

**Center for Native Ecosystems • Colorado Environmental Coalition
Colorado Mountain Club • Colorado Wild • San Juan Citizens Alliance
Sheep Mountain Alliance • The Wilderness Society • Western Colorado Congress
Wild Connections • Wilderness Workshop**

c/o 1660 Wynkoop, #850
Denver, Colorado 80202

May 12, 2011

Dominguez-Escalante National Conservation Area
Bureau of Land Management
2815 H Road
Grand Junction, Colorado 81506

Greetings,

The undersigned organizations respectfully submit comments and recommendations regarding potential wild and scenic river segments within the Dominguez-Escalante National Conservation Area (NCA), as described in the Bureau of Land Management's (BLM) *Dominguez-Escalante National Conservation Area, Summary Report for Wild and Scenic River Eligibility, November 2010*. The following comments and recommendations relate to the range of alternatives to be considered, and to final protective prescriptions, in the BLM's pending resource management plan for the NCA.

The organizations preparing the comments and recommendations include a spectrum of local, statewide, and national conservation and quiet-recreation expertise. In preparing our comments, these organizations have relied on extensive field exploration and study, documents review, and consultations with various local landowners, ranchers, water providers, and others with interest in, and knowledge of, the streams and their surrounding lands.

As an aside, but as important context for our comments and recommendations, we note that the BLM's internet information site regarding Dominguez-Escalante NCA planning describes an ad hoc group of stakeholders that has been meeting to discuss the wild & scenic-eligible streams within the NCA—and that that group has now submitted separate comments to the BLM. Environmental, conservation, and quiet-recreation organizations have consciously chosen not to participate in that stakeholder process, which has proven to be a venue only for uncompromising opposition to findings of wild & scenic suitability for the NCA streams and for opposition to protection of those streams under the Wild and Scenic Rivers Act of 1968.

(Correspondingly, the BLM's internet reference to that independent ad hoc process needs correction and clarification. Specifically, the site's statement that "Independent stakeholders—landowners, conservationists, recreationists, and business interests—have

been considering...”, should be amended to remove reference to conservationists and to quiet-use recreationists, who are not participating in that process.)

The following comments, and the organizations submitting them, take a different approach, without preconceptions regarding potential wild & scenic suitability, and evaluating each stream’s:

- outstandingly remarkable values;
- management needs and opportunities;
- other factors related to the potential wild & scenic suitability of each stream;

and offering specific wild & scenic suitability recommendations for the eligible streams.

In addition, these comments recommend, with or without a finding of suitability, fitting protective management prescriptions and policies for each stream.

As such, we believe that the following comments provide a thoughtful, objective, and well researched set of recommendations. We urge the BLM, and the Dominguez-Escalante National Conservation Area Advisory Council, to carefully review these comments and to incorporate them into final recommendations and decisions regarding management of this remarkable landscape and of the streams that are so essential to its beauty and natural function.

Please note that these comments and recommendations supplement and update those submitted to the BLM (during its management planning scoping phase) by essentially the same organizations on August 17, 2010. We also commend the substantive comments on wild & scenic values and protective management recommendations, included in that 2010 letter, to your careful consideration as part of your current work on the Dominguez-Escalante management plan. (*We have an additional copy of those 2010 comments, along with these updated comments.*)

General observations and RMP range of alternatives

Wild & scenic uniqueness in Colorado

The unique and extensive array of outstandingly remarkable values found in an along these stream segments suggests that all eleven stream segments warrant a finding of suitability for wild & scenic protection. This is an especially important consideration in a state that has seen, so far, only one stream designated by Congress for protection under the Wild and Scenic Rivers Act.

It is correspondingly significant to note that that one stream—the Cache la Poudre in northeastern Colorado—was designated based on extensive community negotiations, and using legislation that specifically addressed unique local needs of agriculture, land ownership, and municipal water supplies. That very successful community-built model for the Poudre should be followed for other streams throughout Colorado, both recognizing the incredible river heritage we enjoy in this state and affirming the

flexibility inherent in the Wild and Scenic Rivers Act, in federal land management, and in congressional action.

