TABLE OF CONTENTS

Chapter Page

EXECUTIVE SUMMARY C-ES-1

1. INTRODUCTION C-1-1

1.1 Wild and Scenic Rivers Study Process C-1-4
1.1.1 Eligibility Phase C-1-4
1.1.2 Suitability Phase C-1-4

2. METHODOLOGY C-2-1

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

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

3.1 Colorado River C-3-2
3.1.1 Colorado River Segment 1 ..... C-3-2
3.1.2 Colorado River Segment 2 ..... C-3-9
3.1.3 Colorado River Segment 3 ..... C-3-15
3.2 Dolores River Watershed C-3-24
3.2.1 Dolores River C-3-24
3.2.2 North Fork Mesa Creek C-3-34
3.2.3 Blue Creek C-3-37
3.2.4 Gunnison River Segment 2 ..... C-3-41
3.3 Roan Creek C-3-47
3.4 Carr Creek C-3-51
3.5 Rough Canyon Creek C-3-55
3.6 Unaweep Canyon Complex C-3-59
3.6.1 East Creek C-3-59
3.6.2 West Creek C-3-62
3.6.3 North Fork of West Creek C-3-68
3.6.4 Ute Creek C-3-72

4. LIST OF PREPARERS C-4-1

5. REFERENCES C-5-1

TABLES

Page

ES-1 Summary of Preliminary Suitability Determinations C-ES-3
1-1 Eligible Stream Segments Studied for Suitability C-1-5
2-1 Interim Protection for Candidate Wild and Scenic Rivers C-2-6

FIGURES

Page

1-1 Project Area C-1-2
1-2 Eligible Segments within the GJFO C-1-3

ACRONYMS AND ABBREVIATIONS

	Full Phrase
ACEC	area of critical environmental concern
BLM	United States Department of the Interior, Bureau of Land Management
cfs	cubic feet per second
CPW	Colorado Department of Natural Resources, Parks and Wildlife
CWCB	Colorado Water Conservation Board
EIS	environmental impact statement
ESA	Endangered Species Act
GJFO	Grand Junction Field Office
NCA	National Conservation Area
NWSRS	National Wild and Scenic Rivers System
ORV	outstandingly remarkable value
RMP	resource management plan
SRMA	special recreation management area
US	United States
USFWS	United States Department of the Interior, Fish and Wildlife Service
US BOR	United States Department of the Interior, Bureau of Reclamation
US Forest Service	United States Department of Agriculture, National Forest Service
VRM	visual resource management
WSA	wilderness study area
WSR	wild and scenic river
WSR Act	Wild and Scenic Rivers Act of 1968

This page intentionally left blank.

EXECUTIVE SUMMARY

In March 2009, the United States (US) Department of the Interior, Bureau of Land Management (BLM), Grand Junction Field Office (GJFO) completed the eligibility phase of a wild and scenic rivers (WSR) evaluation as part of the resource management plan (RMP) revision process (BLM 2009a). The eligibility study identified 20 segments within the GJFO as eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS).

On March 30, 2009, after the release of the eligibility findings, Congress designated the Dominguez-Escalante National Conservation Area (NCA), which includes the Dominguez Canyon Wilderness. All or portions of five segments identified as eligible fall within the Dominguez-Escalante NCA (Dominguez Creek, Big Dominguez Creek, Little Dominguez Creek Segments 1 and 2, and Gunnison River Segment 1). These segments will be considered for suitability during the development of the RMP for the Dominguez-Escalante NCA. Further, Little Dolores was removed from further consideration due to land status that was verified through an updated cadastral survey. This was addressed in an amendment to the Eligibility Report. As such, a total of 14 eligible segments are studied for suitability in this report.

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 were assessed for suitability.

Project Area

The project area for this suitability study includes all BLM-managed river segments that have been determined to meet the WSR eligibility criteria within the RMP decision area. The GJFO manages approximately 1.2 million acres of BLM lands in Delta, Mesa, Montrose, and Garfield counties in northwest Colorado. This WSR suitability study also includes the eligible segment of the Colorado River that passes through the McInnis Canyons NCA as the Colorado River is not considered part of the NCA. All other aspects of the McInnis Canyons NCA were evaluated in

the McInnis Canyons NCA (BLM 2004) RMP and are not considered as part of this RMP revision process.

Suitability Phase

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the NWSRS. The suitability analysis examines various approaches for maintaining the outstanding remarkable values identified during the eligibility determination, and weighs protection of those values against other potential uses of the stream segment. 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. 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 Wild and Scenic Rivers Act of 1968 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.

Suitability Determinations

Table ES-1, Summary of Suitability Determinations, shows the preliminary suitability determination for each segment. Of the 14 stream segments determined to be eligible and studied for suitability in this report, the BLM determined that two portions of the Dolores River are suitable for WSR designation.

Table ES-1
Summary of Preliminary Suitability Determinations

River or Creek	Segment	Total Segment Length (miles)	Length on BLM Land (miles)	Preliminary Suitability Determination	Proposed Classification
Colorado River	Total of three segments	78.91 (total)	27.77 (total)		
	Segment 1	17.76	7.32	Not Suitable	Recreational
	Segment 2	40.24	1.31	Not Suitable	Recreational
	Segment 3	20.91	19.14	Not Suitable	Scenic
Dolores River Watershed	Total of three segments	45.42 (total)	30.75 (total)		
Dolores River	One segment	32.01	18.62		Recreational
			11.53	*Suitable*	
			7.07	*Not Suitable*	
North Fork Mesa Creek	One segment	2.05	2.05	Not Suitable	Scenic
Blue Creek	One segment	11.36	10.08	Not Suitable	Scenic
Gunnison River Segment 2	One Segment	16.63	3.85	Not Suitable	Recreational
Roan Creek	One segment	17.04	6.47	Not Suitable	Scenic
Carr Creek	One segment	15.10	5.06	Not Suitable	Scenic
Rough Canyon	One segment	4.21	4.21	Not Suitable	Scenic
Unaweep Canyon Complex	Total of four segments	56.50 (total)	21.39 (total)		
East Creek	One segment	20.26	8.96	Not Suitable	Recreational
West Creek	One segment	23.56	4.93	Not Suitable	Recreational
North Fork of West Creek	One segment	8.46	3.31	Not Suitable	Wild
Ute Creek	One segment	4.22	4.19	Not Suitable	Scenic

This page intentionally left blank.

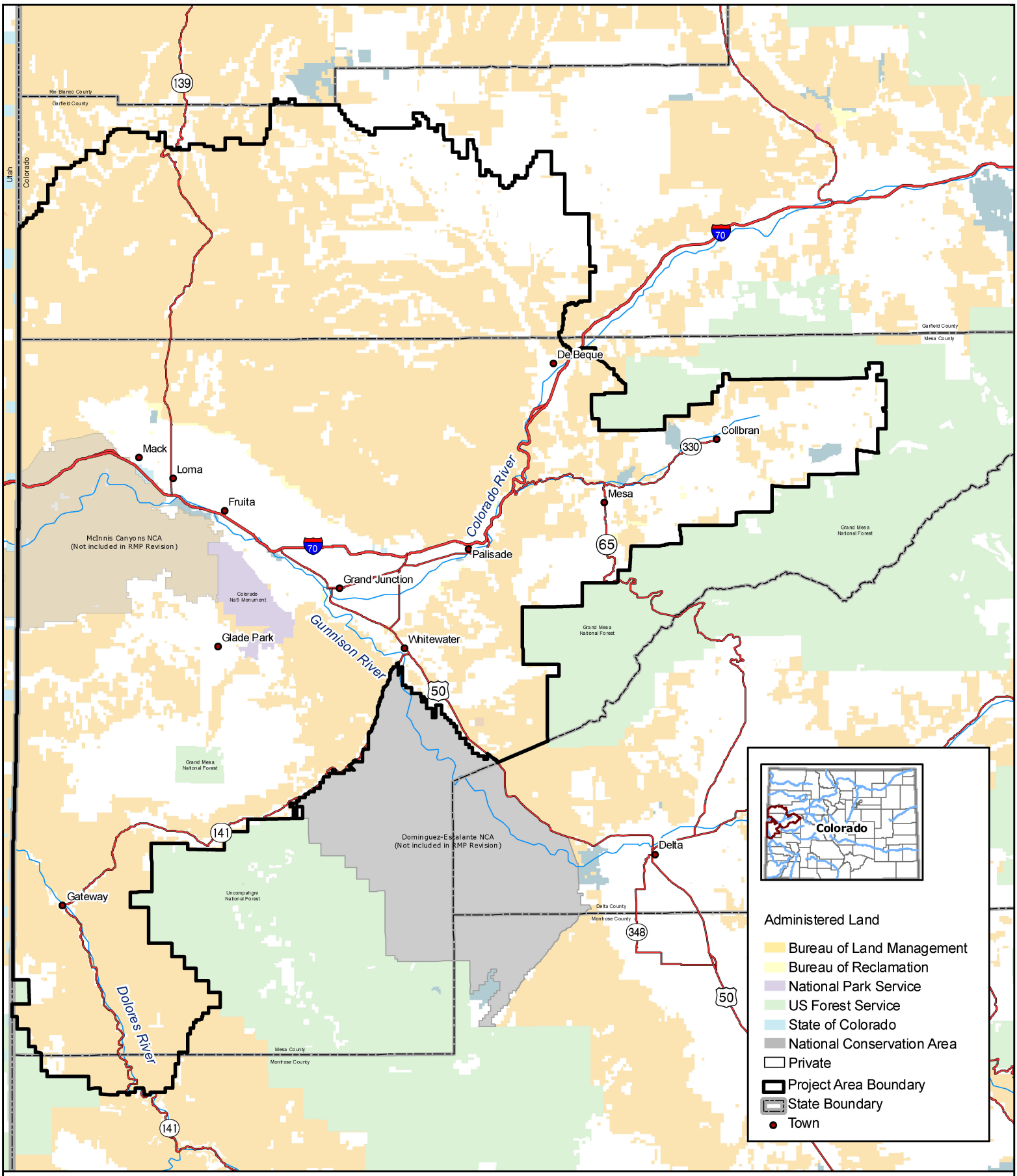
CHAPTER 1
INTRODUCTION

In March 2009, the United States (US) Department of the Interior, Bureau of Land Management (BLM), Grand Junction Field Office (GJFO) completed the eligibility phase of a wild and scenic rivers (WSR) evaluation as part of the resource management plan (RMP) revision process (BLM 2009a). The eligibility study identified 20 segments within the GJFO as eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS).

The GJFO manages approximately 1.2 million acres of BLM lands in Delta, Mesa, Montrose, and Garfield counties in northwest Colorado (**Figure 1-1**, Project Area). A separate planning process was conducted for the McInnis Canyons National Conservation Area (NCA) (BLM 2004); therefore the GJFO RMP revision will not consider lands within the NCA boundary and will not determine the eligibility or suitability of watercourses within the NCA boundary. However, the Colorado River is not considered part of the NCA and was therefore included in the GJFO WSR eligibility study and will be considered for suitability.

On March 30, 2009, after the release of the eligibility findings, Congress designated the Dominguez-Escalante NCA, which includes the Dominguez Canyon Wilderness. All or portions of five segments identified as eligible fall within the Dominguez-Escalante NCA (Dominguez Creek, Big Dominguez Creek, Little Dominguez Creek Segments 1 and 2, and Gunnison River Segment 1). These segments will be considered for suitability during the development of the RMP for the Dominguez-Escalante NCA.

This report describes the outstandingly remarkable values (ORVs), suitability factors, and preliminary suitability determination data on each of the segments which have been determined to meet the WSR eligibility criteria. **Figure 1-2** (Eligible Segments within the GJFO) displays the 14 segments being studied as part of this WSR suitability analysis.



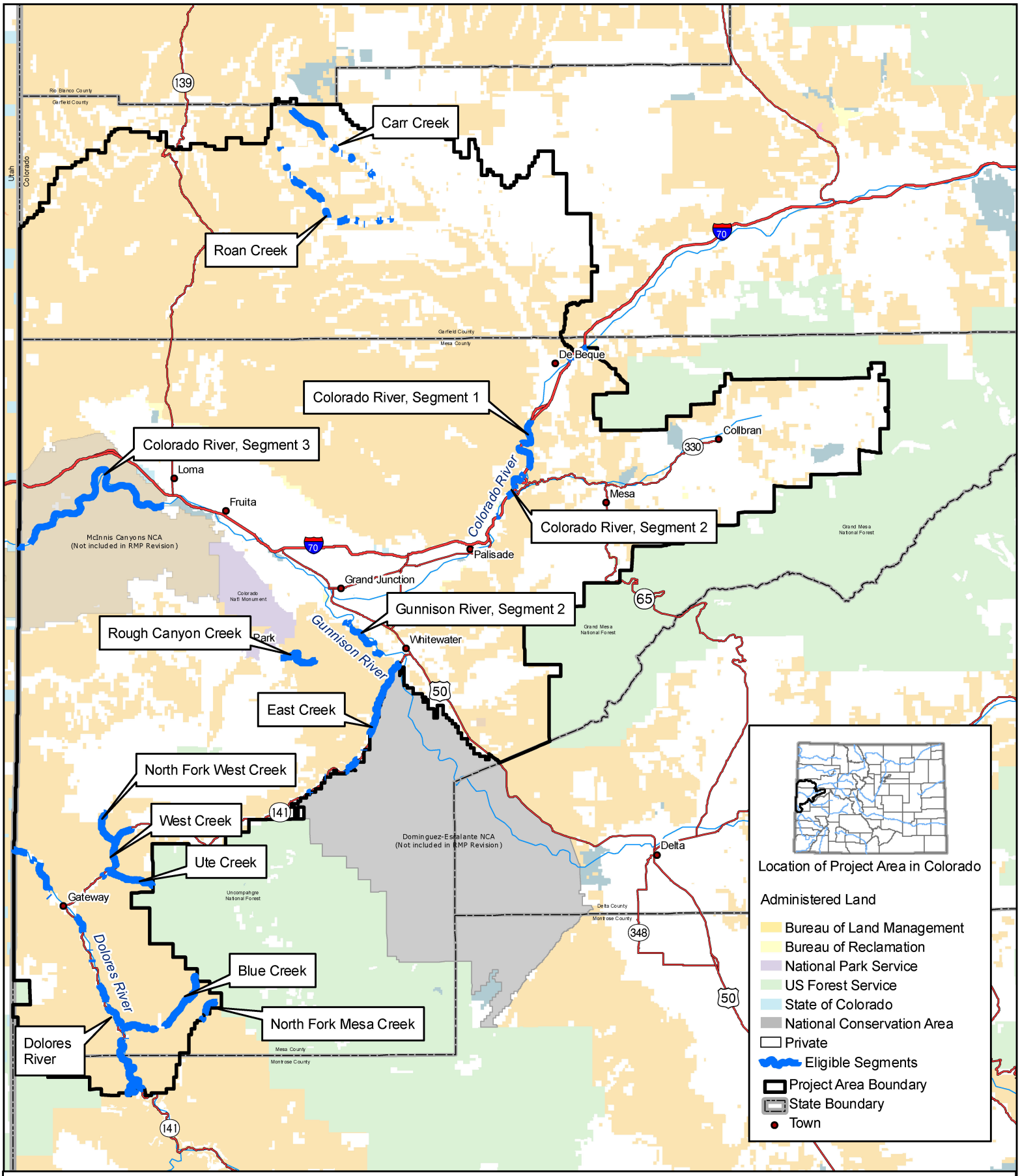
Source: BLM 2010a

Wild and Scenic Rivers Project Area

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This project was developed through digital means and may be updated without notice. Map produced by Grand Junction Field Office, Bureau of Land Management, Grand Junction, CO.

