

**Alternatives to Wild and Scenic River Designation on the Dolores River  
Submitted by the Dolores River Dialogue to the CWCB (July, 31 2008)**

**Overview of Purpose and Institutional Outcomes**

The purpose of this application is to obtain funding to expedite the first year of a proposed 18 month process to develop and evaluate alternatives to Wild and Scenic River designation on the Dolores River below McPhee Dam using an update to the 1990 BLM Corridor Management Plan as the vehicle. The Draft San Juan Forest/BLM Plan Revision states that Wild and Scenic River designation “would create a federal reserved water right with “quantification left to the federal agency that manages the river.” Wild and Scenic designation, and the Federal Reserved Water Right that could result, could very well conflict with one of the founding principles of the Dolores River Dialogue (DRD) process, which is committed to working within existing water rights and contractual obligations. This application is designed to support a process that will look at other ways to protect the ORV’s that have resulted in a Wild and Scenic preliminarily suitable classification in the Draft Plan Revision.

The DWCD submits this application to CWCB with the support of the DRD Technical Committee to develop alternatives to Wild and Scenic designation. The DRD has been working since January of 2004 on strategies to manage McPhee Reservoir in order to improve downstream ecological conditions while honoring water rights and contractual obligations to protect: agricultural and municipal water supplies, fisheries, riparian areas, and the continuation of recreational enjoyment of the Dolores River. This foundational commitment of the DRD to protect and enhance the ecological health and recreational enjoyment of the Dolores River with the absolute assurance that water rights and allocations will be protected provides the context for the update to the 1990 corridor management plan to explore other ways to protect what have been deemed as “Outstandingly Remarkably Values” (ORVs) without putting water rights and water supplies at risk.

The other condition that sets the stage for a successful effort is the opportunity created in San Juan Forest/BLM Draft Plan Revision for the DRD to play a role in finding alternatives to WSR designation, coupled with DRD support for using an update to the 1990 Corridor Management Plan as the vehicle for finding alternatives to WSR designation for protection of ORVs.

The one year process outlined below in Phases 1-3, that the requested funding will support, will be followed by an additional 6 month phase (Phase 4) for completion of a formal Environmental Assessment and Decision Notice for adoption of the update of the 1990 Corridor Management Plan. The process will be organized by the Dolores River Dialogue (DRD), a collaborative multi-agency Dolores River stakeholder group, in cooperation with the Dolores Public Lands Office of the San Juan Public Lands Center which manages land and recreation for BLM and National Forest Lands along the Dolores River from the headwaters of the Dolores River to McPhee Reservoir and from McPhee Reservoir to eight miles below the confluence with the San Miguel River. This process will provide the basis for an Environmental

Assessment of the Proposed Action and a Decision Notice aimed at adopting a Dolores River Management Plan which will commence in October, 2009 at the end of Phases 1-3 as described below.

Other parties involved in the Dolores River Dialogue will also have the opportunity to apply the outcomes of this process in addressing their respective management responsibilities. The DRD is a collaborative group of water managers, land managers, recreationists, government representatives and conservationists. Existing participants in the DRD include representatives from the Dolores Water Conservancy District (DWCD), San Juan Citizens Alliance (SJCA), The Nature Conservancy (TNC), Trout Unlimited, Montezuma Valley Irrigation Company (MVIC), Colorado Division of Wildlife (CDOW), U.S. Bureau of Reclamation (BOR), Colorado Water Conservation Board, Colorado Division of Water Resources (CDWR), Colorado Division 7 Engineer, Dolores District San Juan Public Lands (U.S. Forest Service/BLM), Montezuma County, Dolores County and The Colorado Water Trust. The SJCA represents a coalition of river users.

### **Historical Context and Convergence of Events**

**Dolores River Dialogue Process:** The Dolores River Dialogue was convened in January of 2004 at the initiative of the San Juan Citizens Alliance (SJCA) and the Dolores Water Conservancy District. The evolution of the DRD is chronicled (“Milestones in the Flow of the Dolores River Dialogue”) and all foundation documents and science studies are linked to the DRD website at: <http://ocs.fortlewis.edu/drd/>

The DRD spent 2004 through the Spring of 2005 defining collaborative opportunities for flow management, riparian and aquatic stewardship, and collaborative action while honoring water rights and contractual obligations. This effort was carried forward by the development and adoption of a “Plan to Proceed”, which included formation of Technical Committee to oversee the development of a Hydrology Report, a Core Science Report, and a Correlation Report which integrates hydrology and science findings into a Matrix of Opportunities. The Core Science Report addressed Geomorphology, Cold Water Fishery, Warm Water Fishery, and Riparian Ecology. All related documents are found on the DRD website.