Outstandingly remarkable values in context of NCA designation

It is significant that all of the outstandingly remarkable values identified for these streams, in the BLM's wild & scenic eligibility report, are additionally recognized by the Act of Congress that designated the NCA and wilderness as values essential to the NCA and its proper management—a fact that warrants careful attention from the NCA Advisory Council and from the BLM, beyond the basic and normal wild & scenic suitability review.

Specifically, that Act notes that the purposes of the NCA and wilderness designations are to protect the unique and important resources and values of the land, including:

- geological*;
- cultural*;
- archaeological*;
- paleontological*;
- natural*;
- scientific;
- recreational*;
- wilderness;
- wildlife*;
- riparian*;
- historical*;
- educational; and
- scenic* resources; and
- the water resources of area streams, based on seasonally variable flow, that are necessary to support aquatic*, riparian*, and terrestrial* species and communities.

(features and values also identified in the BLM's wild & scenic eligibility report)*

All-suitable option in RMP range of alternatives

In order to be consistent with the laws and policies implementing the National Environmental Policy Act (NEPA), and to provide interested citizens complete options on which to comment, the range of alternatives in the NCA's draft RMP should include at least one alternative that finds all eleven streams suitable for wild & scenic management and protection. While such an alternative probably would not be included in the final RMP, it is important, fair, and legally required to offer such an alternative.

Our stream-specific comments and recommendations below start from that perspective—a preference, albeit a flexible preference, for findings of suitability. Based on the full array of factors in our review, however, we recommend that five of the eleven stream segments be found wild & scenic suitable (*some with, others without, accompanying recommendations for wild & scenic designation*).

Selective findings of suitability, selective recommendations to Congress

Even among the stream segments we recommend as suitable—and among segments the BLM RMP ultimately finds suitable—the option of actually recommending congressional action should be used selectively. The resulting option—finding of suitability without formal recommendation for congressional action—in at least one instance, may provide the best combination of careful, protective, and flexible management without legislation.

This concept allows two basic and important dynamics to play out. First, a formal finding of wild & scenic suitability status provides the authority and guidance to the BLM (and to agencies it advises) to pursue—in a *comprehensive and coordinated fashion, based in clear standards and policy guidance associated with suitability*:

- protective management of the respective ORVs and healthy stream conditions;
- cooperative agreements and enhancement projects with other federal agencies, state agencies, local communities, and private landowners;
- formal consultations with other federal agencies considering activities that may affect the stream or its associated ORVs.

Second, in these instances, foregoing a recommendation regarding legislation provides breathing space for the suitability status and associated protective manage (*above*) to be successful in their own right, without distracting debate or concerns that some may feel regarding legislation.

Stream segments

Gunnison River, Segment 3

17.48 miles; Recreational; Recreational, Fish, Cultural, Vegetation

This major and iconic western river is of regional importance—ecologically, recreationally, and historically. The continuing health of the river—strong seasonally variable stream flow, naturally maintained stream channel, and healthy riverbanks and riparian corridors—are essential both to its inherent natural and scenic values and to human needs associated with the river.

In that human-activities consideration, the Gunnison River, in healthy condition, affects successful agriculture, reliable and clean local water supplies, flood control, recreation opportunities, and healthy survival of native fish (thus avoiding potentially unwieldy federal species-protection measures).

Suitability—suitable

Recommendation to Congress—none

Management—to ensure enduring and sustainable recreational opportunities, healthy native fish, completely protected cultural sites, and self-sustaining native cottonwood/skunkbush sumac riparian woodland

Details, clarifications, and qualifiers

This river segment is eminently qualified for protection of the type provided under the Wild and Scenic Rivers Act. The fairly extensive private land ownership (on one or both sides) along the segment, significant existing water rights in and upstream of the segment, and a generally high level of local resistance to a wild & scenic designation along the segment combine, however, to make a wild & scenic congressional designation difficult and unlikely at this time.