0 2.5 5 10 15 20
Miles

Figure 1-1



Source: BLM 2010a

Wild and Scenic Rivers Eligible Segments

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This project was developed through digital means and may be updated without notice. Map produced by Grand Junction Field Office, Bureau of Land Management, Grand Junction, CO.

0 2.5 5 10 15 20
Miles

Figure 1-2

1.1 WILD AND SCENIC RIVERS STUDY PROCESS

A WSR study process is composed of two main components: the eligibility phase and the suitability phase. At this point, the GJFO has completed the eligibility phase and is completing the suitability phase. 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 (WSR Act).

1.1.1 Eligibility Phase

The eligibility phase was completed for the GJFO in March 2009. A determination of eligibility includes identifying the river segment's ORVs, free-flowing nature, and preliminary classification. For a complete description of the segments analyzed and methodology used, see the *Wild and Scenic River Eligibility Report for Bureau of Land Management, Grand Junction Field Office* (BLM 2009a).

A summary of segments identified as eligible in the GJFO and that are evaluated for suitability in this report is provided in **Table 1-1**, Eligible Stream Segments Studied for Suitability.

1.1.2 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 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. 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 land management plan. A summary of segments identified as eligible in the GJFO and that were evaluated for suitability in this report is provided in **Table 1-1**.

Table 1-1
Eligible Stream Segments Studied for Suitability

River or Creek	Segment	Total Segment Length (miles)	Length on BLM Land (miles)	Preliminary Classification	Outstandingly Remarkable Values
Colorado River	Total of three segments	78.91 (total)	27.77 (total)		
	Segment 1	17.76	7.32	Recreational	Scenic, Fish, Wildlife
	Segment 2	40.24	1.31	Recreational	Fish
	Segment 3	20.91	19.14	Scenic	Scenic, Recreation, Fish, Wildlife, Geologic, Historic
Dolores River Watershed	Total of three segments	45.42 (total)	30.75 (total)		
Dolores River	One segment	32.01	18.62	Recreational	Scenic, Recreation, Geologic, Paleontological, Fish
North Fork Mesa Creek	One segment	2.05	2.05	Scenic	Vegetation
Blue Creek	One segment	11.36	10.08	Scenic	Scenic, Fish, Cultural
Gunnison River Segment 2	One Segment	16.63	3.85	Recreational	Fish, Historic
Roan Creek	One segment	17.04	6.47	Scenic	Fish
Carr Creek	One segment	15.10	5.06	Scenic	Fish
Rough Canyon	One segment	4.21	4.21	Scenic	Scenic, Wildlife, Geologic
Unaweep Canyon Complex	Total of four segments	56.50 (total)	21.39 (total)		
East Creek	One segment	20.26	8.96	Recreational	Geologic
West Creek	One segment	23.56	4.93	Recreational	Scenic, Wildlife, Geologic, Vegetation
North Fork of West Creek	One segment	8.46	3.31	Wild	Scenic
Ute Creek	One segment	4.22	4.19	Scenic	Scenic, Vegetation

Source: BLM 2009a

This page intentionally left blank.

CHAPTER 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

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the NWSRS by considering tradeoffs between corridor development and river protection. Suitability considerations include the environment and economic consequences of designation and the manageability of a river if it were designated by Congress.

A suitability study is designed to answer these questions:

1. 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?
2. Will the river's free-flowing character, water quality, and ORVs be protected through designation? Is designation 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.
3. Is there a demonstrated commitment to protect the river by any nonfederal entities that 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 in the suitability study:

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

2. Status of landownerhip, 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 outstandingly remarkable values 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 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. 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 a 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 suitability analysis, water resource development issues are generally considered under criterion three and seven from BLM Manual Section 8351 (BLM 1992).

2.2 DATA SOURCES AND METHODOLOGY

The BLM relied on several sources, including geographic information systems data, GJFO 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

The US Geological Survey National Hydrography Dataset was used to select all perennial stream segments for the eligibility study. Streams and stream sections were removed that did not fall within GJFO jurisdiction. 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 resource specialists from the GJFO. 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 835;
- US Geological Survey Minerals Maps;
- US Geological Survey stream gage data;
- Land Status Maps;
- Agreements with other agencies;
- 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 and stakeholders.

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, Parks and Wildlife (CPW) databases;
- US Department of Agriculture, National Forest Service [Forest Service], where segments originate or continue onto Forest Service land;
- Environmental organizations;
- Land owners;
- Water users;
- Municipalities;
- Counties; and
- State entities.

2.2.5 Public Input

Eligibility Phase

Public involvement for the GJFO WSR evaluation process began during the eligibility phase as part of initial scoping for the RMP from October 15, 2008 through January 9, 2009. Public outreach during the scoping period included: 1) a newsletter mailed to over 600 agency officials,

organizations, and members of the public; 2) three scoping open houses in December 2008 in Grand Junction and Collbran, Colorado, and in Moab, Utah; and 3) a public Web site, http://www.blm.gov/co/st/en/fo/gjfo/rmp, which provides access to materials distributed at scoping meetings, as well as information on the public involvement process. 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, and/ or electronic mail and comments were accepted until January 9, 2009. The BLM received 36 discreet comments in seven letters related to WSR during scoping. Comments were analyzed and incorporated as appropriate into the eligibility study. More detailed information on public involvement during the eligibility phase can be found in the *Wild and Scenic River Eligibility Report for Bureau of Land Management, Grand Junction Field Office* (BLM 2009a) and the *Resource Management Plan Revision Scoping Summary Report* (BLM 2009b).

Suitability Phase

In late-March of 2009 at the beginning of the suitability phase of the evaluation process Colorado River District convened a stakeholders group. 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 March 31, 2009, 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 *23* comment letters. 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.

A stakeholder group, named the Lower Colorado River Wild and Scenic Stakeholder Collaborative, formed independently of BLM's public outreach process. This stakeholder group included representatives from state government, local governments, conservation districts, water districts, organizations representing agricultural interests, and organizations representing environmental interests. The stakeholder group also included several private landowners. The objective adopted by the group was to provide collaboratively-developed management recommendations to the BLM that would support the identified ORVs on specific stream segments while also supporting stakeholder uses and values that exist along certain stream segments. At the request of the group, BLM provided information concerning the WSR Act, the BLM planning process, and stream-related natural resource values. The BLM did not participate in the group as a stakeholder, nor did BLM participate in decisions made by the group concerning management recommendations. The group sent a letter signed by all the parties conveying its recommendations to BLM. These letters are incorporated as part of the public comment record for the BLM planning effort. Stakeholder group recommendations are more fully discussed in the following sections on specific stream segments.

All comments received were considered and analyzed. Only those comments that pointed out errors or omissions in BLM's eligibility resulted in changes to the eligibility analysis. Those changes are explained in a March 2010 amendment to the eligibility report.

2.3 SUITABILITY DETERMINATIONS

Each of the 15 individual eligible 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/Draft EIS is published 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, 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 management of Section 5(d)(1) suitable 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 Boundary may include adjacent areas needed to protect identified values
Preliminary Classification (Section 2(b) of WSR Act)	3 classes: wild, scenic, recreational (defined by statute) Criteria for classification described in Interagency Guidelines Manage at recommended classification
Study Report Review Procedures	Notice of study report/Draft EIS published in *Federal Register* Comments/response from federal, state, and local agencies, and the public included in the study report/Final EIS transmitted to the President and Congress
Private Land: • Administration • Acquisition	Affect private land uses through voluntary partnership with state/local governments and landowners No regulatory authority Typically an evaluation of the adequacy of local zoning and land use controls is a component of suitability determination[1] No ability to acquire interest in land under the Act's authority prior to designation
Water Resources Project	River's free-flowing condition protected to the extent of other agency authorities; not protected under the WSR Act

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

Issue	Management Prescription/Action
Land Disposition	Agency discretion to retain lands within river corridor in federal ownership
Mining and Mineral Leasing	Protect 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 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 existing state and local land use controls and, if necessary, assess the willingness of state and local government 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, but are not limited to, riparian restoration, riparian fencing to protect water quality and riparian vegetation, of vegetative screening to enhance scenery/recreation experience.

Source: Interagency Wild and Scenic Rivers Coordinating Council 1999

This page intentionally left blank.

CHAPTER 3
SUITABILITY CRITERIA-BASED DATA AND DETERMINATIONS

The purpose of the suitability phase is to determine whether eligible river segments are suitable or not suitable for inclusion in the NWSRS, per the criteria from the WSR Act. The suitability evaluation does not result in actual designation but only a suitability determination for designation. The BLM may or may not recommend a stream segment for designation into the NWSRS by transmitting its suitability determinations to Congress and the President. No stream 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. 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 nonsuitable will be dropped from further consideration and managed according to the objectives outlined in the RMP.

Impacts that would occur from designating or not designating the suitable river segments will be analyzed in the EIS associated with the RMP. Public review and comment on suitability determinations included in the Draft RMP are considered before the BLM makes final suitability determinations. Maps have been included only for those segments preliminarily determined suitable. Maps of all eligible segments were included in the *Wild and Scenic River Eligibility Report for Bureau of Land Management, Grand Junction Field Office* (BLM 2009a).

This section contains a discussion of 11 suitability factors in relation to each of the 15 river and stream segments within the RMP planning area determined to be eligible in the *Wild and Scenic River Eligibility Report for Bureau of Land Management, Grand Junction Field Office* (BLM 2009a). The criteria described in **Section 2.1** are presented as follows:

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

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.
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.
11. Other issues and concerns, if any.

3.1 COLORADO RIVER

3.1.1 Colorado River Segment 1

Description:	From the eastern boundary of the planning area northeast of De Beque to the Grand Valley Diversion Dam, northeast of Palisade.		
Total Segment Length:	17.76 miles	**Total Segment Area:**	5,635.55 acres
Length on BLM Land :	7.32 miles	**Area on BLM Land:**	2,587.82 acres
Preliminary Classification:	Recreational		
ORVs:	Scenic, Fish, Wildlife		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
This segment has outstandingly remarkable scenic, fish, and wildlife values, which would make the segment a worthy addition to the NWSRS if designated. On the other hand, this segment has other characteristics that detract from its value as an addition to the NWSRS. The tentative classification for this segment is recreational due to Interstate 70 and railroad, both of which run parallel to and are readily apparent from the river.

This segment has outstandingly remarkable scenic values. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery,

scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). This segment flows through De Beque Canyon: a wide, relatively gentle sloped canyon through the Mesa Verde formation, formed by the down cutting of the Colorado River. The majestic views from and along the river are composed of stair-stepped brownish sandstone cliffs intermixed with lightly vegetated slopes of the canyon in sharp contrast to the riparian vegetation and varied colors near the river. The river drops several hundred feet through the canyon, with extensive views at the upper end of the canyon before opening up again at the bottom to views of the Grand Valley near Palisade.

This segment also has outstandingly remarkable fish values. The entire segment is designated critical habitat by the US Department of the Interior, Fish and Wildlife Service (USFWS) for the federally endangered Colorado pikeminnow (*Ptychocheilus lucius*) and the Razorback sucker (*Xyrauchen texanus*) (59 Fed. Reg. 13,374). Critical habitat is the specific area or areas that possess physical or biological features that are essential to the conservation of the species and that may require special management considerations or protections. The Colorado pikeminnow is the largest minnow in North America and one of the largest in the world. At one time, individuals may have lived more than fifty years, growing to nearly six feet in length and weighing up to 80 pounds. The razorback sucker is one of the largest suckers in North America. Individuals can live for more than forty years and can grow to up to thirteen pounds in weight and to three feet in length. These species were once widespread throughout most of the Colorado River Basin from Wyoming to Mexico.

Lastly, this segment has outstandingly remarkable wildlife values. Specifically, the segment contains important winter habitat for bald eagles *(Haliaeetus leucocephalus)*, a State Threatened Species in Colorado (CPW 2008). The USFWS also recently discovered a nesting site along this segment. Bald eagles no longer receive protection under the Endangered Species Act (ESA). The USFWS delisted bald eagles in June 2007 because their populations have recovered sufficiently. Nevertheless, bald eagles still receive protection under the Bald and Golden Eagle Protection Act.

There are also characteristics that are unrelated to ORVs that affect the suitability of this segment. Numerous water diversions exist along this segment, including several conditional water rights. If made absolute, these water rights could result in additional depletions and additional water development and diversion structures along the private land in the corridor. A portion of this segment overlaps the city limits of De Beque. Future population growth and expansion of De Beque and associated development, particularly along the riverfront, have the potential to change the setting found in this segment. Interstate 70 runs adjacent to the segment but gives drivers the opportunity to view the scenic landscape. A railroad and power lines are visible throughout the segment as well. Future expansion of the interstate, railroad, and transmission lines also have the potential to change the setting found in this segment. These characteristics somewhat detract from the value of the segment as an addition to the NWSRS.

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

Land ownership for this 17.76-mile segment is a combination of federal (BLM and US Department of the Interior, Bureau of Reclamation [US BOR]) and private. The BLM manages

shoreline along 7.32 miles (41.2 percent) of the segment. Within the 5,635.55-acre segment corridor, the BLM manages 2,587.82 acres (45.9 percent). Another 3,016.15 acres (53.5 percent) are privately owned. The US BOR manages the remaining land within the study corridor (31.58 acres; less than one percent).

The area is leased for oil and gas exploration and there are four active wells within the study corridor. Nearly all of the BLM-managed lands within the segment corridor are under lease for oil and gas development. The BLM-managed lands in the segment corridor northeast of De Beque have high oil and gas potential; while the remaining BLM-managed lands in the segment corridor generally have low oil and gas potential. There are no mining claims within the segment.

