informational sources and publications to evaluate segments for suitability. These sources included:

- Forest Service Land Management Planning Handbook (FSH 1909.12), Chapter 80
- US Geological Survey Minerals Maps
- US Geological Survey stream gage data;
- Land Status Maps;
- Agreements with other agencies;
- Water Stakeholders
- Other Agency management plans;
- Land use planning and zoning documents for local and county governments;
- Descriptions of current and proposed water projects provided by water management agencies;
- Published books;
- River guides;
- Tabulations of water rights; and
- Input from Cooperating Agencies.

#### *Other Agencies*

Additional information was gathered from other federal and state agencies from scoping letters, stakeholder outreach, and existing documents. The following other agencies were contacted in order to assess suitability:

- Colorado Department of Natural Resources, Colorado Department of Transportation (CDOT), Colorado Division of Wildlife (CDOW) databases;

- BLM, where segments originate or continue onto BLM land;
- Environmental organizations;
- Water user agencies; and
- Counties

## 7.3 PUBLIC INPUT

Public involvement for the eligibility phase was conducted as part of the White River National Forest 2002 Land and Resource Management Plan revision. Refer to the *Final EIS for the White River National Forest Land and Resource Management Plan 2002 Revision* (Forest Service 2002) for more information.

On October 31, 2008, the Forest Service mailed letters to potential stakeholders, including individuals from the public, federal, state, local, and county governments, water conservancy districts, elected officials, and organizations. The letters provided readers with information about the WSR study process, open houses, and various ways to submit public comments. Each letter also included three fact sheets: one on the difference between eligibility and suitability, one containing the Forest Service suitability criteria, and a third with questions and answers regarding the WSR analysis and water rights/water projects. The letter gave the public various alternative methods to submit their comments, including a fax number, the WRNF, Dillon Ranger District postal address to mail comments, and a dedicated e-mail address (wrnf_scoping_comments@fs.fed.us).

The formal public scoping process for the WRNF WSR Suitability Study and associated Environmental Impact Statement began on November 7, 2008, with the publication of the Notice of Intent in the *Federal Register*. The Notice of Intent began the public scoping process and notified the public of the Forest Service intent to complete a Wild and Scenic River Suitability Study on four stream segments within the WRNF that previously had been found to be eligible. The Forest Service also issued a news release on November 13, 2008. The public comment period ended on December 2, 2008.

In November 2008, scoping open houses were held in Glenwood Springs and Eagle, Colorado (Table 7-1). An open house format was chosen over the more formal public meeting format to encourage broader participation, to allow attendees to learn about the project at their own pace, and to enable them to ask questions of the Forest Service representatives in an informal one-on-one setting. A packet of fact sheets and handouts about the project and a map of the study segments were provided. The WSR study process, Forest Service suitability criteria, and a map of the study segments were displayed.

**Table 7-1**
**Open House Schedule and Attendance**

| Venue | Location | Date | Attendance |
|---|---|---|---|
| Glenwood Springs Community Center | Glenwood Springs | November 21 | 4 |
| United Methodist Church of Eagle Valley | Eagle | November 24 | 3 |
| | | **Total** | **7** |

Note: One person attended both open houses and is counted twice in this table, but only six different individuals attended the two open houses.

The Forest Service presented the results of its initial inventory efforts, provided educational materials about the WSR process, and solicited comments from the public and government agencies. Both formal (written) and informal (verbal) comments were accepted during the open house meetings, but no comments were received. Meetings were held from 4:30 PM until 6:30 PM, and a total of six people attended.

A total of six written submissions were received during the public comment period (Appendix A). Five commenters are from Colorado, and one is from Arizona. All comments were received by e-mail at wrnf_scoping_comments@fs.fed.us, the e-mail address created for this public comment process. Written submissions were received from the following agencies and groups:

- Colorado Wild, Colorado Environmental Coalition, and Wilderness Workshop;
- Colorado River Water Conservation District;
- Colorado Springs Utilities;
- City of Aurora;
- Porzak Browning & Bushong LLP, on behalf of Clinton Ditch and Reservoir Company and the Eagle Park Reservoir Company; and
- Irrigation and Electrical Districts Association of Arizona.

### *Out of Scope Comments*

A number of comments received are considered out of scope or do not apply to this process. This includes comments on eligibility, the suitability of other streams found eligible in the 2002 Land and Resource Management Plan revision, and the study corridor area. While the Forest Service was soliciting comments on the suitability phase of the WSR study, one comment was received on the eligibility phase. It is outside the scope of this effort and is not addressed in the suitability study.

With respect to the comment regarding the study corridor area, if designated as part of the NWSRS, the agency charged administering each component of the NWSRS shall, within one year from the date of designation of such component, establish boundaries that average no more than 320 acres of land per mile, measured from the ordinary high

water mark (16 USC 1274[b]). Currently, the management area boundaries include an area greater than 320 acres per mile. If designated, the boundaries would need to be resized, unless Congress permits them to stay as is. This is considered outside the scope of this effort and is not addressed in the suitability study.

#### *Substantive Comments*

Most of the comments received pertained to suitability of the Colorado River segments. One submission from Colorado Wild, Colorado Environmental Coalition, and Wilderness Workshop urged the Forest Service to find all four study segments suitable for inclusion in the NWSRS. The remaining submissions supported a finding of not suitable, or the commenter's suggested that alternative management methods could provide the same or better protection of the ORVs.

In addition to opinions on the suitability or nonsuitability of the segments, the comments pertained to the following major categories:

- Data and commentary on the 13 WSR suitability criteria used to evaluate eligible segments;
- Data on relevant water development projects;
- Instream flow requirements; and
- Stakeholder Group alternative management plan for the Colorado River (Stakeholder Group 2011).

## 7.4 SUITABILITY DETERMINATIONS

Each of the four individual eligible segments was evaluated to assess whether or not it would be suitable for inclusion in the NWSRS. The determination was made based on the suitability criteria factors described previously. When the BLM CRVFO and KFO Draft RMP/EIS are published (tentatively scheduled for spring 2011) the public will have 90 days to comment on the draft suitability determinations.

## 7.5 INTERIM MANAGEMENT OF SUITABLE SEGMENTS

Forest Service guidance requires that interim management be developed and followed to protect the free-flowing nature, ORVs, and recommended classification of suitable segments until congressional action regarding designation is taken. Interim protections for suitable segments are provided administratively by the management agency and are not legislative protection under the WSR Act. Legislative protection is provided only by formal designation by Congress.

The 2002 WRNF LRMP revision prescribed a management area direction that was designed to meet its obligations under the WSR act by protecting eligible and suitable river segments free-flowing nature, ORVs, and water quality within its administrative authority. Management area direction (1.5, 3.4, 4.4) prescribed that eligible and suitable river segments are to be managed to "protect and perpetuate eligible and

designated" segments at the tentative classification level identified in the planning process (ie. wild, scenic, recreation).

The current management direction would continue to provide a long-term beneficial impact on the characteristics associated with WSR's for all segments found suitable in this EIS. The management standards and guidelines as prescribed in the Forest Plan (Forest Service 2002) for the four eligible segments being studied for suitability can be found in Appendix B.

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# SECTION 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.

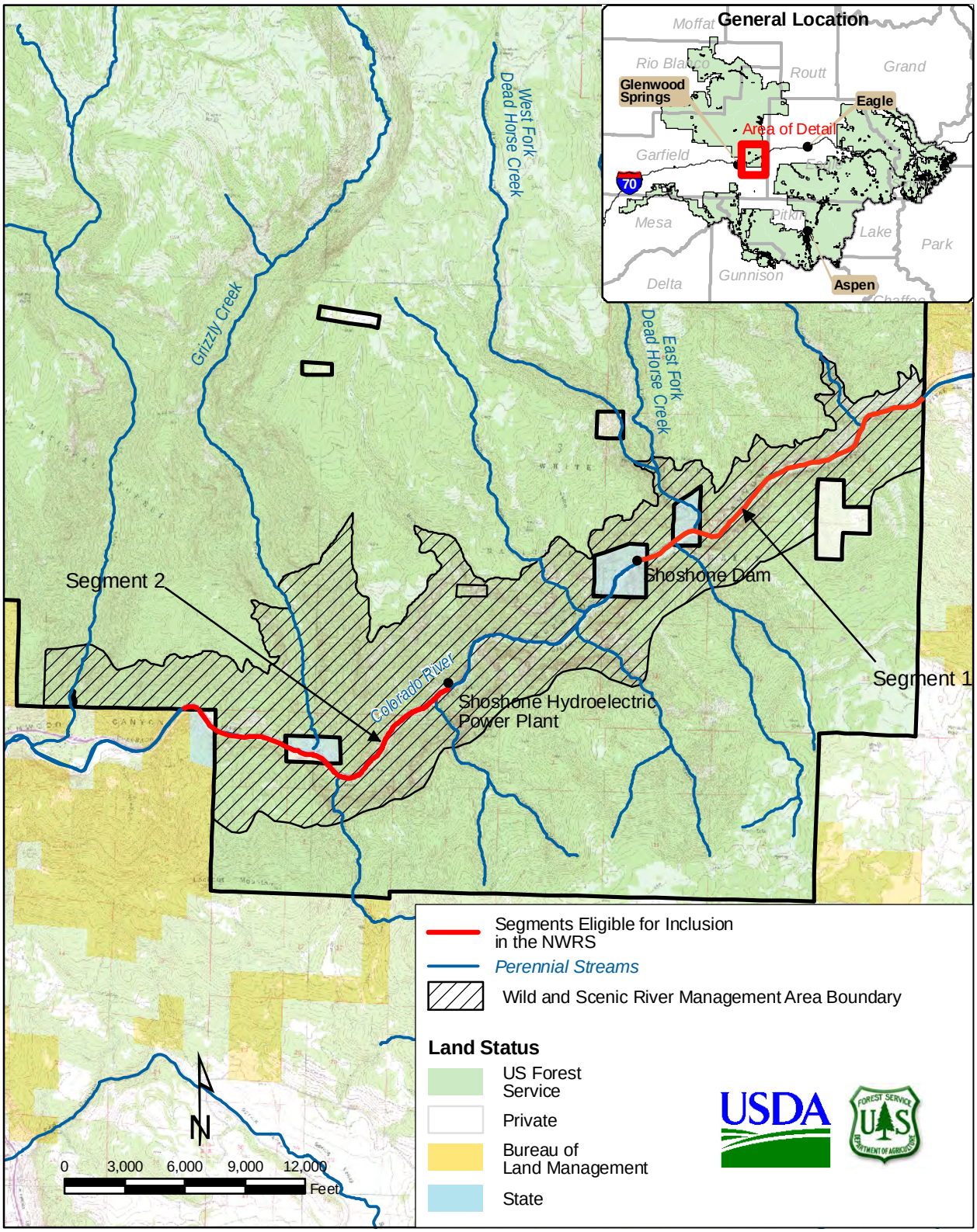
Impacts that would occur from designating or not designating the suitable river segments will be analyzed in the EISs associated with the BLM CRVFO and KFO RMPs. Public review and comment on suitability determinations included in the Draft RMPs are considered before the Forest Service makes final suitability determinations.

The suitability criteria listed in Section 7.1 are presented in an abbreviated manner in Sections 8.1.1, 8.1.2, 8.2.1, and 8.2.2 below.

## 8.1 COLORADO RIVER

As described previously, the Forest Service is assessing the suitability of two eligible Colorado River Segments. The two segments are within the WRNF from the eastern boundary with BLM-managed lands through Glenwood Canyon to the western boundary with BLM-managed lands near the west end of the canyon (Figure 8-1). The 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. In accordance with the White River LRMP, the federal lands next to these segments are managed as one continuous 6,526.23 acre area. This area is managed as 4.4: Recreation Rivers—Designated and Eligible. Further detail about Forest Service protective management of this area is provided in Appendix B.

The BLM is concurrently assessing the suitability of segments of the Colorado River from Windy Gap Reservoir to approximately one mile east of the confluence with No Name Creek, near Glenwood Springs, Colorado. Colorado River Segment #7 of the BLM study includes sections of the Colorado River both upstream and downstream of WRNF Segments 1 and 2 being evaluated in this study.

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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

### *Description of Outstandingly Remarkable Values*

*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)*.

### 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".

### 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.

### ***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 WRNF Land and Resource Management Plan 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.