The spring of 2005 saw the first spill on the lower Dolores since the drought began in 2001. DRD science contributed to spill management planning, and was evaluated with oversight of the DRD science coordinator by pre and post spill videography, photo points, and monitoring at the Big Gypsum study site which was originally established by CDOW and a geomorphologist from Mesa State.

**Governmental Water Roundtable, San Juan BLM Forest Plan Revision:** As the DRD was busy addressing the 2005 spill, a Governmental Water Roundtable, convened by the San Juan Public Lands Center convened for the first time on May 10, 2005. The Water Roundtable was made up of federal, state and local government representatives to explore water related issues that would be taken up in the joint San Juan Forest/BLM Plan Revision. In September of 2007 Wild and Scenic River Eligibility and Suitability was taken up by the Roundtable and became a

primary topic of controversy and discussion by the Roundtable through the most recent meeting on March 12, 2008. Meeting summaries, documents and presentations from the Governmental Water Roundtable can be found at <http://ocs.fortlewis.edu/forestplan/roundtable>.

**Convergence of Dolores River Dialogue and Governmental Water Roundtable:**

On June 8, 2006 a broad array of DRD participants convened as a “DRD Wild and Scenic Eligibility Review Committee” to comment on the proposed eligibility of stream segments under jurisdiction of the Dolores Public Lands Office (USFS and BLM) including the Dolores River above and below McPhee. A consensus letter was sent on June 28, 2006 to the Forest Supervisor/Center Manager with detailed comments on each segment.

**Draft San Juan Plan Revision- Role of DRD in Wild and Scenic Issue:** The Draft Plan released in January of 2008 addressed Wild and Scenic issues in a manner that was responsive to input from the DRD comment letter of June 2006, and anticipated a role for the DRD in exploring alternatives to Wild and Scenic designation on the Dolores River. The DRD comment letter had opposed going to WSR Suitability in the Plan Revision, but dealt very specifically with which stream segments could be justified as eligible. Appendix D of the Plan Revision kept most of the upper and lower Dolores, a total of 233 miles, on the eligible list. A “preliminary suitability determination” was made in the Draft Plan which was limited to 109 miles from McPhee to Bedrock, which the DRD Review Committee agreed were eligible, and 20 miles of tributaries to the lower Dolores (which the Review Committee was divided on). The Dolores River above McPhee was not deemed by the Draft Plan Revision to be preliminarily suitable.

The Draft Plan Revision also recognized the role of the DRD in finding alternatives to Wild and Scenic designation:

*“The DRD process shows great promise in achieving enduring protections for this stream reach. Should the DRD make substantial progress in identifying and securing needed protections of the ORVs, the recommendations of the group could be used to supplement or replace this preliminary finding of suitability. Ideally, the DRD will be able to provide their recommendations for management of the lower Dolores River prior to the close of the public comment period for this draft Plan Revision. Input from the DRD could then be more fully considered in the final Plan and associated environmental analysis.”*[Appendix D– Wild and Scenic Rivers Suitability, Page D-20]

**DRD Works with San Juan Public Lands to Structure Exploration of WSR**

**Alternatives on the Dolores River:** Discussions began between the DRD and the Manager of the Dolores Public Lands Office on how to move forward with the opportunity presented in Appendix D of the Draft Plan Revision. The strategy that came out of these discussions was presented and adopted at the February 27, 2008 meeting of the full DRD as quoted from the meeting summary below:

*“Steve Beverlin, District Manager for the Dolores Public Lands office presented the idea to the group of the DRD taking on the key leadership role in updating the 1990 Dolores River Corridor Management Plan. A copy of the*

*plan was distributed. This plan needs updated and the DRD is a logical entity to help, Steve said. It would involve larger corridor issues including but not limited to the river. There was agreement this is a good role for the DRD to take on. The work will be done in close concert with both Counties (Dolores and Montezuma). The Technical Committee will meet and discuss the many specific details involved, and was charged with bringing recommendations back to the next DRD. Questions such as cost, staffing, community involvement processes to use, etc. will need to be worked out. Steve said that he sees this as an opportunity for the DRD to form a new committee and begin to look at alternatives out there for corridor protection while addressing concerns raised both by the DRD but also, the community at large.” [DRD Meeting Summary, February 28, 2008, Page 7]*

It is the above consensus, arrived at during a Dolores River Dialogue meeting, based on the Draft San Juan Forest/BLM Plan Revision, that is the basis for the proposed project and funding request.