Protective management for the eligibility-report ORVs should be accomplished through a finding of suitability, combined and carefully coordinated with other existing and future measures—including full and effective implementation of the endangered fish recovery program, streamflow protection water rights in cooperation with the State of Colorado, and strong streambank protective measures on all federal and state lands along the segment.

The BLM should however forego, at this time a recommendation for wild & scenic designation for this segment.

No streambank- or streambed-disturbing activities (streambed excavations, streambank armor, gold-prospecting vacuums, e.g.) should be allowed in this segment.

Cultural resources should be stabilized, monitored, and even, where necessary, kept generally secret or off-limits, in order to preserve their features intact and available for scientific study.

So long as federal programs and prescriptions for native fish recovery—including protection for fish-supportive streamflows—remain in place and are effectively implemented, it is not necessary to seek wild & scenic designation for this segment.

Streambanks within the Dominguez Canyon Wilderness should be closed to non-wilderness activities, including motorized travel, structures, and alterations of the natural landscape and features.

Gunnison River, Segment 1

15.73 miles; Scenic; Recreational, Fish, Historical

This major and iconic western river is of regional importance—ecologically, recreationally, and historically. The continuing health of the river—strong seasonally variable stream flow, naturally maintained stream channel, and healthy riverbanks and riparian corridors—are essential both to its inherent natural and scenic values and to human needs associated with the river.

In that second, human consideration, the Gunnison River in healthy condition affects successful agriculture, reliable and clean local water supplies, flood control, recreation

opportunities, and healthy survival of native fish (thus avoiding potentially unwieldy federal species-protection measures).

Suitability—non-suitable

Recommendation to Congress—none

Management—to ensure enduring and sustainable recreational opportunities, and healthy self-sustaining populations of native fish

Details, clarifications, and qualifiers

This river segment is eminently qualified for protection of the type provided under the Wild and Scenic Rivers Act. The extensive private land ownership along the segment (on one or both sides), however—and corresponding disjointed nature of the eligible segment—make wild & scenic suitability or congressional designation difficult at best.

Protective management for the eligibility-report ORVs should be accomplished through other means, including full and effective implementation of the endangered fish recovery program, streamflow protection water rights in cooperation with the State of Colorado, and strong streambank protective measures on all federal and state lands along the segment.

No streambank- or streambed-disturbing activities (streambed excavations, streambank armor, gold-prospecting vacuums e.g.) should be allowed in this segment.

So long as federal programs and prescriptions for native fish recovery—including protection for fish-supportive streamflows—remain in place and are effectively implemented, it is not necessary to seek wild & scenic designation for this segment.

The wilderness values identified in *Colorado's Canyon Country Wilderness Proposal* for the Dominguez North area west of the river, and in the BLM's wilderness evaluation for the same lands, must be protected.

Big Dominguez Creek, Segments 1 and 2

15.86 miles; Wild; Scenic, Recreational, Wildlife, Geological, Cultural
.78 mile; Scenic; Scenic, Geological, Wildlife, Cultural

Few streams in Colorado are better qualified for protection under the Wild and Scenic River Act as is Big Dominguez Creek. The dramatic scenery, extensive and diverse outstandingly remarkable values (ORVs), along with an essentially unimpeded, seasonally variable streamflow, these stream segments warrant enduring and complete protection. The stream and its corridor are 100% in federal ownership and management.

We believe that these features of Big Dominguez Creek warrant a finding of wild & scenic suitability, and, in normal circumstances, would strongly recommend that finding

and a recommendation to Congress for its designation under the Wild and Scenic Rivers Act.

The existing combination of protections, however, including congressionally approved wilderness designation for the surrounding Dominguez Canyon Wilderness, combined with the State of Colorado's establishment of instream flow protection rights—specifically for wilderness purposes—sufficiently fulfill the protections that would come with a finding of wild & scenic suitability, or even with a wild & scenic river designation.