The 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 adversely impact the ORVs. The Department of Transportation, pursuant to the Federal-Aid Highway Act and section 4(f) of the Department of Transportation Act of 1966, must consult with the Department of the Interior so that its plans and programs include measures to maintain or enhance the natural beauty of the lands traversed. These statutes also permit the Department of Transportation to approve a program or project using public park and recreation lands, wildlife and waterfowl refuges, or historic sites only if there is no feasible and prudent alternative and it has used all possible planning to minimize harm to these lands.

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.

WSR designation has the potential to impact future water development along this segment. With designation, BLM would obtain authority to place terms and conditions on or deny approval for any proposed projects on BLM lands that would be incompatible or potentially degrade to ORVs for this segment. Other federal agencies that consider proposed projects that require federal permits, licenses, or funds would be required to evaluate the potential effects on the segment's ORVs, and prevent significant impacts to ORVs, free-flowing nature, or water quality. However, the Colorado Statewide Water Supply Initiative concluded that Mesa County would be able to meet estimated demand for water in the Colorado River basin through 2030 by utilizing existing supplies, agricultural transfers, Ruedi and Wolford Reservoir contracts, and Jerry Creek Reservoir. (Colorado Water Conservation Board, Statewide Water Supply Initiative Reports, 2004)

Several conditional storage water rights have the potential to impact values along this segment. A conditional water right is a water right where the water has not been placed to a beneficial use. It gives the holder time to complete a project, provided that the holder pursues its completion with due diligence. Once the holder has put the water to beneficial use, the conditional right will be decreed as an absolute water right. Some of these conditional storage rights have priority dates senior to existing absolute junior rights and therefore could affect junior water right holders if made absolute. These conditional storage rights could result in additional depletions and change the flow regime along this segment. The combined volume of conditional storage rights in the Colorado River basin in Colorado totals almost 3 million acre-

feet. Water District 70 alone (Roan Creek Basin) has approximately 560,000 acre-feet of conditional storage rights. The majority of which have priority dates ranging from 1960-1980, with some as early as 1940-1960 (SWSI). The development of conditional water rights both along the segment and upstream from the segment has the potential to impact the fish values along this segment.

Presently, there are no state-based instream flow water rights in this reach to ensure sufficient flow to preserve the natural environment to a reasonable degree. Rather, flows derive from required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain, Ruedi, and Wolford Mountain Reservoirs, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program (see Criteria 9). The USFWS has developed flow recommendations for the Colorado River to benefit endangered fish. Flow recommendations are not absolute values and may be revised from time to time to include the results of research. The goal of the recommendations is to provide the flow patterns to enhance populations of the endangered fishes and to allow Colorado the full ability to develop its compact entitlements. The flow recommendations consist of peak flow recommendations and base flow recommendations. Peak flow recommendations are based on historical river flows during spring runoff to provide spawning cues and to restore and maintain in-channel and flood plain habitats. Base flow recommendations are designed to allow fish movement among river segments and to provide maximum amounts of warm, quiet-water habitats to enhance growth and survival of young fish. Although there is no instream-flow right along this segment, USFWS flow recommendations provide a layer of protection for the ORVs.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed under Criterion 6) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

The Colorado River Recovery Program functions to insure that adequate flow regimes exist to support the four threatened and endangered fish species in the Colorado River as further water development proceeds. In addition, the program implements programs to improve fish habitat and reduce competition from non-native species. These measures are likely to maintain the fish ORV. Designation of this reach into the NWSRS, which would include a federal reserved water right, is unlikely to provide greater protection. The federal reserved water right would be very junior, and could not be used to prevent the exercise of previously decreed conditional or absolute water rights.

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

The State of Colorado, water districts, user groups, and individuals have expressed concern about the impact of designating this segment on current and future upstream and downstream 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. Mesa County Board of Commissioners recommends that no river or stream segment in Mesa County be found suitable.

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. There is some potential for cost to increase due to the need for additional facilities to accommodate increased visitation. However as discussed below, the fish and wildlife ORVs already require special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices.

The BLM would not pursue land acquisition from willing sellers. Because the majority of the land within the segment corridor is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of 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 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 makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are somewhat fragmented. The BLM manages roughly a quarter-mile portion at the upstream end of the segment and another roughly quarter-mile portion after the river flows through a little over a mile of private lands. Then, the river flows another six miles through private lands before reaching the lower half of the segment, where the majority of the segment corridor is BLM-managed. Second, the majority of the shoreline and the segment corridor fall under private ownership. The BLM does not control uses or activities on private lands, making effective management of this segment difficult.

Mechanisms and management tools other than WSR designation can protect the segment's ORVs. The BLM's RMP revision process addresses protection of scenic values. The BLM also must comply with federal statutes, other than the WSRA, that address protection of the fish and wildlife values.

The BLM manages approximately 2,048 acres within the segment corridor as Visual Resource Management (VRM) Class II (De Beque Canyon). The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape. This management prescription protects the scenic values along this segment.

Mechanisms are already in place that will adequately protect the wildlife values (bald eagles) in this segment. In 2007, the USFWS removed the bald eagle from the endangered species list

because its populations had recovered sufficiently. Nevertheless, the bald eagle still receives federal protection under the Bald and Golden Eagle Protection Act. Regulations issued under this Act establish a permit system to limit "take" of bald eagles, similar to the ESA. These regulations provide that take will only be authorized where it is compatible with the preservation of either of the eagle species—where take is consistent with the goal of stable or increasing breeding populations—or where take cannot be practicably avoided. Further, the Colorado Division of Wildlife recommends buffer zones and seasonal restrictions that apply to management actions occurring near bald eagle habitat. These include: (1) a year-round closure to surface occupancy within a quarter-mile radius of a nest; (2) a restriction on human encroachment from November 15 through July 31 within a half-mile radius of a nest; and (3) a restriction on activity within a quarter-mile radius of winter roosts between November 15 and March 15. The combination of these measures will prevent the foreclosure or diminishment of the wildlife values present in this segment.

The ESA provides protection for the fish values present along this segment. This entire segment is designated critical habitat for the Colorado pikeminnow and the razorback sucker. Areas designated as critical habitat receive protection under Section 7 of the ESA with regard to actions carried out, funded, or authorized by a Federal agency that are likely to adversely modify or destroy critical habitat. Section 7 requires Federal agencies to consult on and insure that such actions are not likely to destroy or adversely modify critical habitat. These fish species also receive special management as part of the Upper Colorado River Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery strategies include conducting research, improving river habitat, providing adequate stream flows, managing non-native fish, and raising endangered fish in hatcheries for stocking. Program partners cooperatively manage water resources in accordance with the ESA, state water law, individual water rights, and interstate compacts. Program partners utilize a variety of management tools: leases and contracts for water supplies; coordinated water releases from upstream reservoirs; participation in reservoir enlargements, efficiency improvements to irrigation systems to reduce water diversions; and re-operation of federal dams and reservoirs. These mechanisms will protect the fish values along this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in Section 2.2.5 (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should continue to rely on the provisions of the Colorado Endangered Fish Recovery Program to protect the Fish ORV.
2. BLM should continue to rely upon the special recreation management area (SRMA) designation to protect the scenic ORV. In addition, BLM should adopt VRM Level 2 restriction to protect the scenic ORV in the revised RMP.
3. BLM should use its authority to control land development along the river corridor to protect the wildlife ORV.

Based on these recommendations, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

This segment is downstream from current water projects and diversions that are designed to provide water for the State of Colorado. 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. Numerous absolute water rights exist along the Colorado River. Historical operation, maintenance, and access practices would be allowed to continue. 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 permitted only if they did not have a direct and adverse effect on the values for which the river segment was designated. 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.

This segment is within Mesa County. A small portion of the segment is within the Planned Unit Development district. The Planned Unit Development district is intended to encourage innovative land planning and site design concepts that implement and are consistent with the Mesa County Master Plan (Mesa County 2008). The majority of the area on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008).

The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

9. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The Colorado pikeminnow and razorback sucker are part of the Upper Colorado River Endangered Fish Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery plans and goals have been issued by the USFWS (USFWS 2002a and USFWS 2002b).

The Colorado River Valley and Kremmling Field Offices (Colorado) have found the Colorado River from the gauging station near the mouth of Gore Canyon within the Kremmling Field

Office to approximately one mile east of No Name Creek within the Colorado River Valley Field Office to be preliminary suitable for inclusion in the NWSRS in its draft plan and EIS.

In coordination with the Colorado River Valley Field Office, the White River National Forest has found two segments in Glenwood Canyon to be suitable for inclusion in the NWSRS in its draft plans and EIS.

The Moab Field Office (Utah) found the segment of the Colorado River from the Colorado/Utah border to Westwater Canyon not-suitable for inclusion in the NWSRS. However, it found the Colorado River from Westwater Canyon to the Boundary of Canyonlands National Park (approximately 91 river miles, 65.5 on BLM land) to be suitable for inclusion in the NWSRS (BLM 2008).

Designation of this segment would be consistent with the goals of the recovery plan and with the suitable segments listed above.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable**. The majority of lands in this segment corridor are privately owned, and the BLM has no control over activities on private lands. Further, the BLM-managed lands are fragmented within the segment. Mesa County zoning does not prevent development that is incompatible with WSR designation. The Agricultural, Forestry, Transitional district allows extractive uses (either as of right or conditionally) that have the potential to change the landscape and setting found along this segment. The city limits of De Beque also lie within the segment corridor. As the city expands, the possibility of development along this part of the corridor increases. The fish ORV in this segment appears to be sufficiently protected by the provisions of the ESA and by the Colorado River Recovery Program. The wildlife ORV appears to be sufficiently protected by the Bald and Golden Eagle Protection Act.

3.1.2 Colorado River Segment 2

Description:	BLM sections of the Colorado River downstream from the Grand Valley Diversion Dam to the Loma Boat Launch.		
Total Segment Length:	40.24 miles	**Total Segment Area:**	12,897.11 acres
Length on BLM Land :	1.31 miles	**Area on BLM Land:**	533.25 acres
Preliminary Classification:	Recreational		
ORVs:	Fish		

Suitability Factor Assessment

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, which would make the segment a worthy addition to the NWSRS if designated. On the other hand, this segment has other characteristics that detract from its value as an addition to the NWSRS. The tentative classification for this segment is recreational due to Interstate 70 and a railroad, both of which run parallel to and are readily apparent from the river.

This segment has outstandingly remarkable fish values. The entire segment is USFWS-designated critical habitat for the federally endangered Colorado pikeminnow *(Ptychocheilus lucius)* and the Razorback sucker *(Xyrauchen texanus)* (59 Fed. Reg. 13,374). Critical habitat is the specific area or areas that possess physical or biological features that are essential to the conservation of the species and that may require special management considerations or protections. The Colorado pikeminnow is largest minnow in North America and one of the largest in the world. At one time, individuals may have lived more than fifty years, growing to nearly six feet in length and weighing up to 80 pounds. The razorback sucker is one of the largest suckers in North America. Individuals can live for more than forty years and can grow to up to thirteen pounds in weight and to three feet in length. These species were once widespread throughout most of the Colorado River Basin from Wyoming to Mexico.

The James M. Robb Colorado River State Park is within the segment. Even though recreation was not determined to be an ORV within this segment, the park provides multiple opportunities for recreation, including camping, fishing, hiking, biking, and swimming.

The Grand Valley Project Diversion Dam forms the upstream terminus of the segment and diverts water from the Colorado River to irrigate approximately 33,368 acres of land in the Grand Valley (US BOR, no date). In addition to irrigation, project water is used for the generation of power. The Orchard Mesa Power Plant has produced power from its two 3,000 k/w generators since 1933, and the Cameo Power Plant, built by Public Service Company in the late 1950s, has used project water for cooling since it was constructed.

There are also characteristics that are unrelated to ORVs that affect the suitability of this segment. Numerous water diversions exist along this segment, including several conditional water rights. If made absolute, these water rights could result in additional depletions and additional water development and diversion structures along the private land in the corridor. Portions of the study area for this segment overlap the city limits of Palisade, Grand Junction, and Fruita. The future population growth, expansion, and associated development of these communities, particularly along the riverfront, have the potential to change the setting found in this segment. Interstate 70 runs adjacent to the segment, and a railroad and power lines also are visible throughout the segment. Future expansion of the interstate, railroad, and transmission lines also have the potential to change the setting found in this segment. These characteristics somewhat detract from the value of the segment as an addition to the NWSRS.

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 for this 40.24-mile segment is a combination of federal (BLM), state, and private. The BLM manages shoreline along 1.31 miles (3.3 percent) of the segment. Within the 12,897.11-acre study corridor, the BLM manages 533.25 acres (4.1 percent). Another 11,052.63 acres (53.8 percent) are privately owned. The State of Colorado manages the remaining 1311.23 acres within the segment corridor. The Colorado Division of State Parks manages the James M. Robb Colorado River State Park. The Colorado Division of Wildlife manages various state wildlife areas (Horsethief, Tillman Bishop, and Walker).

Most of the BLM-managed lands in the study area are leased for oil and gas exploration, but there are no active wells within the study corridor. The mineral potential in this segment corridor is low to very low. There are no active mining claims in this segment corridor.

The 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 adversely impact the ORVs. The Department of Transportation, pursuant to the Federal-Aid Highway Act and section 4(f) of the Department of Transportation Act of 1966, must consult with the Department of the Interior so that its plans and programs include measures to maintain or enhance the natural beauty of the lands traversed. These statutes also permit the Department of Transportation to approve a program or project using public park and recreation lands, wildlife and waterfowl refuges, or historic sites only if there is no feasible and prudent alternative and it has used all possible planning to minimize harm to these lands.

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.

WSR designation has the potential to impact future water development along this segment. With designation, BLM would obtain authority to place terms and conditions on or deny approval for any proposed projects on BLM lands that would be incompatible or potentially degrade to ORVs for this segment. Other federal agencies that consider proposed projects that require federal permits, licenses, or funds would be required to evaluate the potential effects on the segment's ORVs, and prevent significant impacts to ORVs, free-flowing nature, or water quality. However, the Colorado Statewide Water Supply Initiative concluded that Mesa County would be able to meet estimated demand for water in the Colorado River basin through 2030 by utilizing existing supplies, agricultural transfers, Ruedi and Wolford Reservoir contracts, and Jerry Creek Reservoir. (Colorado Water Conservation Board, Statewide Water Supply Initiative Reports, 2004)

Several conditional storage water rights have the potential to impact values along this segment. A conditional water right is a water right where the water has not been placed to a beneficial use. It gives the holder time to complete a project, provided that the holder pursues its completion with due diligence. Once the holder has put the water to beneficial use, the conditional right will be decreed as an absolute water right. Some of these conditional storage rights have priority dates senior to existing absolute junior rights and therefore could affect junior water right holders if made absolute. These conditional storage rights could result in additional depletions and change the flow regime along this segment. The combined volume of conditional storage rights in the Colorado River basin in Colorado totals almost 3 million acre-feet. Water District 70 alone (Roan Creek Basin) has approximately 560,000 acre-feet of conditional storage rights. The majority of which have priority dates ranging from 1960-1980, with some as early as 1940-1960 (SWSI). The development of conditional water rights both along the segment and upstream from the segment has the potential to impact the fish values along this segment.