#### *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. In addition, an operational agreement between Xcel Energy, the owner of Shoshone Power Plant, and the City and County of Denver allows for a reduction in the Shoshone call during water shortages that could otherwise impact Denver's upstream diversions.

### *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. However, upstream there is potential for major water projects. There are some minor conditional water rights that could be developed, both within the management area and in tributaries to the management area.

### *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.

### *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 approximately 80,000 visitors per year.

In addition, outside of the forest service segments a private resort offers a boat launch, camping and other recreational activities is managed at No Name on private lands. A picnic shelter is managed by the city of Glenwood Springs and BLM manages downstream of No Name. 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.

### *Other Resource Activities*

The 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, the over 100 year old Shoshone Hydroelectric plant is located 6 miles east of the town of Glenwood Springs. There is also a small development of private homes called No Name which is predominately single family dwellings with one commercial operator who runs a recreation resort along the river.

### *Special Areas*

Outside of the forests current management prescription for Eligible and Designated Wild and Scenic River, there are no special area administrative designations or legislative designations currently on Glenwood Canyon. While Glenwood Canyon has been recognized by federal, state and local agencies for its scenic values and has had extensive history of preservation efforts, there currently are no special area designations in place outside of administrative protection measures.

*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.

*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. . 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 needs to prepare a comprehensive river management plan.

### 8.1.1 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 | | |

***Suitability Factor Assessment***

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

   This segment contains outstandingly remarkable geologic, scenic, and recreational (scenic driving) values. Local residents and tourists regularly use the segment for recreation, and it is highly accessible because of its location next to Interstate 70

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

and the presence of the Glenwood Canyon Recreation Trail, which runs from Dotsero west to Glenwood Springs. Hanging Lake attracts approximately 80,000 visitors per year who hike this trail that starts at the bottom end of this segment at the confluence of Dead Horse Creek and the Colorado River. Millions of travelers every year enjoy drive this scenic section of Interstate 70 which has been marketed as one of the most extraordinary highways ever constructed in the country.

Most (88.7%) of the Forest Service segment is under federal management and is managed for the protection of the identified ORVs (Forest Service 2002). Other shoreline parcels not owned by the Forest Service are owned by the State (CDOT) and Public Service Company of Colorado. Both of these agencies have partnered in preservation practices to maintain the canyons values. The In addition, the BLM has determined the segment immediately upstream to be eligible, containing scenic, geologic, and recreational (floatboating) ORVs (BLM 2007). The BLM segment is concurrently being studied for suitability as part of this effort (see Sections 3.3.4 of the *Revised Draft Wild and Scenic River Suitability Report for Kremmling and Glenwood Springs Field Offices, Colorado* [June 2008]).

The downstream end of this segment is defined by the Shoshone Dam, which is a significant diversion supplying power to the Shoshone Hydroelectric Power Plant. The river downstream of the dam, although not part of the segment, is often completely drained as a result of the diversion.

A railroad, Interstate 70, and the Glenwood Canyon Recreation Trail are within the management area. The Forest Service does not have authority over maintenance, operation, and construction associated with the highway, rest areas, and the Glenwood Canyon Recreation Trail. However CDOT has partnered for decades with agencies operating in the canyon to preserve the canyons values through careful design and construction/maintenance practices to mitigate potential impacts. The railroad and its associated infrastructure along with other development within the corridor would not conflict with the preliminary "recreational" classification.

2. <u>The current status of land ownership and use in the area</u>

The Forest Service manages 2.97 shoreline miles (88.7 percent) of the 3.35-mile segment. The remainder of the segment shoreline (0.38 mile, 11.3 percent) is owned by the State of Colorado and managed by the CDOT (at the bottom of Hanging Lake Trail) and the Public Service Company of Colorado (at the Shoshone Dam). The Forest Service delineated a 6,526.23 acre management area in the 2002 LRMP revision, which encompasses Segments 1 and 2 of the Colorado River. The management area is made up entirely of National Forest land. The BLM manages a 6.19-mile stretch of river upstream of the segment.

Several rights-of-way and easements exist through the canyon associated with the railroad, Interstate 70, and the Glenwood Canyon Recreation Trail. Associated with the interstate and the recreation trail are developed facilities at the Hanging Lake picnic area that help in the management of recreational scenic driving, biking, hiking, rafting, and fishing uses 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

Future development or upgrades of electrical transmission facilities and transportation infrastructure could be restricted or special design measures required in order to protect the scenic ORV if the segment were included in the NWSRS. However, restrictions already exist under current White River LRMP.

Colorado River Segment 1 benefits from the increased reliability of flows that result from the intersection of the Colorado River with the Eagle River. Segment 1 does not experience regular incidents in which the flow rates may not be sufficient to support the ORVs.

The ability to change existing projects and construct new projects upstream could be affected if the segment were designated and the designation were to include a federal reserved water right. With a federally reserved water right in place, new projects and changes to existing projects would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORVs. The amount and timing of water to support the ORVs in the federal reserved water right would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system.

Several absolute water rights exist within the Colorado River corridor. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely. Interstate compacts (Section 13(e)) are protected and not affected by designation.

Currently, there are no state-based instream flow water rights in this segment to ensure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir, Wolford Mountain Reservoir, Ruedi Reservoir, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program. The water right associated with the Shoshone Hydroelectric Power Plant in Glenwood Canyon helps ensure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right. In addition, many of the senior downstream rights that ensure flow for this stream reach are irrigation rights and, as such, operate only during the irrigation season.

Continuing upstream water development and increasing water demands in the Colorado River and Eagle River watersheds associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs remain in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of existing water uses. The Forest Service also concludes that a junior, instream

flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

Several water rights exist near the segment, including the aforementioned Shoshone Hydroelectric Power Plant. See Criterion 13 for further explanation of water rights in the area.

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. If the BLM-managed segments upstream of Segment 1 and downstream of Segment 2 are also added to the NWSRS, the two agencies would administer the area in a similar and compatible manner.

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

   The prominence of CDOT facilities and Interstate 70 would require the Forest Service to continue to coordinate with CDOT to protect river values. Management would be consistent with the past and current levels so additional costs to CDOT are not anticipated.

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

   The Forest Service would not actively pursue the acquisition of additional lands along the segment. Designation of the segment would not likely increase the cost of administering the segment for the protection of the ORVs. Recreational use of the canyon is already very high and the Forest Service has already constructed facilities, such as parking lots, trailheads, and interpretive sites, to accommodate the high level of usage. The cost of maintaining and administering these sites would continue regardless of designation. However, the cost of preparing a comprehensive river management plan, given the complexities of the Colorado River, is currently estimated to be $500,000.

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

   As described under suitability Criterion 5, management would need to be coordinated with CDOT due to the prominence of Interstate 70 and the associated developed facilities within the corridor. It should be noted that the State may only participate in the administration of the river according to the prior appropriation system and a WSR designation will not interfere with existing decreed water rights.

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

   The Forest Service management boundary for the Colorado River excludes all non-National Forest land. However, a small portion of private land is on the south side of the river near the mouth of Glenwood Canyon but is not adjacent to the river. Because private ownership is minimal, the impact of local zoning is negligible.

   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). Directly upstream on Bair Ranch a conservation easement is in place to protect the canyons values.

   At the time of this study Garfield County is in the process of amending its Comprehensive Plan and updating it to 2030. Under current zoning and looking at the proposed zoning, it is unlikely incompatible development could occur that would impact the areas ORV's. Given the small amount of private property within the corridor that is not State owned, impacts to the preliminary classification or the canyons scenic, recreational and geological values is not likely.

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

   The State of Colorado may participate in the administration of the river only according to the prior appropriation system, and a WSR designation will not interfere with existing decreed water rights. However, CDOT has continued to demonstrate the interest and capability in continuing to manage the corridor and their related infrastructure in a manner that will maintain the existing scenic and recreation values. To date millions of State and Federal dollars have been invested in preserving Glenwood Canyon's values. Local zoning is unlikely incompatible development could occur that would impact the areas ORV's.

10. Support or opposition to designation

    The State of Colorado and water user organizations have expressed concern about the impact of designation of this segment on current and future upstream water projects. However, they also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values.

A group of stakeholders, including environmental groups, water users, recreational users, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the Glenwood Springs and Kremmling Field Offices Resource Management Plans and as an amendment to the White River LRMP. The strategy is to employ cooperative management strategies in multiple arenas, including flow management, water quality management, fisheries and recreation management, and responding to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders both within and upstream of the segments to continue to address and meet their needs.

Some environmental, fishing, and rafting groups have expressed general support for designation, believing it to be a method for coordinating among the multiple stakeholders within the basin. 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.

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

The Upper Colorado River Endangered Fish Recovery Program has set minimum flow requirements for protection of endangered fish further downstream on the Colorado River. An instream flow Federal Reserve water right associated with designation could increase the probability that sufficient flows are delivered downstream that would provide benefit to the Recovery Program in addition to other downstream users as well.

Protection of the recreational and scenic values associated with the river corridor is consistent with regional tourism goals and objectives. However, water suppliers are concerned that an instream flow Federal Reserve water right accompanying designation of this segment could interfere with their obligation to provide an adequate water supply to their customers.

Management for the protection of ORV's is consistent with the White River National Forest's current management of the river corridor as 4.4 *Recreation Rivers–Designated and Eligible* management prescription which is to protect and perpetuate eligible and designated WSR River segments (see Appendix B). Management is also consistent with the BLM management of segments upstream of Segment 1 and downstream of Segment 2. The BLM has implemented interim protection of this portion of the Colorado River (Segment 7) while it conducts its suitability assessment. In addition, the area upstream is managed as a Special Recreation Management Area by the BLM.

12. <u>The contribution to a river system or basin integrity</u>

The segment provides a landscape connection between the upper Colorado River valley and the lower Colorado River valley. It would contribute to the basin

integrity especially when combined with eligible segments upstream and below. As the Colorado River flows through the state, it progresses through a variety of topographies and ecosystems from the mountain headwaters to the lower river valleys. Segments 1 and 2 represent a unique topography and ecosystem within the river system.

The stretch of river encompassing National Forest segments of the Colorado River (Segments 1 and 2), in conjunction with BLM Colorado River Segments 4 through 7, represent one of the last major river corridors in the State of Colorado that is relatively undeveloped. In these segments, residents and visitors can experience how rural Colorado appeared, and they can see how rural ranching and farming functioned, before the population increased in the state from the 1970s onward. In addition, visitors can experience a broad range of values, including challenging white-water rafting, scenic float trips, canoe trips, historical structures and routes, and plants and animals that are infrequently seen elsewhere in the state. Overall, these segments could be managed as a legacy river for the State of Colorado.

13. The potential for water resources development

Several water rights and diversions exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited.

The CDOT has water wells within the segment boundary that are used for irrigation and drinking water at the Bair Ranch and Hanging Lake rest areas. The State of Colorado Statewide Water Supply Initiative does not list any likely water projects within the segment.

A water right exists downstream of the segment in the form of Xcel Energy's Shoshone Hydroelectric Power Plant, which pipes water diverted from the Colorado River for about two miles downstream and through a tailrace before returning to the Colorado River. This water right helps ensure flow through this segment year-round. However, there are periods when this plant has not operated so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right.

The major potential upstream water project is the Homestake Project, which is jointly operated by the cities of Aurora and Colorado Springs. Phase I of the project was completed in 1968, and Phase II has been granted the necessary federal and state permits and approvals for construction, including the issuance of a Forest Service Record of Decision as part of a National Environmental Policy Act decision. If Segments 1 or 2 of the Colorado River are designated as Wild and Scenic and instream flow prescriptions are put into place, it could have an impact on Phase II development of the Homestake Project.

Colorado Springs Utilities also has plans to develop conditional water storage rights associated with the Continental-Hoosier System, which diverts water from the headwaters of the Blue River, upstream of the study river segments.

Designation could adversely affect the ability of Colorado Springs Utilities to fully develop the conditional water storage rights.

There is a potential for additional depletions to the Blue River and Colorado River from the Clinton Gulch Reservoir on Tenmile Creek, in Summit County. The Clinton Ditch and Reservoir Company which is owns and operates the reservoir has a decreed water right of approximately 4,250 acre-feet of storage. Shareholders represent the major water users and providers in Summit County, as well as the largest ski resort in Grand County.