Suitability—non-suitable

Recommendation to Congress—none

Management—in complete compliance with legislation designating the wilderness, and with The Wilderness Act of 1964

Details, clarifications, and qualifiers

So long as the stream and surrounding lands are properly managed to full compliance with the wilderness designation and with The Wilderness Act of 1964, and so long as streamflow-protective water rights remain in place and are fully implemented and defended, it is not necessary to provide additional protections related to wild & scenic river potential.

If either those wilderness-based management protections, or the state's instream flow protection, should fail to sufficiently protect Big Dominguez Creek or its corridor, the BLM should reconsider a finding of suitability, and additional corresponding protections, at that time.

Avoid establishment of new trails; limit off-trail travel.

Limit camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and fragility.

Little Dominguez Creek, Segments 1 and 2

13.14 miles; Scenic, Geological, Wildlife Cultural

2.45 miles; Scenic, Geological, Wildlife, Cultural

Few streams in Colorado are better qualified for protection under the Wild and Scenic River Act as is Little Dominguez Creek. The dramatic scenery, extensive and diverse

outstandingly remarkable values (ORVs), along with an essentially unimpeded, seasonally variable streamflow, these stream segments warrant enduring and complete protection. The stream and its corridor are 100% in federal ownership and management.

We believe that these features of Little Dominguez Creek warrant a finding of wild & scenic suitability, and, in normal circumstances, would strongly recommend that finding and a recommendation to Congress for its designation under the Wild and Scenic Rivers Act.

The existing combination of protections, however, including congressionally approved wilderness designation for the surrounding Dominguez Canyon Wilderness, combined with the State of Colorado's establishment of instream flow protection rights—specifically for wilderness purposes—sufficiently fulfill the protections that would come with a finding of wild & scenic suitability, or even with a wild & scenic river designation.

Suitability—non-suitable

Recommendation to Congress—none

Management—in complete compliance with legislation designating the wilderness, and with The Wilderness Act of 1964

Details, clarifications, and qualifiers

So long as the stream and surrounding lands are properly managed to full compliance with the wilderness designation and with The Wilderness Act of 1964, and so long as streamflow-protective water rights remain in place and are fully implemented and defended, it is not necessary to provide additional protections related to wild & scenic river potential.

If either those wilderness-based management protections, or the state's instream flow protection, should fail to sufficiently protect Little Dominguez Creek or its corridor, the BLM should reconsider a finding of suitability, and additional corresponding protections, at that time.

Avoid establishment of new trails; limit off-trail travel.

Limit camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and fragility.

Rose Creek

3.9 miles; Wild; Scenic

This stream is eminently qualified for protection under the Wild and Scenic Rivers Act and, in the interim, for a finding of suitability and strong protective management. The distinctive and undisturbed scenic and landscape features of the stream and corridor must be preserved. The stream and corridor are 100% federally owned and managed.

Suitability—suitable

Recommendation to Congress—recommend for designation

Management—in complete compliance with legislation designating the wilderness, and with The Wilderness Act of 1964

Details, clarifications, and qualifiers

The stream and corridor are within the congressionally designated Dominguez Canyon Wilderness. This provides an appropriately high level of protection for the scenic outstandingly remarkable value along the corridor, but does not necessarily ensure protection for the stream itself. Unlike the other major streams in this wilderness—Big and Little Dominguez creeks—Rose Creek is not subject to a state instream flow protection right specifically for wilderness purposes.

In a larger sense, this is a stream that has absolutely no conflicts with potentially competing uses or interests—no private land nearby, no human structures, no water impoundments or diversions, no water rights, no land-disturbing activities proposed. It is, therefore, ideally suited to take advantage of the protection of the Wild and Scenic Rivers Act, without impact on community or private structural or extractive needs.

The wilderness designation therefore should be supplemented with designation by Congress as a wild & scenic river, with attendant streamflow protection. Meanwhile, the stream should be found suitable and recommended to Congress for protection.

Avoid establishment of new trails; limit off-trail travel.