The Dolores Water Conservancy District in an April 10, 2008 letter commenting on the Draft Plan Revision included this endorsement of the DRD strategy:

*This update of the 1990 Plan will provide an opportunity to evaluate current protections, consider additional options and make a set of recommendations that could be implemented as an Amendment to the Dolores River Management Plan. Montezuma County, a Cooperating Agency in the Plan Revision agreed to participate in this effort as did Dolores County. An invitation will also be extended to San Miguel County.*

*The DWCD requests that the Final Plan Revision specify the update of the 1990 Dolores River Management Plan as the mechanism for reconciling the obligations of the San Juan Public Lands Center to protect resource values with the obligations of the Dolores Water Conservancy District to protect Dolores Project water rights, allocations and contractual obligations as well as to provide for the protection of current and future water needs and water development options within the District. DWCD further requests that the collaborative relationships and science base of the Dolores River Dialogue be used as a foundation for this process.*

*With the Dolores River Management Plan amendment process in place, DWCD requests that the language in the passage above from page D-20 of the Draft Plan be changed from “supplement or replace” to “replace this preliminary finding of suitability.” A positive outcome to the Dolores River Management Plan Amendment process can also provide a very constructive resolution of DWCD’s concern (#2 above) about federal reserved water rights. [Pages 5- 6, CWCB April 10 Comment on Draft Plan Revision]*

The DRD science base that will be applied in the proposed process and funding request is spelled out in more detail in the DWCD April 10 letter of comment on the Draft Plan Revision:

*The Dolores River Dialogue which involves the SJPLC, CDOW, TNC, TU and other academic and conservation entities, working with water management entities, has developed a core science report, is conducting field science activities, and coordinating with CDOW fish survey work which is addressing the roundtail chub and other warm water fish species in conjunction with work on riparian vegetation. DWCD allocations include approximately 30,000 acre feet of water that is released annually for the benefit of the fishery. In spill years, this pool is supplemented by the policy that no flows are charged to the fish pool during the spill, which in 2008 is currently projected to provide an additional 10,721 acre feet saved for the fish pool over an 88 day spill event.*

*In addition to the work being done to address the native fishery, the DRD is working in cooperation with the DOW and Trout unlimited biologists to evaluate and develop opportunities to improve the health of the trout fishery below McPhee through a combination of flow management, geomorphic flushing and in-channel restoration. The DWCD requests that the Final Plan acknowledge the current and future role of the DRD in coordinating field science on the Dolores River between McPhee and Bedrock with the active participation of the SJPLC. (Concern #3 above). [Page 7, DWCD April 10 Comment on Draft Plan Revision]*

**Use of DRD Science and Collaborative Relationships to Address ORVs:** The WSR Appendix D quoted above emphasizes the DRD making “*substantial progress identifying and securing needed protections of the ORVs.*” The ORVs listed in the Draft Plan Revision include: “*Recreation and scenery, Fish and wildlife, Geology, Ecology and Archeology.*”

The science work of the DRD has focused in depth on warm and cold water fish, riparian ecology, and geomorphology. DRD participants and recommendations were incorporated into the 2008 Spill Committee which integrated rafting and ecological goals into a managed spill that has been recognized by all interests as highly successful. The DRD has not spent a lot of time on archaeology, but there is a depth of knowledge that the staff of the Dolores Public Lands Office will bring to the process.

### **Proposed Work Plan and Budget**

The proposed work plan will work towards “identifying and securing needed protections” for these ORVs. In keeping with the science based approach of the DRD, agreed upon protections will be analyzed as to anticipated benefit, documented, monitored and adapted as part of the ongoing work of the DRD in cooperation with the Dolores Public Lands Office.

The requested funding will support Phases 1-3 of a 4 Phase Work Plan, including field science expertise, meeting facilitation, documentation, website management, field trips and public involvement, coordination and administration; and travel, field expenses, supplies and publication. Meetings during all Phases of the process will be open to the Public, and opportunities will be provided for public comment. Project Phases 1-4 are summarized below. Scheduling is contingent on availability of funding.

**Phase 1: October 2008-February 2009 – Baseline Information, Issue Identification, Evaluation of ORVs. Additional Information Needs, Goals, and Action Plan.**

- Information and data sharing among all parties,
- Reviewing the 1990 Dolores River Corridor Management Plan
- Goal setting for the planning process
- Setting Boundaries for the areas to be addressed
- Identifying issues to be addressed by the plan
- Evaluating the outstandingly remarkable values (ORVs) as identified in the Draft Plan Revision
- Identifying and organizing additional information needs
- Developing and implementing an action plan

**Phase 2: March-June 2009 – Demonstrate Adaptive Management within Available Water Budget, and Gather Field Data with Focus on ORVs**