### *Preliminary Determination*

This segment contains highly visible and highly accessible ORVs, but the lands and waters that support them do not have permanent protection. Because there is no guaranteed instream water right associated with this section, the current recreation and scenery ORVs are largely dependent upon the Shoshone Hydroelectric Power Plant operations. Designation of this segment would include a federal instream water right (albeit junior) specifically for the protection of the river values. This segment is a resource of statewide significance and designation would help the Forest Service ensure that future land and water uses are compatible with long-term support of the ORVs.

The BLM is currently studying the suitability of the Colorado River from Windy Gap Reservoir to approximately one mile east of the confluence with No Name Creek, near Glenwood Springs, Colorado. Designation of this segment should take into account the BLM's determination upstream and downstream.

Designation would provide a limited measure of instream flow protection through creation of a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flows that are implemented with existing water rights. However, the Forest Service would be able to claim a federal right for protection of all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protection of the natural environment; flows to support recreation could not be claimed. The Forest Service believes that designation of the segment could be compatible with development and operation of new water projects upstream, provided that those projects are operated to ensure flows necessary to maintain the quality of the ORVs. Designation of this segment would help to protect significant regional and state resource values. It would also help to secure the recreational tourism contributions to local economies.

Provided a similar determination is made for National Forest Segment 2, and BLM segments 4 through 7, this segment is determined to be **suitable** under a **recreational** classification.

### 8.1.2 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 | | |

#### *Suitability Factor Assessment*

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

   This segment contains outstandingly remarkable scenic, geologic, and recreational (scenic driving and white-water boating) values. This segment represents one of Colorado's premier whitewater boating opportunities. The segment of the river has the second highest amount of commercial use in the state. There are 20 companies with commercial rafting, kayaking, and fishing permits to use this stretch of river. The average annual commercial use between 2000 and 2008 was 56,522 service days plus approximately 10,000 private visits.

   The segment is heavily used by local residents and tourists for multiple recreation opportunities and is highly accessible because of its location adjacent to Interstate 70 and the presence of the Glenwood Canyon Recreation Trail, which runs from Dotsero west to Glenwood Springs. 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.

   Millions of travelers every year enjoy driving this scenic section of Interstate 70 which has been marketed as one of the most extraordinary highways ever constructed in the country.

   The majority of the segment is under federal management and is currently managed for the protection of the identified ORVs (Forest Service 2002). In addition, the segment immediately downstream has been determined eligible by the BLM containing scenic, geologic, and recreational (floatboating) ORVs (BLM

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

2007). The BLM segment is concurrently being studied for suitability as part of this effort.

The upstream boundary of this segment is the outflow from the Shoshone Hydroelectric Power Plant. The power plant sometimes diverts all the water from the Colorado River for power generation. Consequently, the area immediately upstream of Segment 2 can become dry for certain periods. Given the power plants use of the water is non-consumptive and the water is returned to the river upstream, it does not affect the free flowing nature of this segment, nor does it aesthetically affect the upstream portion of Segment 2.

A railroad, Interstate 70, and the Glenwood Canyon Recreation Trail are present within the management area. The Forest Service does not have authority over maintenance, operation associated with the highway, rest areas, and the Glenwood Canyon Recreation Trail in this segment. However CDOT has partnered for decades with agencies operating in the canyon to preserve the canyons values through careful design during construction/maintenance practices to mitigate potential impacts. The railroad and its associated infrastructure along with other development within the corridor would not conflict with the preliminary "recreational" classification.

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

The Forest Service manages 2.46 shoreline miles (78.6 percent) of the 3.13-mile segment. The remainder of the segment shoreline (0.67 miles, 21.4 percent) is managed by the State of Colorado or a private owner. The Forest Service delineated a 6,526.23 acre management area in the 2002 Land and Resource Management Plan revision which encompasses Segments 1 and 2 of the Colorado River. The management area is made up entirely of National Forest land. Just upstream of the segment, the Shoshone Hydroelectric Power Plant is on National Forest land and is under a permit held by Xcel Energy. The BLM manages a 0.54-mile stretch of river downstream of the segment

Several rights-of-way and easements exist through the canyon associated with the railroad, Interstate 70 and the Glenwood Canyon Recreation trail. Associated with the interstate and the recreation trail are developed facilities at Grizzly Creek and Shoshone Powerplant areas. These facilities assist in the management of recreational scenic driving, biking, hiking, rafting, and fishing uses 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

Future development or upgrades of electrical transmission facilities and transportation infrastructure could be restricted or special design measures required in order to protect the scenic ORV if the segment were included in the National System. However, restrictions already exist under current White River LRMP.

Colorado River Segment 2 benefits from the increased reliability of flows that result from the intersection of the Colorado River with the Eagle River. Segment 2

does not experience regular incidents in which the flow rates may not be sufficient to support the ORVs. Average monthly flow rates for the Colorado River through this section are typically high enough to support good quality rafting from May through July, and flows are usually sufficient for commercial rafting throughout the summer. Flows for smaller personal watercraft are typically sufficient from April through October.

Several absolute water rights exist within the Colorado River corridor. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited, and the appropriation of new water rights would be less likely. Interstate compacts (Section 13(e)) are protected and not affected by designation.

Currently, there are no state-based instream flow water rights in this reach to ensure sufficient flow for the ORVs. Rather, flows are provided by required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain Reservoir, Wolford Mountain Reservoir, Ruedi Reservoir, and by water deliveries that are made as part of the Colorado River Recovery Program. The water right associated with the Shoshone Hydroelectric Power Plant in Glenwood Canyon helps insure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right. In addition, many of the senior downstream rights that ensure flow for this stream reach are irrigation rights, and as such, operate only during the irrigation season.

Continuing upstream water development and increasing water demands in the Colorado River and Eagle River watersheds associated with population growth will require increased analysis, monitoring, and proactive management to insure the flows necessary to support the ORVs in these segments. The possible risk to ORVs is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may be available only with careful design for future water projects and close coordination of operations of existing water uses. The USFS also concludes that a junior, instream, flow water right associated with a wild and scenic designation would likely help ensure that future water development is designed in a fashion that would provide continued support for ORVs.

Several water rights exist near the segment, including the aforementioned Shoshone Hydroelectric Power Plant. See Criterion 13 for further explanation of water rights in the area.

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

The Forest Service would administer the segment should it be added to the NWSRS. If the BLM-managed segments upstream of Segment 1 and downstream of Segment 2 are also added to the NWSRS, the two agencies would administer the area in a similar and compatible manner.

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

   The prominence of CDOT facilities and Interstate 70 would require the Forest Service to continue to coordinate with CDOT to protect river values. Management would be consistent with the past and current levels, so additional costs to CDOT are not anticipated.

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

   The Forest Service would not pursue the acquisition of additional lands along the segment. Designation of the segment would not likely increase the cost of administering the segment for the protection of the ORVs. Recreational use of the canyon is already very high, and the Forest Service has already constructed facilities, such as parking lots, trailheads, and interpretive sites, to accommodate the high level of usage. The cost of maintaining and administering these sites would continue regardless of designation. However, the cost of preparing a comprehensive river management plan, given the complexities of the Colorado River, is currently estimated to be $500,000.

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

   As described under suitability factor 5, management would need to be coordinated with CDOT due to the prominence of Interstate 70 and the associated developed facilities within the corridor. Note that the State of Colorado may participate in the administration of the river only according to the prior appropriation system, and a WSR designation will not interfere with existing decreed water rights.

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

   The Forest Service boundary for management area prescriptions excludes all non-National Forest land. Other land in the area is managed by the State of Colorado and there is a parcel of private property south of the river across from Grizzly Creek that is inaccessible. Thus the impact from local zoning is minor.

   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 in the process of amending its Comprehensive Plan and update it to 2030. Under current zoning and looking at the proposed zoning, it is unlikely incompatible development could occur that would impact the areas ORV's. Given the small amount of private property within the corridor that is not State owned, impacts to the preliminary classification or the canyons scenic, recreational and geological values is not likely.

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

The State of Colorado may participate in the administration of the river only according to the prior appropriation system, and a WSR designation will not interfere with existing decreed water rights. However, CDOT has continued to demonstrate the interest and capability in continuing to manage the corridor and their related infrastructure in a manner that will maintain the existing scenic and recreation values. To date millions of State and Federal dollars have been invested in preserving Glenwood Canyon's values. Local zoning is unlikely incompatible development could occur that would impact the areas ORV's.

10. Support or opposition to designation

The State of Colorado and water user organizations have expressed concern about the impact of designating this segment on current and future upstream water projects. However, they also recognize that this segment supports a high number of ORVs and that some special management provisions are warranted to protect and support these values.

A group of stakeholders, including environmental groups, water users, recreational users, and local governments, in consultation with state government, are formulating an alternative management plan for Colorado River segments (Stakeholder Group 2011). The stakeholder group is asking the BLM and Forest Service to consider adopting the plan as part of the CRVFO and KFO RMPs and as an amendment to the White River LRMP. The strategy is to employ cooperative management strategies in multiple arenas, including flow management, water quality management, fisheries and recreation management, and responding to new water development projects. The overall goal of the strategy is to support and protect the ORVs, while allowing stakeholders within and upstream of the segments to continue to address and meet their needs.

Some recreational water users are interested in designation in order to preserve the recreational values that are unique to the region. Environmental groups, such as Colorado Wild, Colorado Environmental Coalition, and Wilderness Workshop, support designation of this segment.

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

The Upper Colorado River Endangered Fish Recovery Program has set minimum flow requirements for protecting endangered fish farther downstream on the Colorado River. An instream flow Federal Reserve water right associated with

designation could increase the probability that sufficient flows are delivered downstream that would provide benefit to the Recovery Program in addition to other downstream users as well.

Protection of the recreational and scenic values associated with the river corridor is consistent with regional tourism goals and objectives. However, water suppliers are concerned that an instream flow Federal Reserve water right accompanying designation of this segment could interfere with their obligation to provide an adequate water supply to their citizens.

Management for the protection of ORV's is consistent with the White River National Forest's current management of the river corridor as 4.4 *Recreation Rivers–Designated and Eligible* 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 Segment 2 and upstream of Segment 1. The BLM has implemented interim protection of this portion of the Colorado River (Segment 7) while it conducts its suitability assessment.

12. <u>The contribution to a river system or basin integrity</u>

The segment provides a landscape connection between the upper and lower Colorado River Valleys. It would contribute to the basin integrity especially when combined with eligible segments above. As the Colorado River flows through the state, it progresses through a variety of topographies and ecosystems from the mountain headwaters to the lower river valleys. Segments 1 and 2 represent a unique topography and ecosystem within the river system.

The stretch of river encompassing National Forest segments of the Colorado River (Segments 1 and 2), in conjunction with BLM Colorado River Segments 4 through 7, represent one of the last major river corridors in the State of Colorado that is relatively undeveloped. Visitors can experience a broad range of values, including challenging white-water rafting, scenic float trips, canoe trips, historical structures and routes, and plants and animals that are infrequently seen elsewhere in the state. Overall, these segments could be managed as a legacy river for the State of Colorado.

13. <u>The potential for water resources development</u>

There are several water rights and diversions along the Colorado River. Several water rights and diversions exist along the Colorado River. While these rights would not be affected by designation of the segment, the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be prohibited.

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 of Grizzly Creek, outside of the segment boundary, and No Name Creek, inside the segment boundary, are owned by the City of Glenwood Springs and the No Name Water Association. These water diversions are used for

domestic, irrigation, fire, industrial, and other uses. The State of Colorado Statewide Water Supply Initiative does not list any likely water projects within the segment.

A water right exists upstream of the segment in the form of Xcel Energy's Shoshone Hydroelectric Power Plant, which pipes water diverted from the Colorado River for about two miles downstream and through a tailrace before returning to the Colorado River. This water right helps ensure flow through this segment year-round. However, there are periods when this plant has not operated, so the water right cannot guarantee flow protection that would be equivalent to an instream flow water right.

The major potential water project is the Homestake Project, which is jointly operated by the cities of Aurora and Colorado Springs. Phase I of the project was completed in 1968, and Phase II has been granted the necessary federal and state permits and approvals for construction, including the issuance of a Record of Decision, as part of the National Environmental Policy Act, by the Forest Service. If Segments 1 or 2 of the Colorado River is designated as Wild and Scenic and instream flow prescriptions are put into place, it could have an impact on Phase II development of the Homestake Project.

Colorado Springs Utilities also has plans to develop conditional water storage rights associated with the Continental-Hoosier System, which diverts water from the headwaters of the Blue River, upstream of the study river segments. Designation could adversely affect the ability of Colorado Springs Utilities to fully develop the conditional water storage rights.