Presently, there are no state-based instream flow water rights in this reach to ensure sufficient flow to preserve the natural environment to a reasonable degree. Rather, flows derive from

required deliveries to downstream senior water rights, contractual water deliveries from Green Mountain, Ruedi, and Wolford Mountain Reservoirs, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program (see Criteria 9). The USFWS has developed flow recommendations for the Colorado River to benefit endangered fish. Flow recommendations are not absolute values and may be revised from time to time to include the results of research. The goal of the recommendations is to provide the flow patterns to enhance populations of the endangered fishes and to allow Colorado the full ability to develop its compact entitlements. The flow recommendations consist of peak flow recommendations and base flow recommendations. Peak flow recommendations are based on historical river flows during spring runoff to provide spawning cues and to restore and maintain in-channel and flood plain habitats. Base flow recommendations are designed to allow fish movement among river segments and to provide maximum amounts of warm, quiet-water habitats to enhance growth and survival of young fish. Although there is no instream-flow right along this segment, USFWS flow recommendations provide a layer of protection for the ORVs.

The Colorado River Recovery Program functions to insure that adequate flow regimes exist to support the four threatened and endangered fish species in the Colorado River as further water development proceeds. In addition, the program implements programs to improve fish habitat and reduce competition from non-native species. These measures are likely to maintain the fish ORV. Designation of this reach into the NWSRS, which would include a federal reserved water right, is unlikely to provide greater protection. The federal reserved water right would be very junior, and could not be used to prevent the exercise of previously decreed conditional or absolute water rights.

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

The State of Colorado, water districts, user groups, and individuals have expressed concern about the impact of designating this segment on current and future upstream and downstream 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. Mesa County has not made a formal indication to the BLM as to whether it is interested in supporting designation.

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

The vast majority of land in this segment is privately owned. The BLM would not pursue land acquisition from willing sellers, as it is not feasible to acquire enough land to affect its ability to manage the segment. Designation of the segment would not likely increase the cost of administering the segment for the protection of the ORV. The cost of administering the area pursuant to the WSRA would likely be similar to the current cost of administering the area under the ESA for the endangered fish species. 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 the 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. Designation also would provide a federal water right that would assist with flow protection.

The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. As stated above, the BLM manages a very small percentage of the shoreline along this segment (3.3 percent) and a very small percentage of the land in the segment corridor (4.1 percent). The BLM-managed lands in the segment corridor are extremely scattered as well. Some are located are the upstream end of the segment, and the remainder are located at the downstream end of the segment, with the urban corridor of Palisade, Grand Junction, and Fruita in between. The scattered nature and small proportion of BLM-managed lands in this segment corridor make it difficult for the BLM to exercise effective management control over this segment.

The ESA provides protection for the fish values present along this segment. This entire segment is designated critical habitat for the Colorado pikeminnow and the razorback sucker. Areas designated as critical habitat receive protection under section 7 of the ESA with regard to actions carried out, funded, or authorized by a Federal agency that are likely to adversely modify or destroy critical habitat. Section 7 requires Federal agencies to consult on and insure that such actions are not likely to destroy or adversely modify critical habitat. These fish species also receive special management as part of the Upper Colorado River Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery strategies include conducting research, improving river habitat, providing adequate stream flows, managing non-native fish, and raising endangered fish in hatcheries for stocking. Program partners cooperatively manage water resources in accordance with the ESA, state water law, individual water rights, and interstate compacts. Program partners utilize a variety of management tools: leases and contracts for water supplies; coordinated water releases from upstream reservoirs; participation in reservoir enlargements, efficiency improvements to irrigation systems to reduce water diversions; and re-operation of federal dams and reservoirs. These mechanisms will protect the fish values along this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in Section 2.2.5 (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should continue to rely on the provisions of the Colorado Endangered Fish Recovery Program to protect the Fish ORV.

Based on this recommendation, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

This segment is downstream from current water projects and diversions that are designed to provide water for the State of Colorado. 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. Numerous absolute water rights exist along the Colorado River. Historical operation, maintenance, and access practices would be allowed to continue. 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 permitted only if they did not have a direct and adverse effect on the values for which the river segment was designated. 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.

This segment is within Mesa County. The majority of the area on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORV.

9. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4

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

The Colorado pikeminnow and razorback sucker are part of the Upper Colorado River Endangered Fish Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery plans and goals have been issued by the USFWS (USFWS 2002a and USFWS 2002b).

The Colorado River Valley and Kremmling Field Offices (Colorado) have found the Colorado River from the gauging station near the mouth of Gore Canyon within the Kremmling Field Office to approximately one mile east of No Name Creek within the Colorado River Valley Field Office to be preliminarily suitable for inclusion in the NWSRS in the Draft Plan and EIS.

In coordination with the Colorado River Valley Field Office, the White River National Forest has found two segments in Glenwood Canyon to be preliminarily suitable for inclusion in the NWSRS.

The Moab Field Office (Utah) found the segment of the Colorado River from the Colorado/Utah border to Westwater Canyon not-suitable for inclusion in the NWSRS. However, it found the Colorado River from Westwater Canyon to the Boundary of Canyonlands National Park (approximately 91 river miles, 65.5 on BLM land) to be suitable for inclusion in the NWSRS (BLM 2008).

Designation of this segment would be consistent with the goals of the recovery plan and with the suitable segments listed above.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable**. The vast majority of lands in this segment corridor are not managed by the BLM (over 90 percent), and the BLM has no control over activities on private lands. With management control over such small portion of the lands in this segment corridor, it would be difficult for the BLM to effectively manage this segment as a WSR. For example, Mesa County zoning does not prevent development that is incompatible with WSR designation. The Agricultural, Forestry, Transitional district allows extractive uses (either as of right or conditionally) that have the potential to change the landscape and setting found along this segment. This segment flows through the growing urban corridor of the Grand Valley. The city limits of Palisade, Grand Junction, and Fruita overlap the segment corridor. As these cities continue to grow, the potential for incompatible development in the segment corridor will correspondingly increase. There are also numerous diversions along this segment. Designation of this segment could affect the ability of water users to make changes to existing water rights.. The fish ORV in this segment appears to be sufficiently protected by the provisions of the ESA and by the Colorado River Recovery Program.

3.1.3 Colorado River Segment 3

Description:	BLM sections of the Colorado River from the Loma Boat Launch to the Colorado/Utah border.		
Total Segment Length:	20.91 miles	**Total Segment Area:**	6,798.10 acres
Length on BLM Land :	19.14 miles	**Area on BLM Land:**	5,771.92 acres
Preliminary Classification:	Scenic		
ORVs:	Scenic, Recreation, Fish, Wildlife, Geologic, Historic		

Suitability Factor Assessment

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

This segment has outstanding scenic, recreational (floatboating and biking), fish, wildlife, geologic, and historical values. This combination of values is similar to other major rivers segments in the western US that have been designated into the NWSRS. Each of these values is discussed below. The tentative classification of this segment is scenic. There are a few private in-holdings with

developments, several access points to the river via dirt roads, and a mostly inconspicuous stretch of railroad runs through Ruby Canyon.

This segment has outstandingly remarkable scenic values. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). The Colorado River provides remarkable views of the shear walls of Ruby and Horsethief Canyons and the many side canyons, alcoves, pinnacles, amphitheaters, and other unique sandstone formations formed by the erosional forces of the river. The many different exposed layers show a wealth of geologic history and offer a variety of different colors and textures throughout the canyons. The segment also offers opportunities to view rare species and examine petroglyphs.

This segment has outstandingly remarkable recreational values. The stretch of river is popular for overnight flat-water boating and attracts rafters, kayakers, and canoeists from across Colorado and from nearby states. Water levels are sufficient to permit water recreation throughout the year, an uncommonly long season for watercourses in this region. This segment also contains a trailhead for Kokepelli's Trail, a popular mountain bike route that runs to Moab, Utah. This trail runs above the Colorado River along the top of the wall that forms the inner part of Horsethief Canyon. It recognized worldwide for its spectacular views of the river and surrounding areas. The Mack Ridge mountain bike area contains additional trails with sections running above the canyon walls and immediately above the river.

This segment also has outstandingly remarkable fish values. The entire segment is USFWS-designated critical habitat for the federally endangered Colorado pikeminnow *(Ptychocheilus lucius)* and the Razorback sucker *(Xyrauchen texanus)* (59 Fed. Reg. 13,374). The section from Black Rocks to the Colorado/Utah border is also designated critical habitat for humpback chub *(Gila cypha)* and bonytail chub *(Gila elegans)*, also federally endangered species (59 Federal Register 54 [21 March 1994], pp. 13374-13399). Critical habitat is the specific area or areas that possess physical or biological features that are essential to the conservation of the species and that may require special management considerations or protections. The Colorado pikeminnow is largest minnow in North America and one of the largest in the world. At one time, individuals may have lived more than fifty years, growing to nearly six feet in length and weighing up to 80 pounds. A site near the Colorado/Utah border has been identified as a spawning site for this species. The razorback sucker is one of the largest suckers in North America. Individuals can live for more than forty years and can grow to up to thirteen pounds in weight and to three feet in length. These species were once widespread throughout most of the Colorado River Basin from Wyoming to Mexico. The humpback chub owes its name and striking, unusual appearance to a pronounced hump located behind its head. It historically inhabited the canyons of the Colorado River, can live for more than thirty years, and can grow up to nearly twenty inches. The bonytail chub is the rarest of the endangered fish species in the Colorado River. They can grow to twenty-two inches or more and can live for nearly fifty years. The Black Rock section of the river is a spawning ground for both species of chub and is an important study site where the USFWS have recorded both species.

This segment has outstandingly remarkable wildlife values. Specifically, the segment contains important winter habitat and nests for several pairs of bald eagles *(Haliaeetus leucocephalus)*, a State Threatened Species in Colorado (CPW 2008). Bald eagles no longer receive protection under the ESA. The USFWS delisted bald eagles in June 2007 because their populations have recovered sufficiently. Nevertheless, bald eagles still receive some protection under the Bald and Golden Eagle Protection Act. River otters *(Lontra Canadensis)*, a state threatened species in Colorado, are also frequently observed along this segment.

This segment has outstandingly remarkable historical values as well. The Denver and Rio Grande Railroad (now part of Union Pacific) runs parallel to the segment. This came as a result of the rerouting the Grand Junction to Salt Lake City line and the replacement of a southern route from Denver to Salt Lake City through Montrose. The importance of the railroad in developing the West makes this site eligible for inclusion in the National Register of Historic Places and a site of national, regional, and local significance.

Lastly, this segment is outstandingly remarkable for its geological values. The steep and deep canyons along this segment expose an unusually extensive series of rocks from the recent Mancos Shale to the extremely old Precambrian formations (overlaid by the Chinle formation as an unconformity). There are also several examples of faults that are free of vegetation that allow visitors to clearly view evidence of geologic processes.

Although the river is not located within the boundaries of the McInnis Canyons NCA (formerly known as the Colorado Canyons NCA), the NCA is located on both sides of the river above the line of the 100-year floodplain. In addition, the Black Ridge Canyons Wilderness is visible from the south bank of the river. Congress designated the NCA in 2000 "to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values … including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands." The legislation also directed BLM to manage the river in a manner consistent with the protecting the values recognized by Congress for lands within the NCA.

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 for this 20.91-mile segment is a combination of federal (BLM), CPW, and private. The BLM manages shoreline along 19.14 miles (91.5 percent) of the segment. Within the 6,798.10-acre study corridor, the BLM manages 5,771.92 acres (84.9 percent). Another 792.96 acres (11.7 percent) are privately owned. CPW manages the remaining land within the study corridor as part of the Horsethief State Wildlife Area (168.12 acres; 2.5 percent).

The Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 (Public Law 106-353 [October 24, 2000]) formally withdrew all BLM lands within the segment study area from location, entry, and patent under the mining laws, and operation of the mineral leasing, mineral materials, and geothermal leasing laws. The withdrawal recognizes valid existing rights (those leases or operations existing prior to October 24, 2000). There are no know valid existing rights related to mining in the segment corridor.

Livestock grazing occurs on the private parcels within the segment corridor, as well as on some BLM parcels. Grazing appears to be commensurate with the protection of the ORVs.

The 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 adversely impact the ORVs. The Department of Transportation, pursuant to the Federal-Aid Highway Act and section 4(f) of the Department of Transportation Act of 1966, must consult with the Department of the Interior so that its plans and programs include measures to maintain or enhance the natural beauty of the lands traversed. These statutes also permit the Department of Transportation to approve a program or project using public park and recreation lands, wildlife and waterfowl refuges, or historic sites only if there is no feasible and prudent alternative and it has used all possible planning to minimize harm to these lands.

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.

This segment flows through McInnis Canyons NCA and borders Black Ridge Canyon Wilderness. Designation of this segment would provide permanent protection and management direction for BLM lands along the river corridor that are not presently within the NCA. Congress designated the NCA to conserve, protect, and enhance its geological, recreational, biological, wilderness, and scenic values, among others. These values parallel the ORVs found in this segment: scenic, recreation, fish, wildlife, geologic, and historic. Designation of this segment would provide complementary protective management.

WSR designation has the potential to foreclose or curtail future water development along this segment. With designation, BLM would obtain authority to deny or place terms and conditions on proposed projects located on BLM lands that would be incompatible or would potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the designated river segments.

This segment contains undeveloped conditional water rights, including some large water rights for industrial and commercial uses, but there are no known conditional water rights for municipal water supply or agricultural water supply purposes. The Colorado Statewide Water Supply Initiative concluded that Mesa County would be able to meet estimated demand for water in the Colorado River basin through 2030 by utilizing existing supplies, agricultural transfers, Ruedi and Wolford Reservoir contracts, and Jerry Creek Reservoir (Colorado Water Conservation Board, Statewide Water Supply Initiative Reports, 2004).

Conditional storage water rights upstream from this segment have the potential to affect the flow rates that support the ORVs in this segment. A conditional water right is a water right where the water has not been placed to a beneficial use. It gives the holder time to complete a project, provided that the holder pursues its completion with due diligence. Once the holder has put the water to beneficial use, the conditional right will be decreed as an absolute water right. Some of these conditional storage rights have priority dates senior to existing absolute junior rights and therefore could affect junior water right holders if made absolute. These conditional storage rights could result in additional depletions and change the flow regime along

this segment. The combined volume of conditional storage rights in the Colorado River basin in Colorado totals almost 3 million acre-feet. Water District 70 alone (Roan Creek Basin) has approximately 560,000 acre-feet of conditional storage rights, the majority of which have priority dates ranging from 1960-1980, with some as early as 1940-1960 (SWSI).