Limit camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and sensitivities.

Escalante Creek, Segment 1

8.45 miles; *Scenic; Scenic, Recreational, Geologic, Wildlife, Vegetation*

This stream segment boasts the highest diversity of outstandingly remarkable values of any in the NCA. The creek's wild and cascading variety provides an incomparable strip of oasis in an otherwise arid and delicate—even harsh—landscape.

The stream corridor is corresponding critical habitat for a wide diversity of plant and animal species—in some instances, globally rare species, particularly:

- narrowleaf cottonwood/strapleaf willow-silver buffaloberry riparian forest; and
- Fremont cottonwood/skunkbush sumac riparian forest.

In a more general sense, the stream and corridor include important occurrences of rare and sensitive plant species, hanging gardens, and related vegetation types.

These unique and rare plant communities, along with the scenic, geologic, and wildlife values identified in the BLM's wild & scenic eligibility report, can best be protected with management prescriptions associated with wild & scenic suitability.

The recreational ORVs identified in the BLM's eligibility report—in particular, the Escalante Potholes—provide a very distinctive geological and hydrological feature, directly related to the stream and its seasonal flows. The same feature presents a human safety hazard, especially to the unwitting or ill-prepared visitor. Both aspects of this feature could be well addressed under terms of wild & scenic suitability—with simultaneous emphases, and increased funding, on natural resource protection and strengthened visitor management.

The fairly low percentage of federal ownership, along the stream and within the stream corridor, may complicate effective management of the overall landscape and of visitation. The segment should therefore not be recommended to Congress for designation *at this time*.

The stream segment should be found suitable, however, as affirmation of the need for leadership and continuity in management of the public lands there. That umbrella management status will provide the BLM with the tools and motivation to more comprehensively protect the amazing natural wonder of the area while better guiding—even constraining—inappropriate recreation activities. Such BLM management leadership should then be implemented in concert with—and building on the knowledge and resources of—Colorado Division of Wildlife, historical preservation interests, and private landowners.

Suitability—suitable

Recommendation to Congress—none

Management—as wild & scenic suitable river to fully and reliably preserve the identified outstandingly remarkable values

Details, clarifications, and qualifiers

Better comprehensive management under wild & scenic suitability status, combined with cooperative measures with adjacent landowners, should be implemented as part of the resource management plan, with possible future agency actions and recommendations informed by the experiences from that new management effort.

Management measures should ensure continued effective use of private land in and near the corridor, reduced trespass and other conflicts on private land, and control on visitor numbers and timing to further protect the natural features and to reduce impact on private land.

Avoid establishment of new trails; limit off-trail travel.

Limit camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and fragility.

Escalante Creek, Segment 2

8.48 miles; Recreational; Fish, Wildlife, Vegetation

Suitability—non-suitable

Recommendation to Congress—none

Management—Cooperative measures—with state wildlife programs and with landowners—to protect and enhance habitat for rare native fish, desert bighorn, peregrine falcon, and other rare or sensitive species

Details, clarifications, and qualifiers

This segment of Escalante Creek is visually unique and continues a riparian oasis, also found along adjacent segments of the Gunnison River, rare in the otherwise arid and fragile—even harsh—surrounding landscape. All measures possible should be cooperatively undertaken to preserve the function and features of this stream and its corridor.

The extremely low percentage of federal ownership, along the stream and within the corridor, would make comprehensive federal management of the stream as wild & scenic suitable very difficult.

Dry Fork Escalante Creek

2.89 miles; Recreational; Vegetation

The widespread impoundment and diversion of streams in western Colorado has greatly diminished the natural, flood-dependent regeneration of cottonwood galleries and associated plant communities. (Even if recently adjusted in its technical ranking of rarity, the vegetative communities found along Dry Fork Escalante Creek are nonetheless rare and in need of comprehensive and enduring protection.)

Dry Fork Escalante Creek is a long stretch of stream that provides a rare opportunity to preserve the seasonal flood and low-flow stream cycles essential to cottonwood community survival and for research applicable to other similar areas.