There is a potential for additional depletions to the Blue River and Colorado River from the Clinton Gulch Reservoir on Tenmile Creek, in Summit County. The Clinton Ditch and Reservoir Company which owns and operates the reservoir, has a decreed water right of approximately 4,250 acre-feet of storage. Shareholders represent the major water users and providers in Summit County, as well as the largest ski resort in Grand County.

### *Preliminary Determination*

This segment contains highly visible and highly accessible ORVs, but the lands and waters that support them do not have permanent protection. Because there is no guaranteed instream water right associated with this section, the current recreation and scenery ORVs are dependent upon the Shoshone Hydroelectric Power Plant operations. Designation of this segment would include a federal instream water right (albeit junior) specifically for the protection of the river values. This segment is a resource of statewide significance and designation and would help the Forest Service ensure that future land and water uses be compatible with long-term support of the ORVs.

The BLM is studying the suitability of the Colorado River from Windy Gap Reservoir to approximately one mile east of the confluence with No Name Creek, near

Glenwood Springs, Colorado. Designation of this segment should take into account the BLM's determination upstream and downstream.

Designation would provide a limited measure of instream flow protection through creation of a federal reserved water right. A junior federal water right would not protect against existing operations and future changes in flows that are implemented with existing water rights. However, the Forest Service would be able to claim a federal right for protection of all the ORVs, including recreation-oriented ORVs. In contrast, an instream flow established by the Colorado Water Conservation Board would be limited to protection of the natural environment; flows to support recreation could not be claimed. The Forest Service believes that designation of the segment could be compatible with development and operation of new water project upstream, provided that those projects are operated to insure flows that are necessary to maintain the quality of the ORVs. Designation of this segment would help to protect significant regional and state resource values. It would also help to secure the recreational tourism contributions to local economies.

Provided a similar determination is made for National Forest Segment 1 and for BLM Segments 4 through 7, this segment is determined to be **suitable** under a **recreational** classification.

## 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 near its headwaters at Deep Lake and extends downstream to the WRNF boundary (Figure 8-2).

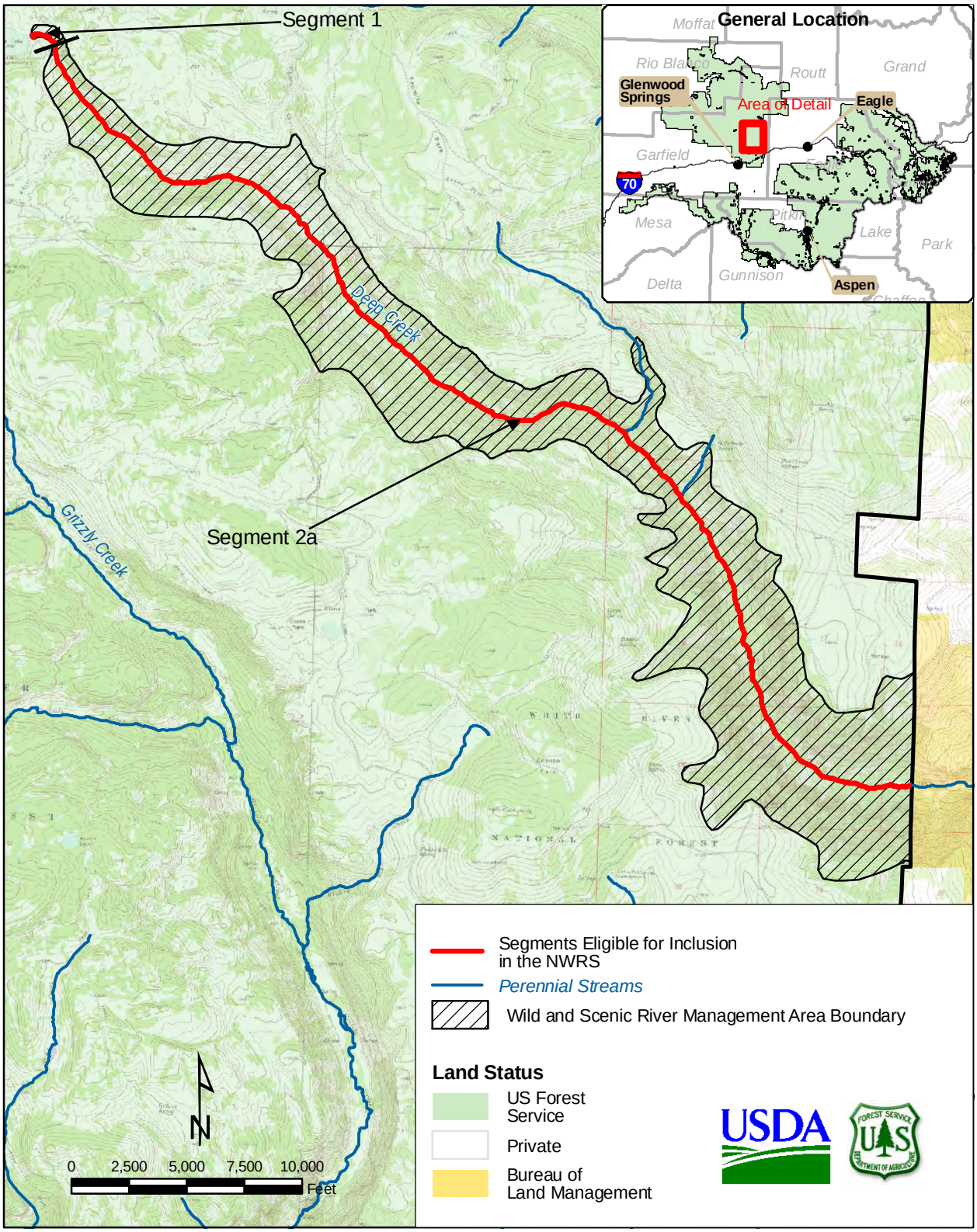
**Total Eligible Length:** 10.77 miles

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

### *Description of Outstandingly Remarkable Values*

*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, significant riparian communities, with several state and globally rare species. Although rare elements can be found in the canyon, Deep Creek is most impressive because of the integrity of the landscape.

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

| **Segment 1 Study Corridor:** | **Segment 2a 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 onColorado'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.

### 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.

#### *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, some of which are among the deepest and longest and with the most remarkable formations in Colorado. There are about 40 known caves in Deep Creek Canyon, and some 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.

### ***Description of Attributes of The Stream Corridor***

#### *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.

#### *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; a gravel pit outside of the corridor occurs 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).

### *Water Resources Development*

Colorado River Water Conservation District (CRWCD) owns a conditional water right for 200 cubic feet per second (cfs) for the Deep Lake Collection System, but this right has not been developed. While the Colorado River Water Conservation District does not have reasonably foreseeable plans for water development, they have maintained diligence on the conditional water right to preserve the opportunity for water development over the long term. 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. 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.

### *Transportation, Facilities, and Other Developments*

Except for a developed campground near Deep Lake and Segment 1 there are no maintained transportation routes, facilities, or developments within the 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.

### *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 a trail, except for a primitive trail near the upper end of the canyon, 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.

### *Other Resource Activities*

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

### *Special Areas*

In the 2002 Land and Resource Management Plan 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 Land and Resource Management Plan 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.

### *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.

### *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.

### 8.2.1 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 | | |

#### *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 a 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. Currently, the reach has an instream flow right, established by the Colorado Water Conservation Board in 1980, for 14 cfs from May through September 30, and eight cfs from October 1 through April 30.

   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.

   Recreation visitation within the corridor could increase due to designation but would likely be limited due to the canyons steep and rough terrain and limited access points. Recreation activities and related infrastructure would not be emphasized as the preservation of ORV's (Ecologic, Scenic, and Geologic) would be highlighted and managed for.

   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.

    The Colorado River Water Conservation District (CRWCD) is opposed to designation. They hold a conditional water right located near Segment 1 and are also concerned about the adverse effects of designation on future development of other's existing water rights within the corridor to develop maintain, or change the water rights in the future. While no other comments were received at the time of this report from other existing 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. The BLM has implemented administrative protections of this portion of the Colorado River (Segment 7) while it conducts its suitability assessment.

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 elevation 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
    Absolute water rights upstream of this segment include a storage right at Heart Lake Reservoir (3255.33 acre-feet). The CRWCD holds a conditional water right for 200 cfs on the Deep Lake Collection System upstream of the segment. 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.

***Preliminary 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 a 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.

### 8.2.2 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 | | |

### *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, as well as caves that are among the deepest and longest and with the most remarkable formations in Colorado. There are about 40 known caves in the canyon, some of which have multiple entrances and differentiated caverns.

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. Currently, the reach has an instream flow right, established by the Colorado Water Conservation Board in 1980, for 14 cfs from May through September 30, and eight cfs from October 1 through April 30. 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.

Recreation visitation within the corridor could increase due to designation but would likely be limited due to the canyons steep and rough terrain and limited access points. Recreation activities and related infrastructure would not be emphasized as the preservation of ORV's (Ecologic, Scenic, and Geologic) would be highlighted and managed for.

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. If the BLM-managed segments upstream of Segment 1 and downstream of Segment 2a are also added to the NWSRS, the two agencies would administer the area in a similar and compatible manner.

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

   All land within the corridor being studied in on National Forest land. Private lands below the BLM study segments at the confluence of Deep Creek and the Colorado River where not included in the study.

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

   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.

    The CRWCD is opposed to designation. They hold a conditional water right located near Segment 1 and are also concerned about the adverse effects of designation on future development of other's existing water rights within the corridor to develop maintain, or change the water rights in the future. While no other comments were received at the time of this report from other existing 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 1.5: *Wild 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. The BLM has implemented administrative protections of this portion of the Colorado River (Segment 7) while it conducts its suitability assessment.

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 elevation 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. 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.

***Preliminary 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 segment has a high percentage of federal land ownership and a 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 DRAFT SUITABILITY DETERMINATIONS

Below, in Table 8-1, is a summary of the draft suitability determinations. All of the four individual stream segments evaluated are determined to be suitable for inclusion in the NWSRS. The suitable segments are the Colorado River (two segments) and Deep Creek (two segments).

**Table 8-1**
**Summary of Draft Suitability Determinations**

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

# SECTION 9
# LIST OF PREPARERS – WRNF

An interdisciplinary team of resource specialists from the WRNF prepared this eligibility report (Table 9-1). A contractor, Tetra Tech, Inc., assisted the Forest Service.

**Table 9-1**
**Wild and Scenic River Suitability Report Preparers**

| Name | Role/Responsibility |
|---|---|
| *Forest Service, White River National Forest* | |
| Kay Hopkins | Outdoor Recreation Planner |
| Andrea Brogan | Archaeologist |
| Rich Doak | Recreation Programs Staff Officer |
| Jane Frambach | Geographic Information Systems, Biological Scientist |
| Greg Glasgow | Fisheries Biologist |
| Natasha Goedert | Wildlife Biologist |
| Andrea Holland-Sears | Hydrologist |
| Bill Johnson | Lands and Realty Specialist |
| Peech Keller | Project Manager, NEPA Coordinator |
| Bill Kight | Heritage/PAO |
| Sam Massman | Recreation Specialist |
| *Contractor, Tetra Tech, Inc.* | |
| Genevieve Kaiser | Geographic Information Systems |
| Mike Manka (ESA) | Wild and Scenic Rivers |
| Chad Ricklefs | Project Manager and QA/QC |
| Kate Wynant (EMPSi) | Wild and Scenic Rivers |

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# SECTION 10
# REFERENCES – WRNF


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# APPENDIX A
# STAKEHOLDER OUTREACH

In mid-July of 2007 at the beginning of the suitability phase of the evaluation process, letters were mailed to potential stakeholders soliciting data on the segments being studied for suitability. Stakeholders were specifically asked to provide data related to the suitability criteria in Section 2.1 of the Suitability report. Letters to potential stakeholders were sent on July 12, 2007, and included a list of the suitability criteria, a question and answer on WSRs analysis and water rights/water projects overview, and a WSRs guide for riverfront property owners. Data received were analyzed and incorporated into the suitability evaluation. Table A-1 lists the names and affiliations of those on the stakeholder outreach mailing list.