Interstate compacts place limitations on water use in Colorado. The Colorado River Compact of 1922 divides the Colorado River Basin into the Lower Basin and the Upper Basin. Colorado lies in the Upper Basin; the water available to the Upper Basin is further allocated among Colorado, Utah, Wyoming, and New Mexico by the Upper Colorado River Compact of 1948. The State of Colorado's right to consumptive use of water under the Compacts ranges from 3.079 million AF to 3.855 million AF. Colorado currently consumes an average of 2.3 million AFY with facilities in place to use up to 2.6 million AFY (SWSI 4-4). A draft water availability study conducted by the Colorado Water Conservation Board (CWCB) includes estimates that the volume of water remaining for future development within Colorado from the Colorado River system ranges from 0 acre feet to 1 million acre feet annually, depending upon future climatic conditions (CWCB 2010). However, this study does not allocate or estimate the specific volume available for future development on the Colorado River, as opposed to other Colorado River tributaries, such as the Yampa River or White River. Accordingly, it reasonable to expect that substantial water deliveries to downstream states will continue through this segment, but it is not possible to accurately estimate the long-term flow rates that can be expected.

This segment lies immediately upstream of the Colorado/Utah border. It is downstream from the majority of senior water rights in the state. Because of these two circumstances, it represents an opportunity to develop and divert unused water allocated to Colorado under the Compacts before it leaves the state. For example, Phase II of the Statewide Water Supply Initiative analyzed the concept and feasibility of such a major diversion, calling it the Colorado River Return Project (CRRP). The CRRP would consist of a diversion from the Colorado River near the Utah state line downstream of Grand Junction for delivery to multiple basins in Colorado (areas in the headwater of the Colorado River and the Front Range). The water would be diverted under a new water appropriation. The CRRP identified and evaluated three levels of water diversion: 250,000, 500,000, and 750,000 AFY. The CRRP identified two potential diversion areas, both of which lie within this segment corridor: (1) at the confluence of the Colorado River and Salt Creek in Horsethief Canyon and (2) at the upstream end of Horsethief Canyon near the existing Loma Boat Launch. The CRRP was only a reconnaissance-level investigation, and as such, it not assumed to be a reasonably foreseeable potential use of the land at this time. Nevertheless, the CRRP serves as an example of the potential for additional future depletions of water from this segment. While any similar project would have to comply with the requirements of the ESA and similar statutory requirements, there is still the potential for reduced flow and impacts on this segment's ORVs. This type of project likely would be curtailed or foreclosed if the segment was designated.

Presently, there are no state-based instream flow water rights in this segment to ensure sufficient flow to preserve the natural environment to a reasonable degree. Rather, flow rates are the result of required deliveries to senior irrigation water rights located in the Grand Valley and the substantial return flows that accrue to this stream segment from those irrigation

systems. Flow rates are also influenced by contractual water deliveries from Green Mountain, Ruedi, and Wolford Mountain Reservoirs to water users in this segment, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program (see Criteria 9).

The USFWS has developed flow recommendations for the Colorado River to benefit endangered fish, and these recommendations provide a substantial layer of protection for the ORVs in this segment. The flow recommendations are administered at the US Geological Survey gage near the Utah-Colorado border, which is located within this segment. The flow recommendations are not absolute values and may be revised from time to time to include the results of research. The goal of the recommendations is to provide the flow patterns to enhance populations of the endangered fishes and to allow Colorado the full ability to develop its compact entitlements. The flow recommendations consist of peak flow recommendations and base flow recommendations. Peak flow recommendations are based on historical river flows during spring runoff to provide spawning cues and to restore and maintain in-channel and flood plain habitats. Base flow recommendations are designed to allow fish movement among river segments and to provide maximum amounts of warm, quiet-water habitats to enhance growth and survival of young fish. Any proposed water development project within the segment that would require a federal permit, such as land use authorization from BLM and/or a dredge and fill permit from the US Army Corps of Engineers, would be required to go through an ESA Section 7 consultation with the USFWS. The USFWS consultation process would insure that the proposed project would not significantly impact the State of Colorado's ability to meet the flow recommendations for this stream reach.

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

The State of Colorado, water districts, user groups, and individuals 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 number of ORVs and that some special management provisions are warranted to protect and support these values. Mesa County has not made a formal indication to the BLM as to whether it is interested in supporting designation.

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

The cost of administering the area if designated would not likely increase above current levels because the management, and thus the associated costs, of administering the area pursuant to the NWSRS would be similar to the current administration of the area. For example, recreational use of the segment is already high. The BLM already conducts regular ranger patrols and maintains campsites within this segment to accommodate the level of usage. The cost of maintaining and administering these facilities would continue regardless of designation.

The BLM would pursue land acquisition only from willing sellers as funds and opportunities arise in order to better manage the area for the protection of the ORVs. Designation of the segment would likely 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 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. However, the BLM is the majority landowner for this segment (9.15 percent of the shoreline and 84.9 percent of land in the segment corridor, which would facilitate effective and cohesive management of the segment if designated. Designation would provide a comprehensive framework for working with local governments agencies, state agencies, and other federal government agencies to protect against proposed land use and project that are incompatible with the ORVs. Designation would provide a federal water right that would assist with flow protection, but the water right would be an extremely junior water right. Accordingly, the water right would have limited effectiveness in insuring that flow rates through the segment are sufficient for the ORVs, but it would provide the BLM with an opportunity to object to new water rights and changes in water rights that would substantially impact the flow rates available to protect the ORVs.

This segment runs through the McInnis Canyons NCA and Black Ridge Canyons Wilderness and management of the NCA and Wilderness is commensurate with protection of the ORVs. BLM wilderness areas are managed according to BLM Manual 8560, *Management of Designated Wilderness Areas* (BLM 1983). Wilderness areas allow for continued use of valid existing rights (i.e., rights or activities that existed when the area became a wilderness study area [WSA]).

The BLMs VRM system provides a mechanism to protect the scenic values along this segment. The BLM manages the river corridor VRM Class I on the south side of the river and VRM Class II on the north side of the river (BLM 2004). The objective of VRM Class I is to preserve the existing character of the landscape. The level of change to the characteristic landscape should be very low and must not attract attention. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape. This management prescription protects the scenic values along this segment and also provides some indirect protection of the geologic values.

Historical 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 it's 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.

Mechanisms are already in place that will adequately protect the wildlife values (bald eagles) in this segment. In 2007, the USFWS removed the bald eagle from the endangered species list because its populations had recovered sufficiently. Nevertheless, the bald eagle still receives federal protection under the Bald and Golden Eagle Protection Act. Regulations issued under this Act establish a permit system to limit "take" of bald eagles, similar to the ESA. These regulations provide that take will only be authorized where it is compatible with the preservation of either of the eagle species—where take is consistent with the goal of stable or increasing breeding populations—or where take cannot be practicably avoided. Further, the Colorado Division of Wildlife recommends buffer zones and seasonal restrictions that apply to management actions occurring near bald eagle habitat. These include: (1) a year-round closure to surface occupancy within a quarter-mile radius of a nest; (2) a restriction on human encroachment from November 15 through July 31 within a half-mile radius of a nest; and (3) a restriction on activity within a quarter-mile radius of winter roosts between November 15 and March 15. The combination of these measures will prevent the foreclosure or diminishment of the wildlife values present in this segment.

The ESA provides protection for the fish values present along this segment. This entire segment is designated critical habitat for the Colorado pikeminnow, razorback sucker, bonytail chub, and humpback chub. Areas designated as critical habitat receive protection under section 7 of the ESA with regard to actions carried out, funded, or authorized by a Federal agency that are likely to adversely modify or destroy critical habitat. Section 7 requires Federal agencies to consult on and insure that such actions are not likely to destroy or adversely modify critical habitat. These fish species also receive special management as part of the Upper Colorado River Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery strategies include conducting research, improving river habitat, providing adequate stream flows, managing non-native fish, and raising endangered fish in hatcheries for stocking. Program partners cooperatively manage water resources in accordance with the ESA, state water law, individual water rights, and interstate compacts. Program partners utilize a variety of management tools: leases and contracts for water supplies; coordinated water releases from upstream reservoirs; participation in reservoir enlargements, efficiency improvements to irrigation systems to reduce water diversions; and re-operation of federal dams and reservoirs. These mechanisms will protect the fish values along this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in Section 2.2.5 (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. Congress should implement amendments to the existing legislation that created the McInnis Canyons NCA, so that the legislation better protects ORVs associated with the Colorado River. The legislation should specifically address boundary adjustments that are needed to better manage the river corridor for recreation and administrative access. The legislation should also permanently release this segment from future consideration under the WSR Act.

2. Retain the current mineral withdrawal associated with the NCA, and implement VRM Level I restrictions in the revised RMP to protect the scenic ORV and geological ORV.
3. Implement recreational permitting and enforcement, along with limiting recreation travel to designated roads and trails, to protect the recreational ORV.
4. Continue to work with the Upper Colorado River Endangered Fish Recovery Program to protect the fish ORV.
5. Continue to use the National Historic Preservation Act to protect the historical ORV.

Based on these recommendations, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

This segment is downstream from current water projects and diversions that are designed to provide water for the State of Colorado. 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. Numerous senior, 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 permitted only if they did not have a direct and adverse effect on the values for which the river segment was designated. 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.

This segment is within Mesa County. The majority of the area on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

9. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

10. Consistency of designation with other agency plans, programs, or policies.
The Colorado pikeminnow, razorback sucker, humpback chub, and bonytail chub are part of the Upper Colorado River Endangered Fish Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery plans and goals have been issued by the USFWS (USFWS 2002a and USFWS 2002b).

The Colorado River Valley and Kremmling Field Offices (Colorado) have found the Colorado River from the gauging station near the mouth of Gore Canyon within the Kremmling Field Office to approximately one mile east of No Name Creek within the Colorado River Valley Field Office to be preliminarily suitable for inclusion in the NWSRS, as part of the draft RMP (BLM 2011).

In coordination with the Colorado River Valley Field Office, the White River National Forest has found two segments in Glenwood Canyon to be preliminarily suitable for inclusion in the NWSRS (U.S. Forest Service 2011).

The Moab Field Office (Utah) found the segment of the Colorado River from the Colorado/Utah border to Westwater Canyon not-suitable for inclusion in the NWSRS. However, it found the Colorado River from Westwater Canyon to the Boundary of Canyonlands National Park (approximately 91 river miles, 65.5 on BLM land) to be suitable for inclusion in the NWSRS (BLM 2008).

Designation of this segment would be consistent with the goals of the recovery plan and with the suitable segments listed above.

Preliminary Suitability Determination
The preliminary determination for this segment is **not suitable**. Only about 11 percent of the land in the segment corridor is privately owned, so there is limited potential for development that would be incompatible with the ORVs. The presence of the McInnis Canyons NCA along both sides of the river provides substantial protection to the ORVs that are reliant upon lands adjacent to the river, such as scenic and recreation. For lands along this river corridor that are not presently within the NCA boundaries, proposed management prescriptions in the RMP revision would be sufficient to protect the geological, scenic, recreation, and historical ORVs. The Fish ORV can be successfully managed by continued cooperation and compliance with the Colorado River Endangered Fish Recovery Program.

3.2 DOLORES RIVER WATERSHED

3.2.1 Dolores River

Description:	Sections of the Dolores River on BLM land from where the river enters the GJFO at the southwest border and then running parallel to Highway 141, through Gateway, until the river reaches the Colorado/Utah border.		
Total Segment Length:	32.01 miles	**Total Segment Area:**	9,918.91 acres
Length on BLM Land :	18.62 miles	**Area on BLM Land:**	7,041.19 acres

Preliminary Classification: Recreational
ORVs: Scenic, Fish, Recreation, Geologic, Paleontological

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
The Dolores River has outstandingly remarkable scenic, recreational, geological, and paleontological values. Each of these ORVs are discussed in detail below. The tentative classification for this segment is recreational because Highway 141 parallels the river and is fairly obvious along stretches of the river corridor.

This segment has outstandingly remarkable scenic value. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). The Dolores River has formed a spectacular canyon, with cliffs sometimes up to 2000 feet higher than the river, with many geologic layers exposed. The variety of different colors including deep reds, purples, and lighter earth tones are in stark contrast to the green riparian vegetation along the river. The cottonwoods along the river and the river itself change color seasonally adding to the scenic beauty. Portions of the segment adjacent to the Sewemup Mesa Wilderness Study Area and The Palisade Wilderness Study are heavily influenced by the stunning uplift of canyon walls and cliffs from the river corridor.

This segment has outstandingly remarkable recreational value. The scenic and geologic values readily visible from the river make this segment of the Dolores a popular boating destination. During the spring runoff and the summer, the segment is popular with canoeists, kayakers, and rafters. This segment parallels Highway 141, part of the Unaweep-Tabequache Scenic and Historic Byway, offering opportunities for vehicular recreation, picnicking, camping, and viewing of the wildlife and geologic features of the river canyon. Though the Dolores River receives less use than the Gunnison River and Colorado River Segment 3, the segment is seeing an increase in recreational use. The segment offers challenging whitewater rapids between late April and early June during high water years. Flows are affected by releases from the McPhee Reservoir and are sometimes unpredictable. There are no official boat launches along the segment on BLM land, though on unofficial boat launch is located at the county highway property on Highway 141 near Gateway. The launch is suitable for trailer and raft use, although the most traffic is by kayak or canoe.

This segment also has outstandingly remarkable geologic value. The Dolores River has exposed and extensive sequence of rocks including additional layers not found farther north along the Colorado River. Additional Permian and Triassic layers including the Cutler and Moenkopi formations are found between the Precambrian bedrock (not exposed) and the Chinle formation. This wide range allows one to examine many of the important layers for the Colorado Plateau.

This segment has outstandingly remarkable paleontological value. Along this segment of the Dolores River are rock slabs containing dinosaur and ancient mammal footprints. Although full surveys have not been completed, there are hundreds of fossilized footprints and track ways, and there likely may be more than 1000 tracks along the river.

The segment has outstandingly remarkable fishery value. Colorado Division of Wildlife (currently Colorado Parks and Wildlife) provided the BLM with additional data following the completion of the Eligibility Study that the Dolores River supports a native fish population that meets the guidelines for evaluating ORVs as described in the BLM Manual 8351.

Overall, this segment is unique and exemplary among streams in the Colorado Plateau region because it supports a high number of outstandingly remarkable values. Wild and Scenic River designation is a framework that can be effectively used to management multiple ORVs in a comprehensive and integrated manner, and it provides comprehensive standards for preventing degradation to the ORVs.