Suitability—suitable (federally owned portion)

Recommendation to Congress—recommend for designation

Management—to preserve and ensure self-sustaining expansion of globally rare cottonwood/skunkbush sumac riparian forest

Details, clarifications, and qualifiers

While federal ownership along the stream and within the corridor is less than 100%, the federal portion is concentrated at the stream's headwaters (eliminating or greatly reducing conflict with existing or potential water-use rights) and is continuous upstream of the private land.

This stream can be protected and managed in a way that preserves the essential natural environment without conflict with other uses or ownership.

Avoid establishment of new trails; limit off-trail travel.

Limit camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and fragility.

Ensure management programs and prescriptions are implemented in cooperation with downstream landowners.

Cottonwood Creek

18.27 miles; Scenic; Vegetation

Cottonwood Creek is an important, free-flowing tributary to Roubideau Creek, with its headwaters in national forest upstream of the wild & scenic eligible segment. The undeveloped, undisturbed, remote, and low-conflict nature of this stream makes it a ideal candidate for wild & scenic protection, and thus for interim management as suitable stream. 100% of the stream length, and 94.5% of the stream's corridor are federally owned and managed. Uses and rights associated with the small amount of private land adjoining the stream, in very short distances at three points, can be readily accommodated and continued.

The important and globally vulnerable occurrence of narrowleaf cottonwood/skunkbush sumac riparian woodland supported by this stream segment, and correspondingly by its natural flood and low-flow cycles, warrants the highest possible level of protection for those vegetative communities and for the stream's flow. This can be best accomplished by the combination of protections associated with wild & scenic river designation, and by interim management as a wild & scenic suitable stream.

Suitability—suitable

Recommendation to Congress—recommend for designation

Management— to preserve and ensure self-sustaining expansion of globally rare narrowleaf cottonwood/skunkbush sumac riparian forest

Details, clarifications, and qualifiers

This stream can be protected and managed in a way that preserves the essential natural environment without conflict with other uses or ownership.

Avoid establishment of new trails; limit off-trail travel.

Limit or direct camping to avoid damage to riparian zones and to avoid irretrievable impacts on vegetation and soils.

Limit overall visitor numbers and group size (seasonally or year-round), if and when that becomes appropriate.

Implement visitor education programs and information to increase sensitivity to the stream's and corridor's ecological dynamics and fragility.

Ensure management programs and prescriptions are implemented in cooperation with adjacent landowners.

Summary

In general:

- The draft RMP should include at least one alternative finding all eleven stream segments suitable;
- The final RMP should include a combination of wild & scenic suitable streams with recommendation to Congress, suitable streams without recommendation to Congress, and non-suitable streams;
- The final RMP should include clear, reliable measures that protect the natural condition of all eleven streams, their respective corridors, and the full range of outstandingly remarkable values identified in the BLM's wild & scenic eligibility report.

Suitable streams, with recommendation to Congress:

- Rose Creek
- Cottonwood Creek
- Dry Fork Escalante Creek

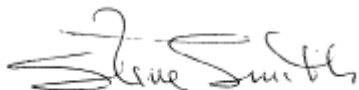
Suitable streams, without recommendation to Congress:

- Gunnison River, Segment 3
- Escalante Creek, Segment 1

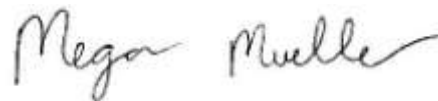
Non-suitable streams (with strong administrative protections in the RMP):

- Gunnison River, Segment 1
- Big Dominguez Creek, Segments 1 and 2
- Little Dominguez Creek, Segments 1 and 2
- Escalante Creek, Segment 2

Thank you again for the opportunity to comment on this aspect of NCA management and on the individual streams so integral to the NCA's natural health, vibrancy, and recreational attraction.



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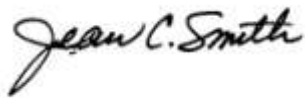
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