**Table A-1**
**Suitability Study Stakeholder Outreach Mailing List**

| Name | Organization |
|---|---|
| Don Kennedy | Denver Water |
| Dave Merritt | Colorado River Water Conservation District |
| Lane Wyatt | Northwest Colorado Council of Governments |
| Nathan Perry | Capmark Capital, Inc. |
| | Colorado Trout Unlimited |
| Ken Neubecker | Colorado Trout Unlimited |
| Phillip Small | AFS Financial Mortgage & Services |
| Sloan Shoemaker | Wilderness Workshop |
| Rob Medina | Medina Communications |
| C. E. Cushing | |
| Maribal Williams | |
| Richard Drabek | |
| John and Mary Ellen Barber | |
| Jeff Walters | |
| Lyle Sidener | Colorado Division of Wildlife |
| Gene Abram | Colorado Division of Wildlife |
| Rob Young | Grand River Ranch Spar Associates |

**Table A-1**
**Suitability Study Stakeholder Outreach Mailing List**

| Name | Organization |
|---|---|
| John Rosapepe | Colorado Trout Unlimited |
| Jim Yust | |
| Reed Morris | Colorado Wilderness Network |
| Helen May | |
| Marcus Wiley | Ranch Partners, LLC |
| Rob Millette | Roaring Fork Sierra Club |
| Tim Balzer | Wilderness Workshop |
| Becky Raney | |
| Richard Lofaro, Jr. | Roaring Fork Conservancy |
| Ken Moran | Clouds & Arctic Research Group, NOAA |
| Mike McKibbin | Daily Sentinel |
| Taylor Hawes | Colorado River Water Conservation District |
| Tom Holslag | |
| Karen | |
| Kendall Henry | |
| Steve Smith | The Wilderness Society |
| Peter Ortego, General Counsel | Ute Mountain Ute Tribe |
| Eric Wilkinson | Northern Colorado Water Conservancy District |
| Maria Pastore | Eagle River Watershed Council |
| Perry Handyside | Blue Valley Ranch |
| Norma Lastovica | |
| Lurline Underbrink Curran (County Manager), James Newberry, Nancy Stuart, Gary Bumgarner | Grand County Board of County Commissioners |
| Lanny Weddle, Mike Blanton, John Rich | Jackson County Board of County Commissioners |
| Arn Menconi, Peter Runyon, Tom Stone | Eagle County Board of County Commissioners |
| Kathay Rennels, Karen Wagner, Glenn Gibson | Larimer County Board of County Commissioners |
| Bob French, Tom Long, Bill Wallace | Summit County Board of County Commissioners |
| Larry McCown | Garfield County Board of County Commissioners |
| | Pitkin County Board of County Commissioners |
| | Routt County Board of County Commissioners |
| | Rio Blanco Board of County Commissioners |
| | Mesa County Board of County Commissioners |
| Jim Hughes | |
| Tom Clark | Kremmling Town Council |
| David Husement | Granby Town Council |
| Dr. Susan Whitefeather | Hot Sulphur Springs Town Council |
| Kent Crowder | Walden Town Council |
| Jeff Durbin | Fraser Town Council |
| Shane Hale | Grand Lake Town Council |
| Town Manager | Winter Park Town Council |
| David Blanchard | Town of New Castle |
| Matt Sturgeon | Town of Rifle |

**Table A-1**
**Suitability Study Stakeholder Outreach Mailing List**

| Name | Organization |
|---|---|
| Juanita Satterfield | Town of Parachute |
| Rick Aluise | Town of Silt |
| Jeff Shroll | Town of Gypsum |
| Bill Heicher | Town of Eagle |
| Jeff Hecksel | City of Glenwood Springs |
| Michael Hassig | Town of Carbondale |
| Bill Efting | Town of Basalt |
| Town Manager | Town of DeBeque |
| City Manager | City of Aspen |
| | Snowmass Village Township |
| Town Manager | Town of Vail |
| Town Manager | Town of Minturn |
| Town Manager | Town of Avon |
| Town Manager | Town of Meeker |
| | Redstone Community Association |
| | Kremmling Chamber of Commerce |
| | Town of Granby |
| | Town of Winter Park |
| James Bedwell | Forest Service, Arapahoe/Roosevelt National Forests |
| Maribeth Gustafson | Forest Service, White River National Forest |
| Mary Peterson | Forest Service, Medicine Bow/Routt National Forests |
| Vaughn Baker | National Park Service, Rocky Mountain National Park |
| Anne Timberman | US Fish and Wildlife Service, Arapaho National Wildlife Refuge |
| Al Pfister | US Fish and Wildlife Service, Ecological Services Field Office |
| | Bureau of Reclamation (Green Mountain Reservoir) |
| Mark Volt | National Resources Conservation Service, Kremmling Field Office |
| Deb Heeney | National Resources Conservation Service, Walden Field Office |
| Robbie Roberts | US Environmental Protection Agency, Region 8 |
| Recreation Lead | Forest Service, Routt National Forest |
| Harris Sherman | Colorado Department of Natural Resources |
| Director | Division of Parks and Outdoor Recreation |
| Director | Colorado State Land Board |
| Director | Colorado Division of Wildlife |
| Ron Velarde | Colorado Division of Wildlife, Northwest Region |
| Jeff Jahnke | Colorado State University |
| Brian Macke | Colorado Oil and Gas Conservation Commission |
| | Natural Resources and Conservation |
| | Colorado River Outfitters Association |
| | Colorado Whitewater Association |
| | High Country Rafters |
| Jim McGee | Pikes Peak Whitewater Club |

**Table A-1**
**Suitability Study Stakeholder Outreach Mailing List**

| Name | Organization |
|---|---|
| | Poudre Paddlers |
| Paul Holsher | Rocky Mountain Canoe Club |
| Lane Wyatt | Northwest Colorado Council of Governments |
| | Trout Unlimited, Denver Chapter |
| Scott Linn | Trout Unlimited, Colorado River Headwaters Chapter |
| Andy Gentry | Trout Unlimited, Gore Range Chapter |
| Trena Rule | Middle Park Conservation District |
| | North Park Conservation District |
| Vera Smith | Wilderness Society |
| | Yampa Valley Electric |
| | Union Pacific Railroad |
| | Trout Unlimited, Grand Valley Anglers |
| Elise Jones | Colorado Environmental Coalition |
| | Colorado Natural Heritage Program |
| Sloan Shoemaker | Wilderness Workshop |
| Clare Bastable | Colorado Mountain Club |
| Melinda McWilliams | Friends of Wolford Mountain |
| Currie Craven | Friends of Eagles Nest Wilderness |
| | Colorado Environmental Coalition, Craig Field Office |
| Kurt Kunkle | Colorado Environmental Coalition |
| | Blue River Watershed Group, Summit County |
| Nathan Fey | American Whitewater |
| | American Whitewater |
| | River Runners for Wilderness |
| Quinn McKew | American Rivers |
| Lisa Force | Southwest Center for Biological Diversity |
| Jennifer Pitt | Environmental Defense |
| Peter Frost | Western Environmental Law |
| | National Wildlife Federation |
| Dave Brown | American Outdoors |
| | Rivers Network |
| | Rivers Network |
| Jennifer McCurdy | Colorado Whitewater Association |
| | Basalt Water Conservancy District |
| | Battlement Mesa Water Conservancy District |
| | Silt Water Conservancy District |
| | West Divide Water Conservancy District |
| Jim Struble | Northern Colorado Water Conservancy District |
| Senator Wayne Allard | |
| Senator Ken Salazar | |
| Congresswoman Diana DeGette | |
| Congressman Mark Udall | |
| Congressman John Salazar | |

**Table A-1**
**Suitability Study Stakeholder Outreach Mailing List**

| Name | Organization |
|---|---|
| Congresswoman Marilyn Musgrave | |
| Congressman Doug Lamborn | |
| Congressman Tom Tancredo | |
| Congressman Ed Perlmutter | |
| Gail Schwartz | Colorado State Senator, District 5 |
| Joshua Penry | Colorado State Senator, District 7 |
| Jack Taylor | Colorado State Senator, District 8 |
| Bob Bacon | Colorado State Senator, District 14 |
| Steve Johnson | Colorado State Senator, District 15 |
| Joan Fitz-Gerald, President of the Senate | Colorado State Senator, District 16 |
| Kevin Lundberg | Colorado State Representative, District 49 |
| Don Marostica | Colorado State Representative, District 51 |
| John Kefalas | Colorado State Representative, District 52 |
| Randy Fischer | Colorado State Representative, District 53 |
| Steve King | Colorado State Representative, District 54 |
| Bernie Beuscher | Colorado State Representative, District 55 |
| Dan Gibbs | Colorado State Representative, District 56 |
| Al White | Colorado State Representative, District 57 |
| Kathleen Curry | Colorado State Representative, District 61 |
| Ernest House | |
| Jo Ann White | Northern Arapaho Tribe |
| Ms. Glenda Trosper | Shoshone Tribe |
| Ivan Posey | Shoshone Tribe |
| Clement Frost | Southern Ute Indian Tribe |
| Neil Cloud | Southern Ute Indian Tribe |
| Curtis Cesspooch | Uintah & Ouray Tribal Business Center |
| Betsy Chapoose | Uintah & Ouray Tribal Business Council |
| Manuel Heart | Ute Mountain Ute Tribe |
| Terry Knight, Sr. | Ute Mountain Ute Tribe |

During stakeholder outreach for suitability, the BLM received 13 comment letters containing a total of 365 comments. Comments pertained to a range of topics, from the eligibility of certain segments to opinions on the suitability of eligible segments. As intended, the stakeholders provided valuable information related to the suitability criteria, which was incorporated into the evaluation, when applicable. Because some comments pertained to more than one suitability criteria, they were counted more than once when tallied by specific criteria. Most comments focused on the suitability of segments of the Colorado and Blue Rivers (25.17 percent and 54.83 percent). Thirty-one comments (8.49 percent) pertained to the eligibility phase of the study, and 44 comments (12.05 percent) were opinions on the eligible segments.

Table A-2 lists the number of comments pertaining to suitability received for each eligible segment. Some comments referred to more than one segment and are included in the overall number of comments for each field office. Because of this, the total number of comments received is more than the sum of the comments for each segment within the field office. Thirty-nine comments about the Blue River Segment 1 were also received. These comments are still included in all totals.

**Table A-2**
**Suitability Comments Received on Each Eligible Segment**

| River or Creek Segment | Number of Comments Received |
|---|---|
| Kremmling Field Office | 222 |
| Blue River Segment 1* | 39 |
| Blue River Segment 2 | 70 |
| Blue River Segment 3 | 44 |
| Colorado River Segment 1 | 6 |
| Colorado River Segment 2 | 7 |
| Colorado River Segment 3 | 10 |
| Colorado River Segment 4 | 8 |
| Colorado River Segment 5 | 9 |
| Kinney Creek | 3 |
| Muddy Creek | 3 |
| North Platte River | 5 |
| Piney River | 5 |
| Rabbit Ears Creek | 1 |
| Spruce Creek | 5 |
| Sulphur Gulch | 0 |
| Troublesome Creek | 1 |
| Colorado River Valley Field Office | 37 |
| Abrams Creek | 3 |
| Battlement Creek | 3 |
| Colorado River Segment 6 | 7 |
| Colorado River Segment 7 | 9 |
| Deep Creek Segment 2b | 0 |
| Deep Creek Segment 3 | 0 |
| Eagle River | 7 |
| Egeria Creek | 1 |
| Hack Creek | 1 |
| Mitchell Creek | 3 |
| No Name Creek | 1 |
| Rock Creek | 1 |
| Thompson Creek | 1 |
| East Middle Fork Parachute Creek | 0 |
| Northwater Creek | 0 |
| Trapper Creek Segment 1 | 0 |
| Trapper Creek Segment 2 | 0 |

**Table A-2**
**Suitability Comments Received on Each Eligible Segment**

| River or Creek Segment | Number of Comments Received |
|---|---|
| Trapper Creek Segment 3 | 0 |
| East Fork Parachute Creek Segment 1 | 0 |
| East Fork Parachute Creek Segment 2 | 0 |
| First Anvil Creek Segment 1 | 0 |
| First Anvil Creek Segment 2 | 0 |
| Golden Castle Creek | 0 |
| JQS Gulch | 0 |
| Second Anvil Creek Segment 1 | 0 |
| Second Anvil Creek Segment 3 | 0 |

*Blue River Segment 1 was eliminated from consideration, as described in Section 1.6.