This segment also possesses characteristics in addition to its ORVs that would add to its value as a component of the NWSRS, if designated by Congress. The river segment generally borders, and the study area, which extends 0.25-mile on either side of the river, includes portions of two WSAs: The Palisade (170.66 acres) and Sewemup Mesa (930.99 acres). The segment study area also includes a portion of two areas of critical environmental concern (ACECs): The Palisade Outstanding Natural Area/ACEC (70.02 acres) and the Dolores River Riparian ACEC (3170 acres). The BLM has proposed to expand The Palisade outstanding natural area and ACEC to provide special management attention for its vegetation (rare plant species), wildlife (peregrine falcon), and scenic values. The BLM has proposed the Dolores River Riparian ACEC to provide special management attention to its fish (bluehead sucker), wildlife (peregrine falcon), scenic, and riparian habitat values.

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 for this 32.01-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 18.62 miles (58.1 percent) of the segment. Within the 9,918.91-acre study corridor, the BLM manages 7,041.19 acres (70.1 percent). The remaining 2,877.72 acres (29.9 percent) are privately owned.

The percentage of lands under federal ownership is the highest in the portions of the river segment that are adjacent to the Sewemup Mesa WSA (9% private, 91% BLM) and The Palisade WSA (26% private, 74% BLM). In these portions of the segment, the river corridor is characterized by a low level of development and largely natural conditions, with the exception of roads and highways along the river.

In the middle of the segment, from approximately the confluence with Cottonwood Canyon to 2.5 miles northwest of Gateway, the percentage of private land ownership exceeds 75% (55% private, 45% BLM). In this portion of the segment, land use is dominated by low intensity agriculture, low-density residential development, and the small community of Gateway. Under the Mesa County zoning for these private lands, development can occur that may be

incompatible with maintenance of the outstandingly remarkable values. See Factor #7 for a full discussion of county zoning.

The BLM-managed lands west of The Palisade WSA are leased for oil and gas development. There are no active wells in the segment corridor. There is no oil and gas potential on the BLM-managed lands in the segment corridor. There are several active mining claims in the segment 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.

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or to impose terms and conditions on any proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the segments values. Water diversion and conveyance structures that are already in existence on BLM lands could continue to operate historical operation, maintenance, and access practices. Increased water demands in this segment, such as demand associated with the expansion of Gateway Canyons resort, appear to be small in volume relative to the volume of water available in the river. It is unknown whether future water supply projects associated with Gateway Canyons would require BLM land use authorization or federal permits.

Recreational uses within the segment are not likely to affected by designation under a "recreational" classification. The "recreational" classification would allow development on BLM lands within the corridor that is consistent with the recreation ORV, such as trails, boat ramps, campgrounds, and interpretive kiosks.

Agricultural uses on private lands within the river are not likely to be significantly affected by designation. Designation would not give BLM authority to manage agricultural and other land use practices on private lands, because such as authority would remain under local government control. If agricultural users require a federal permit to implement a project on private lands, such as a dredge and fill permit from the US Army Corps of Engineers, the project would have to be compatible with the ORVs identified for this segment. Since the classification of the segment if "recreational," a broad variety of development projects could be considered as compatible with the ORVs.

If designated, valid mining claims and mineral leases would remain in effect. Because the segment is preliminarily classified as recreational, new mining claims or mineral leases may be allowed, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

As discussed below, existing mechanisms and management tools would reduce the potential for adverse effects on the ORVs in this segment if it were not designated.

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

There is likely to be some increased cost of administering the area if designated. Currently, there are no recreation facilities designed to meet the needs of users. Additional infrastructure and maintenance resources would be required to accommodate the increased visitation that would likely result from designation. Facilities that may be required on BLM lands include boat ramps, campgrounds, interpretation sites, trailheads, and trails. However, increased usage that is already occurring within the river corridor will require BLM to expend resources to provide facilities and manage use to minimize impacts on resources. Given that increased visibility for the Gateway area has already increased visitation, it is impossible to accurately predict the volume and timing of increased visitation. However, it is likely that designation would result in additional funding to address current and future recreation demands.

The BLM would pursue land acquisition from willing sellers as funds and opportunities arise in order to better manage the area for the protection of the ORVs. 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. At this time, BLM does not consider any land acquisitions as essential for the management of a designated river corridor, so no detailed cost analysis or estimate was prepared as part of this study.

5. 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.

Two of the identified ORVs, recreation and fish, are highly dependent on adequate flow rates for the continued existence and quality of the ORVs. Flow rates in this river segment are driven primarily by water operations on two upstream river segments. The segment receives flows from the San Miguel River, which is largely unregulated and has a natural flow regime. During much of the year, flows from the San Miguel River provide the majority of the flow within this segment. Flows in this segment are also affected by releases from McPhee Reservoir, located on the upper Dolores River near Cortez, Colorado. This project diverts approximately two thirds of the flow of the upper Dolores River out of the basin. The upper Dolores River contributes significantly to flows in this segment when spills occur, typically during snowmelt runoff, but it contributes only small percentages of flow, typically ranging from 20 to 78 cubic feet per second (cfs), when the reservoir is releasing water from its conservation pool.

At the present time, there is no state-based instream flow protection for this river segment. The Colorado Water Conservation Board (CWCB) has the authority to consider establishment of an instream flow water right to protect the water-dependent natural environment, but it does not have the authority to appropriate flows to protect the recreation ORV. In 2011, the CWCB appropriated an instream flow water right for the segment of the San Miguel River that contributes the majority of flow to this segment. This appropriation has not yet been finalized by the water court. Once confirmed by the water court, the water right will allow flows to be protected to the confluence of the San Miguel and Dolores Rivers.

Without protection, there is no assurance that the flow rates needed for continued existence of the fishery and recreational activities will continue. Since there is a substantial portion of Dolores River flows that are presently unappropriated, even a very junior instream flow water

right could be effective in maintaining flows to support the ORVs. Accordingly, the federal reserved water right that is associated with designation would assist the BLM in ensuring that flows are available to support the ORVs.

Recreation management is challenging, because there are no facilities designed to meet the activity demands of the users. Additional infrastructure and maintenance resources would be required to meet the additional recreation demand created by residents and travelers. Designation of the river corridor would assist BLM in competing for funds to manage the presently high level or recreational usage and additional recreational use that could occur with designation.

The high percentage of BLM-managed land in the portions of the segment adjacent to Sewemup WSA and The Palisade WSA would facilitate recreational management of the segment as a WSR, because there is unlikely to be conflicts with private landowners associated with access to the river and adjacent lands. However, the middle section of the segment, between Cottonwood Canyon and 2.5 miles northwest of Gateway, would present more challenges for access management because of the intermix of private and public lands. In the middle section, there is potential for cooperation between private and public land owners to manage increased recreational use, but there is no guarantee that all private landowners would be interested in cooperative management measures. As mentioned above, designation of the river segment would likely provide additional resources to the BLM to create designated access points and to provide information to users about avoiding trespass on private lands.

Paleontological values associated with the river segment are protected and regulated by the BLM primarily under the Paleontological Resources Preservation Act, the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, other federal regulations, and BLM orders. Pursuant to the Federal Land Policy and Management Act of 1976, 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. 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. BLM Manual Section 8270, *Paleontological Resource Management* (BLM 1998), provides specific guidance.

The portion of the segment corridor upstream from Gateway overlaps the Dolores River Riparian ACEC. Also, the portion of the segment corridor downstream from Gateway overlaps the Palisade ACEC. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. Management actions of the Dolores River Riparian ACEC include: (1) manage as VRM Class II; (2) only allow vegetation treatments for the benefit of the identified relevant and important values (riparian, hydrology, scenic, paleontological, and special status species); (3) designate as ROW avoidance area; and (4) open to livestock grazing. Management actions of the

Palisade ACEC include: (1) no allowable timber harvest; (2) designate as a ROW avoidance area (including renewable energy sites such as solar, wind, hydro, and biomass development); (3) open to livestock grazing; (4) withdraw from mineral entry, close to mineral material sales, and classify as unsuitable for coal leasing; and (5) withdraw from mineral location, close to mineral material sales, and classify as unsuitable for coal leasing. These ACECs would provide some protection for the ORVs on this segment if it were not designated.

The administrative designations along this segment would provide some limited protection for the ORVs if the segment was not designated. Portions of this segment overlap two WSAs. The uppermost thirteen miles (approximate) of this segment flows along the boundary of Sewemup Mesa WSA. About five miles of the segment near its downstream terminus also flows along the Palisade WSA. The BLM manages WSAs according to BLM Manual 8550, Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM 1995). The goal of this policy is to manage WSAs to not impair their suitability for preservation as wilderness, until Congress designates them as wilderness, or until they are released from further wilderness consideration. This "non-impairment" management standard is more stringent than the BLM's management direction for Recreational WSRs. But 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.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in Section 2.2.5 (Public Input) of this report, provided management recommendations for this stream segment. The management recommendations did not include any specific recommendations to the BLM regarding whether the segment should be determined as suitable or non suitable for designation. Specifically, the stakeholder collaborative recommended:

1. A large stakeholder group should be convened, comprised of representatives from throughout the entire Dolores River watershed, to discuss suitability, flow management, and other issues associated with river management. The CWCB should convene the larger stakeholder group. To date, this recommended process has not occurred.
2. Implement VRM Class II prescriptions along the river corridor to protect scenic and geological ORVs.
3. Implement ACECs to protect fish, scenic, geological, and paleontological ORVs.
4. Establish controlled surface use or no surface occupancy stipulations to proposed land uses to protect all ORVs within ¼ mile of the river, and establish controlled surface use restrictions to protect the scenic ORVs within the viewshed of the scenic byway.
5. Establish an SRMA to protect the recreation ORV.
6. Work with the CWCB to establish and instream flow water right to maintain seasonal variability of flow for protection of the fish ORV and work to encourage voluntary flow management in support of the fish ORV. To date, an instream flow water right and voluntary flow management has not been established.

Based on these considerations, the stakeholder collaborative did not make any recommendation concerning a suitability determination for this stream segment. Instead, the stakeholder collaborative suggested suitability issues should be addressed on a larger scale by stakeholder group with representatives from the entire watershed.

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

This segment is downstream from current water projects and diversions that are designed to provide water for the State of Colorado. 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, the amount and timing of water to support the ORVs would be established by scientific studies completed by the BLM and confirmed by the Colorado water court system. 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. No significant new water supply or water storage projects have been proposed for this stream segment, but additional storage and diversion projects are under consideration for portions of the San Miguel River located upstream from this segment.

Numerous absolute water rights exist along this segment of the Dolores River. While these rights would not be affected by designation of the segment, the development of new water projects on BLM lands, as described in sections 7(b) and 7(c) of the WSR Act, would be permitted only if they did not have a direct and adverse effect on the values for which the river segment was designated.

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

This segment is within Mesa and Montrose Counties. A small portion of the segment corridor in Mesa County is within the Planned Unit Development district. The Planned Unit Development district is intended to encourage innovative land planning and site design concepts that implement and are consistent with the Mesa County Master Plan (Mesa County 2008). The majority of the area on private land in the segment corridor in Mesa County is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008).

The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

Zoning does not represent a significant issue in Montrose County as only a small portion of the segment (0.31 acres) is on private land.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Local governments, state governments, and other interested parties participated in the Lower Colorado River Wild and Scenic River Stakeholder Collaborative. This group did not provide specific recommendations regarding suitability to BLM, but did provide a variety of other management recommendations. Refer to Criterion 5 for details.

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

The Dolores River flows through lands managed by four separate BLM offices, and each of those offices has either completed or in the process of completing Wild and Scenic Rivers analysis.

The upper part of the river, downstream to approximately Bedrock, is managed by the San Juan Public Lands Center. The Draft Land Management Plan and Draft EIS for the San Juan Public lands Center identified 109.02 miles of the Dolores River from McPhee to Bedrock to be suitable for inclusion in the NWSRS (BLM and US Forest Service 2007). The final decision on suitability will be made in the record of decision.

The segment of the river from approximately Bedrock to Roc Creek is managed by BLM's Uncompahgre Field Office. The Uncompahgre Field Office found 11.5 miles of the Dolores River eligible for inclusion in the NWSRS. In addition, the Uncompahgre Field Office found 17.2 miles of the San Miguel River, immediately upstream from its confluence with the Dolores River, as eligible for inclusion in the NWSRS. In its Draft Suitability Report, the Uncompahgre Field Office has found 14.0 miles of the Dolores River as suitable for designation (This mileage includes 5.3 miles downstream from Bedrock and 8.7 miles upstream from Bedrock that formerly had been analyzed by the San Juan Public Center. The Uncompahgre Field Office also found that 2.1 miles of the San Miguel River, immediately upstream from its confluence with the Dolores River, is suitable for designation.

The segment of the river from Roc Creek to the Utah-Colorado boundary is within the GJFO planning area and is the subject of this suitability report.

The BLM Moab Field Office found 35.73 miles of the Dolores River on BLM land from the Colorado/Utah border to the confluence with the Colorado River to be suitable for inclusion in the NWSRS (BLM 2008).

In 1979, the U.S. Department of Interior, acting through the National Park Service and Bureau of Outdoor Recreation, completed a Wild and Scenic Rivers Study of the Dolores River, pursuant to 1975 amendment to the Wild and Scenic Rivers Act. That study recommended that the portion of the Dolores River from Gateway to the Utah border be designated into the National Wild and Scenic Rivers system. Although more than 30 years have elapsed since this study, BLM finds that conditions along the portion of the river corridor between Gateway and the Utah border have not changed substantially.

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

This segment of the Dolores River provides a critical connection between numerous aquatic habitats that are important for sensitive fish, including the flannelmouth sucker, bluehead sucker, and roundtail chub. These fish are year-round residents throughout the study segment and in the

San Miguel River immediately upstream from the study segment. In addition, the sensitive species also utilize tributaries of the Dolores River for spawning purposes, including Mesa Creek, Roc Creek, and Blue Creek. Together with these tributaries, the lower Dolores River provides one of the few places in Colorado with largely natural flow regime timing at low elevations. The lower Dolores River, along with these tributaries, provides a very important interconnected aquatic habitat that insures the continued viability and genetic diversity of these populations.

Preliminary Suitability Determination

The BLM determines that two portions of the Dolores River within the Grand Junction Field Office are **suitable** for designation into the National Wild and Scenic Rivers System. Those two segments are described as follows:

- From point on the river closest to the southern boundary of the Sewemup Mesa Wilderness Study to the BLM-private land boundary in Section 24, T50N R19W, New Mexico P.M. a distance of approximately 14.4 miles.
- From the BLM-private land boundary in Section 34, T15S R104W, Sixth P.M. to the CO-UT boundary, a distance of approximately 5.5 miles.