- Criteria will be developed for implementing and evaluating a Spill Management Plan for 2009 with a focus on ORVs. This activity will be done in conjunction with the 2008 Spill Committee. Use of additional fish water while spill clock is turned off will also be considered.
- If a spill is not forecasted, criteria will be developed for evaluating fish pool and senior downstream releases.
- Plans will be developed for summer field work to continue to evaluate spill or no-spill responses in relation to ORVs

**Phase 3: July-September 2009 – Continue Field Work, Conduct Field Trips, Formulate Alternatives and Proposed Action for Formal EA Process in Phase 4**

- Conduct Field Work
- Refine and expand knowledge base related to ORVs
- Conduct 2-3 Field Trips
- Formulate Alternatives for protecting ORVs and addressing issues identified in Phase 1, and
- Develop Alternatives and Proposed Action to be used in the completion of the Environmental Assessment in Phase 4.

Phases 1-3 will involve and estimated 10 formal meetings, numerous work sessions among project participants and consultants, and 2-3 field trips. All of these activities and outputs will be documented and made available on the DRD website. All of the information developed in Phases 1-3 and the alternatives developed in Phase 3 will provide the basis for Phase 4 which is summarized below:

**Phase 4: October 2009-March 2010 – Formal Environmental Assessment**  
(additional funding will be required)

- Develop an Environmental Assessment using the information and alternatives developed in Phases 1-3
- Proposed Action and Scoping Letter

- Conduct Public Involvement
- The Dolores Public Lands Office will issue a Decision Notice with regard to the Dolores River Management Plan. Other participating agencies and organizations will also have the option of rendering formal decisions or formulating policies and endorsements based on the information and public involvement resulting from Phases 1-4.

### **Project Staffing and Budget for Phases 1-3**

#### **Science**

Fisheries Biologist, Trout Unlimited: Will focus on the cold water trout fishery in Reach 1 from McPhee Dam to Bradfield Bridge, contributing to all three phases of the work plan. \$12,000 is budgeted for this work including time and expenses, and any supplemental assistance (field interns etc.) necessary to execute these responsibilities.

Dr. David Merritt, Riparian Plant Ecologist, USFS Stream Systems Technology Center: David will provide professional oversight the Big Gypsum Field Study Plan concerning the relationships between flow regimes, stream banks and floodplain vegetation. \$5,000 is budgeted for David's involvement.

Adam Coble, M.S. Candidate, NAU Forestry Program: Will develop baseline vegetation and hydrology for long term monitoring of flow responses at Big Gypsum study site with professional oversight by Dr. Tom Kolb. \$20,000 is budgeted for a full year of engagement by Adam in Phases 1-3 if the Work Plan

DRD Technical Committee, Core Science Team: Jim Siscoe, riparian ecologist, Ann Oliver of TNC, David Graf, CDOW hydrologist, Chester Anderson, Entomologist and Jim White, CDOW fish biologist will provide oversight for consultant work as well as ongoing fish and riparian vegetation inventories. Their time will be contributed as match to the project.

Science Interns: \$5,000 is budget for field science interns as needed to support the project.

#### **Facilitation, Coordination, Administration**

Marsha Porter-Norton will provide meeting facilitation throughout Phases 1-3. \$15,840 is budgeted for Marsha's work. Marsha will be assisted by Gail Binkly who will provide summaries of all public meetings for circulation and posting on the DRD website, and will work with Marsha on news releases and producing informational materials to support the process. \$6,640 is budget for Gail's work.

DWCD: Michael Preston, General Manager will support contracting, interagency cooperation and process coordination in close cooperation with the Facilitator. Gina Espeland and Lisa Jordan will provide administrative, fiscal and logistical support to the project. \$12,000 is budgeted for DWCD's work.

Bill Ball, Fort Lewis College Office of Community Services will provide website management to the project.

**Budget for Phases 1-3  
 Alternatives to Wild and Scenic River Designation on the Dolores River**

<b>Item</b>	<b>Amount</b>
Fisheries Biologist, TU	\$ 12,000
Riparian Ecologist, Stream Team	\$ 5,000
M.A. Candidate, NAU Forestry Program	\$20,000
Science Interns	\$ 5,000
Facilitator	\$15,840
Meeting Documentation/Public Information	\$ 6,640
Website Management	\$ 2,000
DWCD Coordination, Administration	\$12,000
Field Trips	\$ 4,500
Maps, GIS Layers, Presentation Materials	\$ 4,000
Travel, Perdiem, Field Expense	\$ 7,500
Supplies, Materials, Food	\$ 4,000
Postage, Printing	\$ 1,500
<b>Total Funding Requested</b>	<b>\$99,980</b>