All comments received were considered and analyzed, but none of the comments resulted in changes to eligibility determinations. The eligibility phase of this study was completed in March 2007 and involved numerous opportunities for public input, including four open house meetings. A detailed description of the public involvement process was provided in the *Final Wild and Scenic Rivers Eligibility Report for Kremmling and Glenwood Springs Field Offices, Colorado* (BLM 2007a). Although the segments were not reevaluated, the BLM reviewed comments pertaining to eligibility and addressed them as is shown in Table A-3.

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| Laramie River: add botanic ORV because of limber pine/spike fescue plant community and pale blue-eyed grass, G3 ranking | The BLM initially considered the segment during the eligibility phase but determined at that time that the segment does not occur on BLM land. See Table B-1 (page B-5) of the Eligibility Report. |
| Muddy Creek: add botanical ORV because of osterhout milkvetch, a federally listed endangered species | The BLM considered the botanic ORV during eligibility but determined that the value is not river-related and therefore does not meet ORV criteria. See Table B-1 (page B-6) of the Eligibility Report. |
| Troublesome Creek: add botanical ORV because of the presence of penland beardtongue, a federally listed endangered species with G1 global ranking (critically endangered throughout its range); and osterhout milkvetch, also with a G1 ranking. | Botanical values were considered by the Interdisciplinary Team and determined not to meet ORV criteria or to be river related. The botanical values were considered and described under criteria #1 of the suitability study—characteristics that do or do not make the river a worthy addition to the NWSRS. |
| North Platte River should be considered eligible with a wildlife (bighorn sheep) ORV. These wide-ranging mammals were given a global ranking of G4G5 in TNC's [The Nature Conservancy] SRMEA. | The potential presence of bighorn sheep on the 0.07-mile segment was not considered to meet ORV criteria. |
| East Divide Creek should be considered eligible with a botanical (wetherill milkvetch) ORV. TNC gives the Wetherill milkvetch a global rank of "G3," meaning that it is threatened throughout its range (SRMEA). | East Divide Creek was considered during the eligibility phase but was determined not to meet eligibility criteria. |
| The Colorado River Valley Field Office should investigate the ORVs of Cottonwood Creek. We are very interested in discovering the potentially significant cultural, historical, and scenic values of this creek. | The BLM evaluated Cottonwood Creek during eligibility and determined that it did not meet ORV requirements. |
| Piney Creek also deserves further attention as it seems its values are inconsistent between the Kremmling and Colorado River Valley resource area maps (Kremmling map #3, Colorado River Valley map #1). | The values considered during eligibility were for portions in the KFO and CRVFO. It was determined that the only value to meet the ORV criteria (paleontological) occurs in the KFO. KFO Map 2 in the Eligibility Report is the correct depiction of the eligible portion of the Piney River. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| We incorporate here comments submitted by Ken Neubecker of Colorado Trout Unlimited (July 28, 2006). We echo his request for the recognition of important ORVs along the Colorado River, especially for recreational values essential to our quality of life and recreational economy in Colorado.<br>Recreational ORVs for fishing on the Fraser River, the Roaring Fork River, the Williams Fork River, upper Colorado River mainstem through the Kremmling Field Office area, the Colorado through Hot Sulphur Springs and Byers Canyon, Colorado mainstem below Kremmling and from State Bridge to Dotsero, as well as between Glenwood Springs and Parachute should be investigated.<br>Whitewater recreation (kayaking, canoeing and rafting) on the Colorado River through Gore Canyon and on through Pump House to State Bridge is extremely popular. There is no more praised Class IV-V stretch in Colorado than Gore Canyon, and Colorado is home to some of the most rafted and kayaked whitewater in the world. | Comments submitted by Ken Neubecker were considered and were part of the eligibility process and findings in the Final Eligibility Report. See findings for specific rivers in Tables A-3, B-1, and B-2 of the Eligibility Report. |
| The section of the Colorado from State Bridge to Blue River is listed in the National Park Service's National Rivers Inventory for potential Wild and Scenic Rivers. It is recognized as having scenic, fish, wildlife, and historic values and is described as having "exceptional mountain, canyon scenery; varied high quality recreation opportunities, notably white water boating; excellent visibility of geologic process; highest-valued fishery resource (FWS)" (www.nps.gov/ncrc/programs/rtca/nri/states/co.html). | The National Park Service's National Rivers Inventory was used during the eligibility phase as a preliminary tool to identify rivers that may contain ORVs. The BLM Interdisciplinary Team confirmed the presence of scenic, recreational (fishing, floatboating, and scenic driving), geological, wildlife, historic, cultural, and paleontological values. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| In the Kremmling Resource Area, the field office should investigate all instances of North Park phacelia, an endangered flowering plant limited to Colorado, and note where the species is dependent on creeks and rivers. Such occurrences would merit an ORV for the river. The field office should identify all similar occurrences of Hanington beardtongue in the Colorado River drainage, a sensitive species of the Forest Service and BLM that could be proposed for threatened or endangered federal listing (C2 status by U.S. Fish and Wildlife Service). Similarly, the field office should identify where the Middle Park penstemon, a BLM sensitive species, might be dependent on a creek or river in the resource area.<br><br>In the Colorado River Valley Resources Area, the field office should find all similar occurrences of the Wetherill milkvetch, W.A. Weber arapien stickleaf, Parachute penstemon, Hanington beardtongue, DeBeque phacelia and L. Benson Uinta Basin hookless cactus.<br><br>For reference on all species mentioned in this document, please use resources available at the Colorado Natural Heritage Program website (cnhp.colostat.edu), the NatureServe database (natureserve.org), Center for Plant Conservation website (centerforplantconservation.org), USGS [US Geological Survey] Northern Prairie Wildlife Research Center website (www.npwrc.usgs.gov), and U.S. Fish and Wildlife Service Environmental Conservation Online System (ecos.fws.gov). | Both field offices analyzed rare plant species, in compliance with the ORV criteria incorporating CNHP data. |
| We are interested to know why Antelope Creek was not found to have outstanding scenic values... | Antelope Creek did not meet the free-flowing criteria. See Table B-1 (page B-1) of the Eligibility Report. |
| Several creeks are entirely missing from the Kremmling maps. We encourage the field office to specifically study Willow, Kauffman, McBride, Arapaho, Carter, Dirt and Hay Gulch creeks for ORVs. | Perennial stream segments were evaluated for eligibility. Non-perennial streams were added only if specialists thought there was an ORV present. See explanation on page 2-1 of the Eligibility Report. Table B-2 of the Eligibility Report lists all the segments that were evaluated. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| We support the Colorado River Valley Resources Area in its recognition of scenic, recreational, geological, fish and wildlife values in Deep Creek. This creek runs through the Deep Creek CCCWP [Colorado's Canyon Country Wilderness Proposal] and this area's scenery is outstanding and remarkable. BLM should also consider the portion of river in the Deep Creek SRMA for the same values, as noted in Map I provided by the field office. Map 2 omits these important values in the SRMA. The Colorado River Valley field office must seriously consider the strong scenic value of the entire Deep Creek watershed, including its tributaries. | The Eligibility Report did not include eligibility studies previously completed, including Deep Creek. Maps 1 and 2 reflect only ORVs for stream segments analyzed in the 2007 Eligibility Report. Deep Creek was analyzed in a joint eligibility evaluation with the White River National Forest in 1995. See page 1-1 and Table B-2 (page B-16) of the Eligibility Report. Deep Creek segments were considered as part of the suitability analysis and are included in this report. |
| Several creeks that potentially have scenic and other ORVs are entirely missing from the Colorado River Valley maps. In Castle Creek CCCWP, BLM should thoroughly review Castle Creek, Catamount Creek and Milk Creek; in Bull Gulch CCCWP, BLM should review Bull Gulch and Posey creeks. | These were considered but were determined not to meet the eligibility criteria. |
| CCCWP lands have been identified by Colorado citizens as having outstanding wilderness characteristics. It would follow that the creeks in these areas have equally outstanding wilderness characteristics, as well as scenic, wildlife, and other ORVs. Please pursue this investigation. | Some of these segments were carried forward for suitability analysis, others were considered but were determined not to meet the eligibility criteria. |
| The Eligibility Report does not disclose an examination of the hydrology, including man-made alternations, of each eligible segment. The description and rationale of the ORVs fail to address the uniqueness or rarity of the values identified. The Board questions whether these values are truly unique or rare features within the region of comparison, warranting this special designation. | The eligibility determination requires only an affirmative finding that the stream segment is free flowing, but it does not require a comprehensive evaluation of stream hydrology. Under these criteria, significant man-made alterations to hydrology are acceptable, providing that the stream remains free-flowing and the flow regime supports the identified ORVs. ORVs were assessed in accordance with the criteria described in BLM Handbook 8351. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| BLM failed to question in the Eligibility Report whether the resulting, highly fragmented segments were eligible from a management perspective. | During the eligibility phase of the WSR study, the BLM is not required to analyze the feasibility of managing a segment. As described in Section 1.4.1, Eligibility Phase, of the Eligibility Report, a segment must be free flowing and contain at least one river-related value considered to be outstandingly remarkable in order to be found eligible. During the suitability phase of the study, each eligible segment will be analyzed in more detail. |
| Board questions whether these segments can be managed to maintain various ORVs either within one segment or ORVs that change from one fragmented segment to a different ORV in the next segment on BLM land. Has the BLM determined whether the mixtures of ORVs and management strategies are feasible for WSR eligibility? | During the eligibility phase of the WSR study, the BLM is not required to analyze the feasibility of managing a segment. As described in Section 1.4.1, Eligibility Phase, of the Eligibility Report, a segment must be free flowing and contain at least one river-related value considered to be outstandingly remarkable in order to be found eligible. During the suitability phase of the study, each eligible segment will be analyzed in more detail. |
| Determination of eligibility should look to current and reasonably foreseeable potential uses of the land and water, including potential for water resources development. BLM must address whether the flows will be able to maintain the ORVs in light of these uses. | During the eligibility phase of the WSR study, the BLM is not required to look at current and reasonably foreseeable potential uses of the land and water, including the potential for water resources development. During the suitability phase of the study, each eligible segment will be analyzed in more detail, including looking at current and reasonably foreseeable potential uses of the land and water. |
| The eligibility report does not include an analysis of alternatives. | Alternatives analysis is not part of the WSR study process. A range of suitability alternatives will be analyzed as part of the RMP NEPA process. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| The Report fails to include a discussion on conflicting uses and county zoning provisions or local laws within the river segments. | During the eligibility phase of the Wild and Scenic Rivers study, the BLM is not required to look at conflicting uses and county zoning provisions or local laws within the river segments. During the suitability phase of the study, each eligible segment will be analyzed in more detail, including conflicting uses and county zoning provisions or local laws within the river segments. |
| The Board questions the thoroughness and the appropriateness of the preliminary classifications. The Board recommends that the Classification process be a separate step with public involvement in the WSR process. | The preliminary classifications assigned to river segments are based on definitions provided in Section 2(b) of the WSR Act. The classifications are based on the type and degree of human development and access associated with the river and adjacent lands at the time of the eligibility determination. The classification does not reflect the types of values present along a river segment. See Table 3-1 of the Eligibility Report for more information.<br><br>Public comment on tentative classification was solicited during the eligibility phase and suitability stakeholder outreach effort and will be accepted during the Draft RMP review period before tentative classifications are finalized in the final RMP. |
| Large variations in flow should preclude Blue River from eligibility. | As described in Section 1.4.1, Eligibility Phase, of the Eligibility Report, a segment must be free flowing and contain at least one river-related value considered to be outstandingly remarkable in order to be found eligible. Variations in flow do not preclude a segment from eligibility; this will be analyzed during the suitability phase of the study. |
| Regarding segment 3 of the Blue River, the reference to Wild Trout lies approximately 10 miles upstream. | Thank you for your comment. Reference to Wild Trout Waters in Segment 3 of the Blue River has been removed for this suitability study. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| Colorado River Segment 1: the identified ORV's do not rise to a level that would contribute to the overall integrity of the WSRS. Specifically:<br>Recreation: Segment 1 was based solely on the CDOW Gold Medal Waters designation. BLM Manual 8351 states that such listings can be used to identify segments worthy of further evaluation, but that "[i]t is important to note that listing on these sources is not necessarily a confirmation of the river segments eligibility…" (BLM Manual 8351.2). Public access is limited and other equal or better fishing opportunities exist with the region of comparison; this segment should not be considered suitable.<br>Wildlife: The diversity of wildlife is the result of the commingling of habitats, not the result of unique features in the segment that cannot be found elsewhere within the region. The northern river otter was re-introduced into the Upper Colorado River System and has become established throughout the watershed. The bald eagle was officially removed from the TE species list on August 8, 2007, and has made a remarkable comeback. The overall wildlife habitat diversity and value to wildlife is not unique within the region of comparison. Effort to conserve these species should focus on broader habitat needs rather than on short river segments or point locations of documented occurrences.<br>Historic: Good roads Movement, Midland Route and the Victory Highways it appears that the historic integrity of all of three have been compromised from the construction of highway 40. None of the historic resources identified for segment 1 meet the criteria nor does it appear that a multi-level regional comparison was undertaken to justify their inclusion. Descriptions of Early Hydroelectric Projects is unclear, and although the Moffat Road may provide some local significance, its worthiness as a regionally significant historic resource is questionable when compared to other transportation routes with the region of comparison. | The BLM reconsidered this information, but it did not change the BLM's eligibility conclusions. The BLM also received many comments supporting the identification of these ORVs. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| Colorado River Segment 2: the identified ORV's do not rise to a level that would contribute to the overall integrity of the WSRS. Specifically:<br>Scenic: BLM states "the canyon as a whole is *somewhat* distinctive and *somewhat* rare in the region". This is inconsistent with other "A" scenic ratings within the report. Because of the visual distraction and impact of existing man-made intrusions, and lack of scenic distinctiveness or rarity, the scenic values of segment 2 do not rise to the level of "outstandingly remarkable" as required by the Act.<br>Recreation (fishing): BLM manages only 12.7% of the mileage of this entire segment of Gold Medal waters and segment 2 does not provide any public access points on BLM. It appears the sole basis for identification is based on CDOW designation of Gold Medal Waters and the BLM managed portion equates to only 0.2% of all Gold Medal Waters in Colorado. Therefore this segment does not offer rare or unusual recreational fishing opportunities.<br>Recreation (boating): Whitewater opportunities in this segment are not unique, rare or exemplary at a regional scale. Average water year only make boating possible during June and the first week of July, other regional opportunities for Class IV and V whitewater boating from May through September. This segment does not have exceptional interpretive opportunities and the recreational settings are not unique. Management of this segment is not feasible because it does not provide any public boating access points on BLM.<br>Geological: The exposures in Byers Canyon represent no unusually rare or unique geologic feature, processes or other phenomenon are fairly typical of other exposures found throughout the region of comparison.<br>Wildlife: Wildlife resources identified are not rare or unique...please see wildlife comments for Segment 1.<br>Historic: The historic values identified do not rise to level of outstandingly remarkable. Please refer to Segment 1 for comments. | The BLM reconsidered this information, but it did not change the BLM's eligibility conclusions. The BLM also received many comments supporting the identification of these ORVs. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| Colorado River Segment 3: The identified ORV's do not rise to a level of Outstandingly Remarkable. Specifically:<br>Recreation (fishing): Segment 3 was based solely on the CDOW Gold Medal Waters designation. "are not necessarily a confirmation of the river segments eligibility (BLM Manual 8351.2). Segment 3 does not offer rare or unique recreational fishing opportunities, equal or better fishing opportunities exist with the region of comparison, this segment equates to only 1.8% of all Gold Medal Water in Colorado should not be considered suitable.<br>Wildlife: Wildlife resources in segment 3 are not rare or unique. See comments for segment 1.<br>Historic: The Historic resources identified in segment 3 do not rise to the level of outstandingly remarkable. Please see comments for segment 1. | The BLM reconsidered this information, but it did not change the BLM's eligibility conclusions. The BLM also received many comments supporting the identification of these ORVs. |
| Colorado River Segment 4: The identified ORV's do not rise to a level of Outstandingly Remarkable. Specifically:<br>Scenic: The Eligibility Report admits that the canyon has experienced manmade intrusions and cultural modification that have caused "major modifications". Because of the visual distraction and impact of existing man-made intrusions, the scenic values of this segment do not rise to the level of outstandingly remarkable.<br>Recreation (fishing): The basis for Eligibility for this segment was based on the CDOW listing of Wild Trout Waters. This list is outdated and the CDOW is currently revising its policy relating to these designations due to the impact of whirling disease. In addition the area is not a popular fishing destination as Gore Canyon is very steep, limited access, with Class IV and V rapids which are unsuitable for fishing. Many opportunities for Wild Trout waters fishing exist both downstream and also in the nearby Blue River. Therefore this segment does not offer any rare or unusual fishing opportunities for the region or the state. | The BLM reconsidered this information, but it did not change the BLM's eligibility conclusions. The BLM also received many comments supporting the identification of these ORVs. |