The classification for the suitable segments is **recreational.**

The BLM determines that the following portion of the Dolores River within the Grand Junction Field Office is **not suitable** for designation into the National Wild and Scenic River System:

- BLM-private land boundary in Section 24, T50N R19W, New Mexico P.M. to the BLM-private land boundary in Section 34, T15S R104W, Sixth P.M. a distance of approximately 11.6 miles.

The rationale for the BLM suitability determinations are as follows:

- Consistency – The lands found suitable for designation share similar qualities with portions of the river found suitable in neighboring BLM field offices. These qualities include five or more ORVs, a high percentage of federal land ownership, minimal conflicts with competing land uses, significant and growing recreational use, and conditions little changed from the previous Wild and Scenic Rivers analysis performed in 1979.
- Management Opportunities – Designation would provide BLM with additional resources to manage recreational use that is already growing. Designation would provide a permanent standard for managing growing public use in a manner that does not degrade the ORVs. Designation would also provide a federal water right that would assist in managing multiple ORVs that are directly water-dependent.
- Minimize Conflicts With Private Lands – By determining that the middle portion of the reach, from Cottonwood Canyon to 2.5 miles northwest of Gateway, is **not suitable**, BLM minimizes potential conflicts between private landowners and the protective provisions of the Wild and Scenic Rivers Act. Specifically, the need to analyze projects proposed on private lands for potential impacts to Wild and Scenic River values would be minimized. Such consultation occurs when a private

landowner seek a federal permit or funding from other federal agencies, such as Army Corps of Engineers or National Resource Conservation Service. The need for consultation would be limited to projects on private land where the impacts of the proposed project stretch to upstream or downstream locations on federal lands. Projects with impacts limited strictly to private lands would not require detailed analysis for impacts to Wild and Scenic River values. Projects on private lands that do not require a federal permit or federal agency funding would be exempt from any consultation requirements.

3.2.2 North Fork Mesa Creek

Description:	BLM sections of North Fork Mesa Creek from the GJFO boundary with the Uncompahgre National Forest on the east, and flowing southwest to the boundary with the BLM, Uncompahgre Field Office.		
Total Segment Length:	2.05 miles	**Total Segment Area:**	699.96 acres
Length on BLM Land :	2.05 miles	**Area on BLM Land:**	699.96 acres
Preliminary Classification:	Scenic		
ORVs:	Vegetation		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
North Fork Mesa Creek is outstandingly remarkable for its vegetation. The tentative classification for this segment is scenic because there is an inconspicuous dirt road with multiple access points running parallel to the lower sections of the creek.

This segment contains sections of a type of Narrowleaf Cottonwood Riparian Forest *(Populus angustifolia/salix ligulfolia-Shepherdia argentea* woodland). This community is classified as critically imperiled globally (G1) and vulnerable statewide (S3) by the Colorado Natural Heritage Program (Colorado Natural Heritage Program 2009). A G1 conservation status rank indicates that a species or community is at very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors. Likewise, an S3 conservation status rank indicates that a species or community is imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state. The rarity and conservation value of this plant community would make this segment a worthy addition to the NWSRS.

There are only two active diversions along North Fork Mesa Creek from its headwaters to its confluence with the Dolores River. Both of these diversions are for irrigation purposes and have the potential to provide return flows. The CWCB also holds an instream flow right along this segment for the purpose of preserving the natural environment to a reasonable degree.

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 corridor flows through and is on BLM land; approximately 150 acres of the segment corridor at the downstream end of the segment are within the Uncompahgre Field Office planning area. In the past, uranium mining took place in the surrounding area, but most operations are closed or temporarily suspended as uranium mining is not currently as economically viable as other energy materials. The entire area is leased for oil and gas exploration, but there are no active wells. There is no oil and gas potential in the segment corridor. Two active mining claims overlap the segment 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.

WSR designation has the potential to foreclose or curtail future water development along this segment. With designation, BLM would obtain conditioning authority to control any proposed projects that would be incompatible or potentially degrading to the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds to evaluate the potential effects on the segment's values.

If designated, valid mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, new mining claims or mineral leases may be allowed, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

If this segment is not designated, there is the potential for its vegetation values to diminish. The BLM does not have any management measures in place to protect the rare plant community found along this segment. Additional depletions of water from the creek could also diminish these values.

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

Neither support for nor has opposition to designation of this segment been expressed.

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

The BLM manages all lands within this segment; acquisition of additional lands is not necessary. It is unlikely that the BLM would incur additional costs to manage the area if designated, partially due to the remote location of the segment. Nevertheless, designation of the segment would enhance the BLM's ability to obtain funding for the management of 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 BLM manages the entire segment corridor and could effectively manage this segment as a WSR. Additionally, the CWCB holds an instream flow right along this segment from Long Canyon to Cedar Tree Ditch. There are varying levels of instream flow appropriations throughout the year for the entire segment. Between April 1 and May 31, the appropriated

instream flow is 2.75 cfs. It drops to 0.5 cfs between June 1 and February 29, and rises to 1.9cfs between March 1 and March 31. The instream flow right provides some additional protection for the vegetation values along this segment.

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

There are current water diversions along this segment. The ability to change existing diversions and to appropriate new diversion of water could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new diversions and changes to existing diversions would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORV. 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 entire segment corridor is managed by the BLM.

9. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The BLM Uncompahgre Field Office manages North Fork Mesa Creek downstream from this segment until it reaches the Dolores River. The Uncompahgre Field Office found North Fork Mesa Creek eligible with a vegetation ORV.

The Uncompahgre National Forest found the portion of North Fork Mesa Creek upstream of the BLM segment not eligible for inclusion in the NWSRS during the eligibility study for the Grand Mesa, Uncompahgre, and Gunnison National Forests land management plan revision process (US Forest Service 2006). The Uncompahgre National Forest manages the area surrounding North Fork Mesa Creek for livestock grazing and according to the following general principles: improve rangeland through vegetation and soil restoration practices, improved livestock management, and regulation of other resource activities; provide semi-primitive non-motorized, semi-primitive motorized, and roaded natural recreation opportunities; and use vegetation treatments to enhance plant and animal diversity. These management guidelines are generally consistent with BLM management that would occur with designation.

The Uncompahgre National Forest's 2007 proposed forest plan would manage this area as "backcountry—motorized trails." This management would be relatively passive and emphasize natural features of landscapes. Resource management activities would occur, but natural ecological processes and patterns would normally predominate. This management prescription allows water development as a suitable use. (US Forest Service 2007) However, the proposed forest plan is not final and has been suspended because of litigation over the US Forest Service's 2005 planning rule. Management by the US Forest Service as backcountry—motorized trails has the potential to be inconsistent with designation (if the 2007 proposed plan becomes final) to the extent that future water development reduces stream flow or adversely affects the cottonwood communities downstream.

11. Contribution to a river system watershed or basin integrity.
North Fork Mesa Creek is a tributary to the Dolores River.

Preliminary Suitability Determination
This segment was found to be **not suitable**, as current protections are adequate to protect the ORVs listed.

3.2.3 Blue Creek

Description:	BLM sections of Blue Creek from the GJFO boundary with the Uncompahgre National Forest on the east, and flowing west to the confluence with the Dolores River.		
Total Segment Length:	11.36 miles	**Total Segment Area:**	3,335.98 acres
Length on BLM Land :	10.08 miles	**Area on BLM Land:**	2,975.48 acres
Preliminary Classification:	Scenic		
ORVs:	Scenic, Fish, Cultural		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
Blue Creek has outstandingly remarkable scenic, fish, and cultural values that would make it a worthy addition to the NWSRS, if designated by Congress. The tentative classification for this segment is scenic. There is an inconspicuous dirt road with multiple access points running parallel to the creek, in addition to some development and grazing in the creek corridor.

This segment has outstandingly remarkable scenic values. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). Blue Creek drops steeply off the Uncompahgre Plateau carving a canyon through the deep red sandstone of the area. This spectacular drop has formed a remarkable canyon with spectacular views of the Uncompahgre Plateau and Dolores River Canyon. The canyon as a whole is distinctive and rare in the region.

This segment also has remarkably outstanding fish values. Water flow in the segment is sufficient to maintain fish populations such as the bluehead sucker *(Catostomus discobolus)*. The bluehead sucker is a BLM sensitive species (BLM 2000). The management objective for BLM sensitive species that are not federally listed as endangered or threatened is to initiate protective conservation measures that reduce or eliminate threats to minimize the likelihood of and need for listing of these species under the ESA. The CPW has also identified the bluehead sucker as a species of greatest conservation need in its Comprehensive Wildlife Conservation Strategy (CPW 2006).

This segment also has remarkably outstanding cultural values. Blue Creek contains important Native American sites from the formative period of cultures in this region and is important for current Native American concerns. Research from these sites has the potential to yield additional discoveries about the development of agriculture in the area. This creek canyon is a

known transportation corridor with game trails used by Ute Tribes, later used as a pack trail to the Uranium mines, and as an early stock driveway that is still in use today.

The lower 3 miles lie within the Gateway SRMA. The lower 1.5 miles lie within the Dolores River Riparian ACEC. The BLM has proposed the Dolores River Riparian ACEC to provide special management attention to its fish (bluehead sucker), wildlife (peregrine falcon), scenic, and riparian habitat values.

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 11.36-mile segment is a combination of federal (BLM and US Forest Service) and private. The BLM manages shoreline along 10.08 miles (89.9 percent) of the segment. Within the 3,335.98-acre study corridor, the BLM manages 2,975.48 acres (89.2 percent). The remaining 293.55 acres (8.8 percent) are privately owned. The US Forest Service manages the remaining land in the segment corridor (66.9 acres; 2 percent).

Most of the segment corridor upstream from Calamity Creek is leased for oil and gas development but there are no active wells. There is no oil and gas potential in this area. Active mining claims overlap a small portion of the segment 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.

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or place terms and condition on any proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the segment's values.

If designated, valid mining claims and mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, the BLM may allow new mining claims or mineral leases, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

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

The cost of administering the area for protection of the ORVs would be minimal. The segment is comprised mostly of BLM lands, and BLM is pursuing the acquisition of the private parcel along this segment at this time through a land exchange. Since the creek is small and many portions of the creek are not easily accessible, BLM would not expect visitation to the creek to increase dramatically. Designation of the segment would enhance the BLM's ability to obtain funding for management of this segment.

5. 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 Alternative B of the proposed plan, BLM would manage the stream corridor under VRM Class II, which would provide vigorous protection for the Scenic ORV. In addition, the lower

portions of the stream corridor would fall within the Dolores River Riparian ACEC and within the Maverick Lands with Wilderness Characteristics area. These two designations would provide further protection of the scenic ORV by prohibiting development that would be inconsistent with riparian values and wilderness characteristics.

The CWCB holds an instream flow right on two different reaches of Blue Creek: from Massey Branch to Calamity Creek and from Calamity Creek to Tom Watkins Ditch. The purpose of an instream flow right is to preserve the natural environment to a reasonable degree. As such, instream flow rights provide a measure of flow protection that supports the ORVs (especially fish) found on this segment. The decreed flow levels vary seasonally. Between the upper end of the segment and the confluence with Calamity Creek on private land (roughly 5.5 miles), the amounts are as follows: 5.5 cfs (April 15 to May 14); 2.1 cfs (March 15 to April 14 and (May 15 and June 14); and 0.5 cfs (June 15 to March 14). From the confluence with Calamity Creek on private land to the headgate of Tom Watkins Ditch (3.0 miles), the amounts are 3.5 cfs (April 15 to May 14), 1.0 cfs (March 15 to April 14 and May 15 to June 14), and 0.5 cfs (June 15 to March 14).

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. Any interpretation of these sites for public benefit must be compatible with the 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.

BLM is a signatory to the Rangewide Conservation Agreement for Roundtail Chub, Bluehead Sucker, and Flannelmount Sucker (Utah Department of Natural Resources, 2006). The strategy outlines conservation guidelines for habitat maintenance and protection, non-native fish control, population viability, and conservation genetics. This agreement and strategy will provide a layer of protection for the fish values along this segment even if it is not designated.

The bluehead sucker is also a BLM sensitive species and receives special management attention as a result. The BLM manages sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat. The BLM achieves this through a variety of measures, including (1) ensuring that BLM activities are carried out consistently with species management objectives, (2) monitoring populations and habitats to determine whether species management objectives are being met, (3) working with partners and stakeholders to develop species-specific or ecosystem-based conservation strategies, (4) prioritizing Bureau sensitive species and their habitats for conservation action, and others.

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

There are only two active water diversions on Blue Creek and one active diversion on Calamity Creek (a tributary to Blue Creek); all divert water for irrigation purposes and have the potential to provide return flows. The ability to make changes to these water rights and to appropriate new water rights 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.

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

This segment is within Mesa County. The area on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. Mineral and extractive uses require 100-foot setback from the 100-year floodway. Nevertheless, these industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The Uncompahgre National Forest found the portion of Blue Creek upstream of the BLM segment not eligible for inclusion in the NWSRS during the eligibility study for the Grand Mesa, Uncompahgre, and Gunnison National Forests land management plan revision process (US Forest Service 2006). The Uncompahgre National Forest manages the area surrounding Blue Creek as "big game winter range in non-forest areas" and according to the following general prescriptions: (1) provide semi-primitive non-motorized, semi-primitive motorized, and roaded natural recreation opportunities; (2) manage motorized recreation prevent unacceptable stress on big game animals during primary big game use season; use vegetation treatments to enhance plant and animal diversity; and (3) manage livestock grazing to favor wildlife habitat.

The Uncompahgre National Forest's 2007 proposed forest plan would manage this area as backcountry. However, the proposed forest plan is not final and has been suspended because of litigation over the US Forest Service's 2005 planning rule. If the area was managed as backcountry, management would be relatively passive and emphasize natural features of landscapes. Resource management activities would occur, but natural ecological processes and patterns would normally predominate (US Forest Service 2007). Management by the US Forest Service either to provide big game habitat or as backcountry is unlikely to have an adverse effect

on this segment's ORVs and is generally consistent with BLM management that would occur with designation.

The Colorado Division of Wildlife is a party to a multi-state conservation agreement specific to the bluehead sucker and two other fish species (Utah Department of Natural Resources, 2006). The purpose of this agreement is to expedite implementation of conservation measures to ensure the persistence of bluehead sucker populations throughout its range. Designation of this segment is generally consistent with this agreement.

10. Contribution to a river system watershed or basin integrity.
Blue Creek is a tributary to the Dolores River.

Preliminary Suitability Determination
The preliminary suitability determination for this segment is **not suitable.** The fish ORV is protected by an existing instream flow water right, by BLM's commitment to manage for this sensitive species under multi-state conservation agreement, and by the appearance of the fish species on BLM sensitive species list, which restricts management actions that could harm the species. The cultural ORV is protected by the provisions of the National Historic Preservation Act. The Scenic ORV will be protected by the proposed VRM Class II and by the Maverick Lands with Wilderness Characteristics prescription.