**Table A-3**
**Public Comments on and BLM Response to Eligibility**

| Comment | BLM Response |
|---|---|
| Recreation (boating): This segment would extremely difficult to manage due to its topography and inaccessibility. | |
| Wildlife: Wildlife values identified in this segment are not rare or unique. Please see wildlife comments for segment 1. | |
| Historic: The Historic Moffat Road, Early Hydroelectric Projects and World War II German Prisoner War Camp do not rise to the level of outstandingly remarkable. The report references under figure 3.2-10 and discussion under section 5 which references discussion under segment 4 does not exist. Please see Historic comments for segment 1. | |

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# APPENDIX B
# WHITE RIVER NATIONAL FOREST – WSR DESCRIPTIONS AND MANAGEMENT STANDARDS AND GUIDELINES

Part 1 of this Appendix presents the management standards and guidelines as prescribed in the Forest Plan (Forest Service 2002) for the four eligible segments. Part 2 of this Appendix presents detail about Forest Service protective management of these segments.

## Part 1

### *Introduction*

This appendix provides descriptions of management area direction that would be applied under Alternative D to (2) Colorado River segments (Glenwood Canyon) and (2) Deep Creek segments on the White River National Forest. An overall description of management areas themes, management area descriptions, desired conditions, and standards and guidelines can be found in the White River National Forests, Land and Resource Management Plan, 2002 Revision, Chapter 3, (pages; 3-21, 22, 23 and 3-40, 41). The following pages will describe the above river segments specific values, area descriptions and desired conditions.

If Alternative D is selected for one or both of the rivers mentioned above the following management area direction would amend the 2002 Forest Plan Record of Decision (ROD).

## COLORADO RIVER

| | |
|---|---|
| ***Management Area*** | 4.23 Scenic Byways, Scenic Areas, Vistas, and Travel Corridors |
| ***Acres*** | 6,500 acres |
| ***Emphasis*** | Scenic, Geologic, and Recreation |
| ***Description of Values*** | Glenwood Canyon is a doorway into the area's long geologic past, revealed by the many layers of sedimentary deposits in the canyon walls. Present in the canyon are rarely exposed Cambrian formations. Most of the canyon walls are composed of Paleozoic sediments of limestone, sandstone, and shale. These layers contain abundant fossils of Paleozoic life. Caves and springs are found in areas of the canyon that contain limestone and dolomite.<br><br>The design and construction of Interstate 70 through the canyon (a project completed in the early 1990s) is regarded as one of the most impressive engineering feats in the interstate highway system. The project gave special emphasis to environmental aesthetics, ensuring that the highway would complement the flow and natural characteristics of the canyon. Instead of traditional construction practices that would have significantly modified the canyon's geologic formations, an elevated highway design was used that left most of these intact. In addition, materials were carefully selected to blend with the natural beauty of Glenwood Canyon.<br><br>Paralleling the interstate from Glenwood Springs to Dotsero, the Glenwood Canyon Recreation Trail provides visitors with outstanding access to the scenery of Glenwood Canyon. The paved trail, which runs below the highway along the riverbank, is used by hikers, bicyclists, inline skaters, anglers, and kayakers, and features a network of picnic areas, trailheads, whitewater access points, restroom facilities, and fishing access.<br><br>From the Shoshone Power Plant to Glenwood Springs, the river provides some of Colorado's premier whitewater that is enjoyed by increasing numbers of kayakers and rafters and supported by a host of commercial outfitters.<br><br>From the south bank of the river, the canyon is viewed by passengers aboard the Amtrak train, which makes frequent runs through the river corridor, providing an exceptional sightseeing experience.<br><br>Watchable wildlife includes peregrine falcon, big horn sheep, deer, elk, and eagles. |
| ***Description Of Area*** | From the National Forest boundary on the east end of Glenwood Canyon to the upstream end of the Shoshone Dam, extending four miles and from the Shoshone power plant to the national forest boundary on the west end the canyon, extending five miles. The Colorado River has cut its way through Glenwood Canyon, creating |

an exceptionally scenic passageway for travelers through the canyon. The steep and rugged canyon walls tower up to 2,500 feet above the river. Oakbrush and aspen add a splash of color along ledges on the canyon walls. As the river winds through the canyon, areas of calm water give way to frequent rapids. The river is easily accessed from several rest areas along Interstate 70 as well as from a paved bike path that runs the length of the canyon, paralleling the riverbank. This ease of access, combined with abundant stretches of whitewater, has made the river corridor a major Colorado attraction for rafters and kayakers.

***Desired Condition***

The outstanding values that will be recognized in managing these (2) sections of the Colorado River are scenic driving, geology (canyon's sedimentary strata, caves and springs, providing for visual, scientific, and educational values) and floatboating opportunities. Emphasis is on the protection of high quality scenery and geologic values throughout the entire canyon. The area will continue to be managed for floatboating (non-motorized boating such as: whitewater rafting, kayaking, etc.). No new trails should be constructed. All management actions will preserve the high quality scenery and should be visually subordinate to the surrounding landscape and not easily seen from the key viewing corridors/areas (I-70, Glenwood Canyon Trail, Colorado River, Railroad corridor and Rest Areas). The need for a formal locatable mineral withdrawal should be considered. Protection opportunities should dominate management of the area.

## DEEP CREEK

| | |
|---|---|
| ***Management Area*** | 2.1 Special interest area – minimal use and interpretation |
| ***Acres*** | 6,180 acres |
| ***Emphasis*** | Zoological, ecological, geological, and scenic |
| ***Description of Values*** | Deep Creek has cut a spectacularly deep, narrow canyon into the Flat Tops Plateau. Deep Creek begins at its headwaters at Deep Lake. The segment adjacent to Deep Lake Campground and is characterized by a broad valley with open meadows and stringers of Douglas fir.<br><br>Beyond the broad valley the stream narrows into the deep limestone walls with 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. This primitive setting provides an undisturbed biological environment. Important geologic features include a high concentration of caves, rock formations, and stratification that also provide outstanding scenic features. The number of caves in the area is one of the highest in Colorado. Many of these caves have been noted for significant mineralogical, geologic, and biological features. Groaning Cave is the most widely known cave in the area.<br><br>Vegetation in the canyon ranges from open meadows to aspen and Douglas-fir stands. Engelmann spruce stands show the results of the massive spruce beetle epidemic that occurred in the Flat Tops in the 1940s and 1950s. The stark gray skeletons of dead spruce contrast sharply with other vegetation. Riparian zones are composed of spruce, aspen, cottonwood, and several shrub species.<br><br>Wildlife species common to the area include coyote, marmot, pika, deer, cottontails, black bear, and pocket gopher. Birds include pipit, rosy finch, pine grosbeak, brown creeper, golden-crowned kinglet, olive-sided flycatcher, blue grouse, Lincoln sparrow, sage grouse, saw-whet owl, sharp-shinned hawk, green-tailed towhee, white-tailed swift, MacGillivray's warbler, Virginia's warbler, and gray jays.<br><br>Fish species common to this area include speckled dace, mottled sculpin, bluehead sucker, roundtail chub, mountain whitefish, flannel mouth sucker, and Colorado River cutthroat trout, rainbow trout, and brook trout.<br><br>Recreation use around the rim of the canyon includes camping, hiking, picnicking, hunting, sightseeing, caving, photography, horseback riding, and snowmobiling. Few visitors venture down into the creek itself.<br><br>Human inhabitants have used the Deep Creek vicinity for at least 10,000 years. For generations the Ute people roamed the canyons, streams, and ridgelines, hunted for game, gathered wild plants, and |

participated in rituals and ceremonies. The canyon rims were used as lookouts and buffalo jumps. The caves and crevices provided dwellings, caches for food, materials for religious practices, and tools for survival. Vestiges of these activities are found along Deep Creek and the surrounding canyon lands. The area is very important to the Utes as a reflection of their history and traditions.

The outstandingly values that will be recognized in Deep Creek management are its ecological condition—it contains several state and globally rare species along with occurrences of very high-quality natural communities; the scenic, natural, pristine canyon landscapes with very little disturbance from human activity, domestic livestock, and logging; and finally, the recreation and geologic values associated with the cave formations within the canyon.

### Description of Area

Elevations range from 7,200 feet (Deep Creek) to 10,000 feet (Deep Creek Overlook). The area falls within the Flat Tops ecological subsection of the Forest's landscape character descriptions. This subsection is composed of a broad uplifted plateau of uplands and mountains and steeply flanked canyon sideslopes. Processes consist of glaciation and periglaciation with fluvial and colluvial influences, along with landslide deposition. The dominant feature of this area is the Deep Creek Canyon. This 2,000-foot deep, mile-wide canyon starts just below Deep Lake and continues to deepen and widen until ending just before Deep Creek empties into the Colorado River.

Soil taxa consist of Cryoboralfs and Cryochrepts associated with coniferous forests. Cryoborolls are associated with aspen and grass shrub-steppe. Cryumbrepts are typically associated with alpine meadows. Douglas-fir dominates the entire canyon below the rim with pockets of aspen, meadow, and some riparian areas along the creek. Open meadows occur on the uplands with stands of spruce-fir.

### Desired Condition

To maintain the pristine canyon ecosystem, protect geological features, protect biological and aquatic habitats. Remain natural appearing. Emphasis is on the maintenance of current biological diversity and preservation of habitat for all native species of plants and animals. The area will continue to be managed for non-motorized travel. Few developed trails exist in the area, and are limited. No new trails should be constructed. Recreation management will preserve the primitive and pristine nature of the area. The need for a formal locatable mineral withdrawal should be considered. Protection opportunities should dominate management of the area.

**Part 2**

## *1.5 Wild Rivers –Designated and Eligible*

***Theme***

Wild rivers and adjacent areas are managed to protect and perpetuate eligible and designated wild river segments.

***Management Area Description***

These areas have been identified as being eligible for designation due to the presence of one or more outstandingly remarkable features, including scenic, recreational, geologic, wildlife, or fisheries values. For descriptions of each of the rivers found eligible, see Appendix F of the 2002 WRNF FEIS Volume 4. The actual width of the area may vary in order to protect the outstanding values. Interim protection for eligible streams includes the bed, bank, and one-quarter mile on either side of the ordinary high-water mark.

Areas are managed to protect and perpetuate eligible river segments in their current condition so that their wild river qualities are not diminished. Existing uses, levels of use, and management actions will vary from area to area.

***Desired Condition***

The river corridor is natural and essentially primitive in character. Vegetational composition and structure are influenced by biological processes and conditions. Each stream's outstanding features, free-flowing characteristics, and potential classification are protected until a suitability study and final recommendation regarding river designation is made.

A variety of plant communities, structural stages, and associated wildlife are present in patterns maintained primarily through ecological processes. The variety and arrangement of plant communities and structural stages is dependent on the timing of natural disturbances such as fire, insects, disease, and storms. Riparian communities and aquatic ecosystems are healthy, with little or no evidence of disturbance. The health and wild nature of riparian and aquatic resources are emphasized to enhance their values as components of the experience.

Few new improvements are anticipated. Those that occur are designed to be minimally intrusive on the landscape.

Recreational opportunities vary across the area, depending on their compatibility with the outstandingly remarkable values. Encounters between individuals or parties are generally infrequent except on the few travelways open for use. Contacts and sounds associated with people are generally infrequent away from trails. For information on HRV see the Introduction to Category 1 on page 3-4.

The recreation opportunity spectrum (ROS) for this management area is primitive, semi-primitive non-motorized, or semi-primitive motorized year-round. Scenery is managed to provide a range of scenic integrity objectives from high to very high.

***Standards and Guidelines***

INFRASTRUCTURE

**Standard Guidelines**

**1.** Motorized travel is prohibited.

**1.** Do not place bridge piers in the waterway.

**2.** Construct bridges only where no safe opportunity exists to cross streams or gorges.

**3.** Provide the minimum number of signs necessary to identify area use requirements, foster safety, and provide route information.

## INSECTS AND DISEASE

**Guideline**

**1.** Insect and disease management activities and methods should focus on enhancing or protecting wild river values.

## MINERAL AND ENERGY RESOURCES

**Standards**

**1.** These areas are not authorized for new oil and gas development.

**2.** These areas are withdrawn from locatable mineral entry.

## NATIONAL RIVER SYSTEM

**Standards**

**1.** All existing facilities, management actions, and uses will be allowed to continue until a decision is made on inclusion into the National Wild and Scenic River System provided that these facilities, actions, and uses do not alter the wild river characteristics.

**2.** Proposed new uses, management actions, or facilities on National Forest System lands are not allowed if they alter the recreation characteristics of the land and physical resources, or affect the eligibility, potential classification, or potential suitability of the area.

**3.** When significant action may threaten the river values, a suitability study will be initiated to determine recommendation for inclusion in the National Wild and Scenic River System.

**4.** To the extent that the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the study river cannot be modified by new structures that were not part of conditions when eligibility was determined.

## RECREATION

**Standard**

**1.** No new developed recreation facilities will be permitted other than those associated with system trails or those needed to prevent resource degradation from recreation use.

**Guidelines**

**1.** Provide for primitive and semi-primitive non-motorized recreation in an unmodified setting.

**2.** Outfitting and guiding may be permitted where it will not degrade the values of the river segment.

## SCENERY MANAGEMENT

**Guideline**

**1.** Accomplish vegetative alteration outside the management area, but visible from within the area, in a manner that is consistent with existing scenic quality objectives for the river segment.

## VEGETATION MANAGEMENT

**Standard**

**1.** These areas are not part of the suitable timber land base.

### 3.4 Scenic Rivers – Designated and Eligible

**Theme**

Scenic rivers are managed to protect and perpetuate eligible and designated scenic river segments.

**Management Area Description**

These areas have been identified as being eligible for scenic river designation due to the presence of one of more outstandingly remarkable features that include scenic, recreational, geologic, wildlife, or fisheries values. For descriptions of eligible rivers, see Appendix F of the 2002 WRNF FEIS.

Areas are managed to protect and perpetuate eligible river segments in their current condition so that their scenic river qualities are not diminished. Existing uses, levels of use, and management actions will vary from area to area. The actual width of an area may vary in order to protect the outstanding values. Interim protection for eligible streams includes the bed, bank, and one-quarter mile on either side of the ordinary high-water mark.

Encounters between individuals or parties generally are frequent on the travelways open for use. Contacts and sounds associated with people are generally infrequent away from trails.

**Desired Condition**

Recreational opportunities vary across an area, depending on their compatibility with the outstandingly remarkable values. The setting provided by vegetation continues to appear natural. Areas that are not of the desired appearance will be improved or restored. Ecological changes may affect the area's appearance.

Evidence of human activities or habitation resulting from mining, milling, or grazing generally diminishes over time. Existing improvements such as primitive roads, trails, bridges, fences, shelters or signs are removed except where they are needed. Facilities and permitted structures blend with the landscape and may be present. Few new improvements are anticipated, however, those that occur are designed to be minimally intrusive in the landscape.

A variety of plant communities, structural stages, and associated wildlife are present in patterns maintained primarily through ecological processes. The variety and arrangement of plant communities and structural stages are dependent on the timing of natural disturbances such as fire, insects, disease, and storms. For information on HRV see the Introduction to Category 3 on page 3-28.

The recreation opportunity spectrum (ROS) for this management area is semi-primitive non-motorized, semi-primitive motorized, or roaded natural year-round. Scenery is managed to provide a range of scenic integrity objectives from moderate to very high.

**Standards and Guidelines**

INFRASTRUCTURE

**Standard** **1.** Motorized and mechanized travel over snow may be permitted when it does not threaten the values for which the area was proposed or designated.

INSECTS AND DISEASE

**Guideline** **1.** Insect and disease management activities and methods focus on enhancing or protecting scenic river values.

## MINERAL AND ENERGY RESOURCES

**Standards**

**1.** These areas are not authorized for new oil and gas leasing.
**2.** These areas are withdrawn from locatable mineral entry.

## NATIONAL RIVER SYSTEM

**Standards**

**1.** All existing facilities, management actions and uses will be allowed to continue until a decision is made on inclusion into the national wild and scenic river system provided that these facilities, actions, and uses do not alter the scenic characteristics.
**2.** Proposed new uses, management actions, or facilities on National Forest System lands are not allowed if they alter the characteristics of the land and physical resources, or affect the eligibility, potential classification, or potential suitability of the area.
**3.** When significant action may threaten the river values, a suitability study will be initiated to determine recommendation for inclusion in the National Wild and Scenic Rivers System.
**4.** To the extent that the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the study river cannot be modified by new structures that were not part of conditions when eligibility was determined.

## RECREATION

**Guideline**

**1.** Developed recreation facilities are allowed as long as they are visually compatible with the landscape.

## SCENERY MANAGEMENT

**Guideline**

**1.** Activities outside the area, but visible from within, should be accomplished in such a manner that is consistent with existing scenic quality objectives for the river segment.

## VEGETATION MANAGEMENT

**Standard**

**1.** These areas are not part of the suitable timber land base.
**2.** Vegetation management practices necessary to meet specific scenic river values will be allowed.

## 4.4 Recreation Rivers – Designated and Eligible

**Theme**

*Recreation rivers* are managed to protect and perpetuate eligible and designated recreation river segments.

**Management Area Description**

These areas have been identified as being eligible for recreation river designation because of the presence of one or more outstandingly remarkable features that include scenic, recreational, geologic, wildlife, or fisheries values. For descriptions of each of the rivers found eligible, see Appendix F of the 2002 WRNF FEIS.

The actual width of the designated recreational river corridor area may vary in order to protect the outstanding values. Interim protection for eligible streams includes the bed, bank, and one-quarter mile on either side of the ordinary high-water mark.

These areas are managed to protect and perpetuate eligible river segments in their current condition so that their recreation river qualities are not diminished. Existing uses, levels of use, and management actions will vary from area to area.

Visitors may find an altered environment. They are likely to encounter more people than one would expect in a "wild" or "scenic" river segment. Recreational opportunities vary across the area, depending on their compatibility with the outstandingly remarkable values.

**Desired Condition**

Protecting the values that make the watercourse eligible for designation as a recreation river is the management emphasis for these areas. The health and appearance of vegetation communities are emphasized because of their desirability for recreation use. Silvicultural practices are allowed that protect the immediate river environment, recreation, fish and wildlife, and water quality values.

Evidence of human activities or habitation due to mining, milling, or grazing may be present now and in the future. Existing improvements, such as improved and primitive roads, trails, bridges, fences, shelters, signs, and water diversions, may begin to dominate the landscape. Existing improvements that are no longer needed are removed. For information on HRV see the Introduction to Category 4 on page 3-40.

The recreation opportunity spectrum (ROS) for this management area is roaded natural or rural year-round. Scenery is managed to provide a range of scenic integrity objectives from low to high.

**Standards and Guidelines**

INFRASTRUCTURE

**Standard** **1.** Glenwood Canyon will be recognized as a linear utility corridor restricted to underground facilities when feasible. New facilities that diminish the river's eligibility status will not be allowed.

MINERAL AND ENERGY RESOURCES

**Standard** **1.** These areas are withdrawn from mineral entry.
**Guideline** **1.** These areas are not authorized for new oil and gas leasing.

NATIONAL RIVER SYSTEM

**Standards** **1.** All existing facilities, management actions and uses will be allowed to continue until a decision is made on inclusion into the National Wild and Scenic River System provided that these facilities, actions, and uses do not alter the recreational characteristics.

**2.** Proposed new uses, management actions, or facilities on National Forest System lands are not allowed if they alter the recreational characteristics of the land and physical resources, or affect the eligibility, potential classification, or potential suitability of the area.

**3.** When a significant action may threaten the river values, a suitability study will be initiated to determine recommendation for inclusion in the National Wild and Scenic River System.

**4.** To the extent that the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the river cannot be modified by new structures that were not part of conditions when eligibility was determined.

## VEGETATION MANAGEMENT

**Standards**

**1.** These areas are not part of the suitable timber land base.

**2.** Vegetation management practices necessary to meet recreation river values will be allowed.

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