3.2.4 Gunnison River Segment 2

Description:	Sections of the Gunnison River west of Highway 50 on BLM land from Whitewater to the Redlands Dam, south of Grand Junction and the Gunnison Rivers' confluence with the Colorado River.		
Total Segment Length:	16.63 miles	**Total Segment Area:**	5,273.45 acres
Length on BLM Land :	3.85 miles	**Area on BLM Land:**	1,375.21 acres
Preliminary Classification:	Recreational		
ORVs:	Fish, Historic		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
This segment contains outstandingly remarkable fish and historical values . The tentative classification of this segment is recreational because of a railroad and development above the canyon walls that are readily apparent from the river.

This segment has outstandingly remarkable fish values. The entire segment is USFWS-designated critical habitat for the federally endangered Colorado pikeminnow *(Ptychocheilus lucius)* and the Razorback sucker *(Xyrauchen texanus)* (59 Fed. Reg. 13,374). Critical habitat is the specific area or areas that possess physical or biological features that are essential to the conservation of the species and that may require special management considerations or protections. The Colorado pikeminnow is largest minnow in North America and one of the largest in the world. At one time, individuals may have lived more than fifty years, growing to nearly six feet in length and weighing up to 80 pounds. The razorback sucker is one of the largest suckers in North America.

Individuals can live for more than forty years and can grow to up to thirteen pounds in weight and to three feet in length. These species were once widespread throughout most of the Colorado River Basin from Wyoming to Mexico.

This segment also has outstandingly remarkable historical values. The Denver and Rio Grande Railroad (now part of Union Pacific) runs parallel to the segment and was the first line connecting Denver to Grand Junction, reaching the Grand Valley in 1882. The line then connected to Salt Lake City forming a narrow gauge transcontinental railroad link. The importance of the railroad in developing the West makes this site eligible for inclusion in the National Register of Historic Places. The BLM-managed portions of the segment study area lie within the Bangs Canyon SRMA.

This segment also has characteristics that may create significant management issues, if the segment were to be designated as part of the NWSRS. There are many upstream diversions along the Gunnison River and numerous diversions within this segment (roughly fifteen). The diversions within this segment are generally for irrigation, industrial, commercial, and municipal purposes. Several of the diversions within this segment have conditional water rights. If made absolute, these water rights could result in additional depletions and additional water development and diversion structures along the river corridor. The community of Whitewater lies along this segment of the river and portions of the segment corridor overlap the Grand Junction city limits. Future population growth, expansion, and the associated development of these communities, particularly along the riverfront, have the potential to change the setting found in this 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 1,375.21 acres (26.1 percent) of the land within the 5,273.45-acre study corridor and 3.85 miles (23.2 percent) of the segment shoreline. The remaining land status consists of 3,899.24 acres (73.9 percent) in private ownership. The segment corridor is not leased for oil and gas development. There is no oil and gas potential for the BLM-managed lands in the segment corridor, and there are no active mining claims in the segment corridor.

The BLM does not have authority over maintenance, operation, and construction activities associated with the railroad, though activities associated with it are not likely to impact the ORVs. The Department of Transportation, pursuant to the Department of Transportation Act of 1966, must consult with the Department of the Interior so that its plans and programs include measures to maintain or enhance the natural beauty of the lands traversed. These statutes also permit the Department of Transportation to approve a program or project using public park and recreation lands, wildlife and waterfowl refuges, or historic sites only if there is no feasible and prudent alternative and it has used all possible planning to minimize harm to these lands.

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>

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or to impose terms and conditions on

proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other agencies to evaluate the potential effects on the segment's values.

BLM is not aware of any major proposed water supply projects within this segment. The Colorado Statewide Water Supply Initiative concluded that Delta and Mesa Counties would be able to meet nearly all of the estimated demand for water in the Gunnison River basin through 2030 by utilizing Tri-County Water Conservancy District water rights, existing supplies, agricultural transfers, and an Uncompahgre Project Water Right. (Colorado Water Conservation Board, Statewide Water Supply Initiative Reports, 2004)

Several conditional storage water rights along and upstream from this segment have the potential to affect the identified ORVs. A conditional water right is a water right where the water has not been placed to a beneficial use. It gives the holder time to complete a project, provided that the holder pursues its completion with due diligence. Once the holder has put the water to beneficial use, the conditional right will be decreed as an absolute water right. Some of these conditional storage rights have priority dates senior to existing absolute junior rights and therefore could affect junior water right holders if made absolute. These conditional storage rights could result in additional depletions and change the flow regime along this segment. The volume of conditional storage rights in the Gunnison River Basin totals over 2 million acre-feet. Water District 40 (North Fork Gunnison/Gunnison Rivers) accounts for approximately 290,000 acre-feet of conditional storage rights. The majority of these rights which have priority dates ranging from 1960-1980, with some as early as 1900-1920 (SWSI). The development of conditional water rights both along the segment and upstream from the segment has the potential to affect the fish values along this segment.

Presently, there are no state-based instream flow water rights in this reach to ensure sufficient flow to preserve the natural environment to a reasonable degree. Rather, flows rates are the result of required deliveries to senior water rights within and downstream from this segment, water releases from US BOR's Aspinall Unit Reservoirs (Blue Mesa, Morrow Point, and Crystal) and Ridgeway Reservoirs, and by water deliveries that are made as part of the Upper Colorado River Endangered Fish Recovery Program (see Criteria 9).

The USFWS has developed flow recommendations for the Gunnison River to benefit endangered fish. In addition, the US BOR is currently undergoing an EIS process regarding reoperation of the Aspinall Unit, in which flow regimes would be modified to support threatened and endangered fish species. Flow recommendations are not absolute values and may be revised from time to time to include the results of research. The goal of the recommendations is to provide the flow patterns to enhance populations of the endangered fishes and to allow Colorado the full ability to develop its compact entitlements. The flow recommendations consist of peak flow recommendations and base flow recommendations. Peak flow recommendations are based on historical river flows during spring runoff to provide spawning cues and to restore and maintain in-channel and flood plain habitats. Base flow recommendations are designed to allow fish movement among river segments and to provide maximum amounts of warm, quiet-water habitats to enhance growth and survival of young fish.

Although there is no instream-flow right along this segment, USFWS flow recommendations provide a layer of protection for the ORVs.

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

The majority of land in this segment is privately owned. The 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 this area (protecting and enhancing the ORVs) would likely remain roughly the same if designated. The BLM already incurs costs associated with the protection of the ORVs through its administration of other statutory requirements (the ESA and the National Historic Preservation Act).

5. 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. However, the BLM does not have authority over 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 cooperating with local governments to encourage land uses that are compatible with the ORVs, and designation would provide a federal water right that would assist with flow protection.

The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. The majority of the shoreline and the segment corridor falls under private ownership. The BLM only manages roughly a quarter of the lands within the segment corridor. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. Further, the downstream end of the segment overlaps the Grand Junction city limits, and the upstream end of the segment neighbors the community of Whitewater. As these communities continue to grow, it will become increasingly difficult to manage this segment as a WSR and to prevent incompatible development on private lands.

The ESA provides protection for the fish values present along this segment. This entire segment is designated critical habitat for the Colorado pikeminnow, Razorback sucker, bonytail chub, and humpback chub. Areas designated as critical habitat receive protection under section 7 of the ESA with regard to actions carried out, funded, or authorized by a Federal agency that are likely to adversely modify or destroy critical habitat. Section 7 requires Federal agencies to consult on and insure that such actions are not likely to destroy or adversely modify critical habitat. These fish species also receive special management as part of the Upper Colorado River Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery strategies include conducting research, improving river habitat, providing adequate stream flows, managing non-native fish, and raising endangered fish in hatcheries for stocking. Program partners cooperatively manage water resources in accordance with the ESA, state water law, individual water rights, and interstate compacts. Program partners utilize a variety of management tools: leases and contracts for water supplies; coordinated water releases from upstream reservoirs; participation in reservoir enlargements, efficiency improvements to irrigation systems to reduce water diversions; and re-

operation of federal dams and reservoirs. These mechanisms will protect the fish values along this segment.

Historical 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 Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should continue to rely on the provisions of the Colorado Endangered Fish Recovery Program. Including the designation of critical habitat along this stream reach, to protect the Fish ORV.
2. The railroad right-of-way that forms the basis for the historical ORV is not at risk.

Based on these recommendations, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

This segment is downstream from current water projects and diversions that are designed to provide water for the State of Colorado. 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.

Numerous absolute water rights exist along this segment of the Gunnison River. Under designation, historical operation, maintenance, and access activities on federal lands can continue. While these historical rights would not be affected by designation of the segment, changes to these water rights and the development of new water projects as described in sections 7(b) and 7(c) of the WSR Act would be permitted only if they did not have a direct and adverse effect on the values for which the river segment was designated. 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.

7. <u>Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development.</u>

This segment is within Mesa County. The majority of the area on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area. The Agricultural, Forestry, Transitional

district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs.

A small portion of the study area is within the Residential-Single-Family (RSF-4) district. This district is primarily intended to accommodate medium density, single family residential development (Mesa County 2008). Because such a small portion of the study area is within the RSF-4 district, it is unlikely that the zoning would adversely impact the ORVs.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The Colorado pikeminnow and razorback sucker are part of the Upper Colorado River Endangered Fish Recovery Program, a partnership of private and public organizations working to conserve a collection of fish species while maintaining water development. Recovery plans and goals have been issued by the USFWS (USFWS 2002a and USFWS 2002b). Designation would be consistent with this program.

The National Park Service determined that a 12-mile segment of the Gunnison River (as it flows through the Black Canyon of the Gunnison National Park) is suitable for inclusion in the NWSRS. The tentative classification for this segment is a combination of Wild and Scenic. Designation of this segment would be consistent with the previous National Park Service determination.

The BLM Uncompahgre Field Office determined that a 16–mile segment of the Gunnison River (as it flows through the Gunnison Gorge NCA) is suitable for inclusion in the NWSRS. The tentative classification for this segment is a combination of Wild and Recreational (Record of Decision, Gunnison Gorge National Conservation Area Resource Management Plan and Final Environmental Impact Statement, 2004). The Uncompahgre Field Office also determined two other segments of the Gunnison River as eligible. These include a 17.48-mile segment immediately upstream from the Grand Junction planning area boundary and a 0.41-mile segment on BLM-managed lands northeast of Delta. The BLM will make suitability determinations on these segments as part of the Uncompahgre RMP revision and the Dominguez-Escalante NCA planning process. Designation would be consistent with the determinations of the Uncompahgre Field Office; it is not known at this time whether the eligible segments of the Gunnison River upstream from the GJFO will be determined suitable.

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

The Gunnison River is a tributary of the Colorado River.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable.** The Colorado River Recovery Program, designation of critical habitat by the USFWS, and the USFWS flow recommendations for the Gunnison River flow provide sufficient for the fish ORV. Current federal laws and authorities provide sufficient protection for the historical ORV.

The makeup of this segment would make effective management as a WSR challenging. The BLM only manages about a quarter of the shoreline and lands in the segment corridor. Mesa County zoning does not prevent development that is incompatible with WSR designation. The Agricultural, Forestry, Transitional district allows extractive uses (either as of right or conditionally) that have the potential to change the landscape and setting found along this segment. Also, this segment overlaps the city limits of Grand Junction and the community of Whitewater. As these communities continue to grow, the potential for incompatible development in the segment corridor will correspondingly increase.

3.3 ROAN CREEK

Description:	From the headwaters in the northern part of the GJFO to the confluence with Carr Creek.		
Total Segment Length:	17.04 miles	**Total Segment Area:**	4,960.38 acres
Length on BLM Land :	6.47 miles	**Area on BLM Land:**	2,563.97 acres
Preliminary Classification:	Scenic		
ORVs:	Fish		

Suitability Factor Assessment

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

This segment contains outstandingly remarkable fish values. The tentative classification for this segment is scenic due to access via a dirt road.

The creek contains a core conservation population of Colorado River cutthroat trout *(Oncorhynchus clarki pleuriticus)* (CRCT Conservation Team 2006), a BLM sensitive species (BLM 2000) and a Colorado species of special concern (CPW 2007). However, recent genetic work suggests that this population is more closely related to greenback cutthroat trout *(Oncorhynchus clarki stomias)*, a federally threatened species. Although Carr Creek is outside of what is considered the "native range" of greenback cutthroat, the USFWS considers this population greenback cutthroat for the purposes of the ESA.

The cutthroat trout is the most diverse trout species in North America, and its historical distribution covers the broadest range of any stream-dwelling trout in the Western Hemisphere. Today, they exist in only about 5 percent of their original range. Their numbers have declined due to over-fishing, stocking of rainbow, brook, brown, and Yellowstone cutthroat trout in their habitat, and loss of high-quality trout stream habitat due to logging, livestock over-grazing, water diversions and municipal and industrial pollution.

In a 2004 landscape health assessment, Roan Creek was rated as functioning-at-risk because of insufficient stream bank vegetation resulting from heavy livestock use. Road encroachment and crossings are keeping banks unstable. Current beaver ponds are unstable because of the lack of large-diameter materials.

Grazing is permitted throughout the study corridor and occurs on both BLM and private land. Overgrazing and poor management practices are disrupting the riparian ecosystem.

The Roan and Carr Creeks ACEC proposed in Alternatives B and C of the Draft RMP would overlap nearly all of the BLM-managed lands in this study area. The public and the BLM have proposed this ACEC to provide special management attention to the area's riparian habitat, fish, wildlife, and plant values.

There are five active water diversions within the segment study area and several more diversions outside the study area that affect flows in Roan Creek. Diversions are primarily for irrigation purposes and have the potential to provide return flows to Roan Creek.

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 17.04-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 6.47 miles (38.0 percent) of the segment. Within the 4,960.38-acre study corridor, the BLM manages 2,563.97 acres (51.7 percent). The remaining 2,396.41 acres in the segment corridor (48.3 percent) are in private ownership.

Nearly all of the BLM-managed lands in the segment corridor are leased for oil and gas exploration, and there are eight active wells within the segment corridor. Additionally, there are several active wells outside of the study corridor on both BLM and private land. There are no active mining claims in the segment 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.

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or impose terms and conditions on proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the segment's values.

If designated, valid mining claims and mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, new mining claims or mineral leases may be allowed, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

As discussed below, existing mechanisms and management tools would reduce the potential for adverse effects on the fish values in this segment if it were not designated.

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

If designated, it is possible that the cost of administering the area to protect and enhance the cutthroat trout would increase because of the mandate to do such. The BLM would/would not pursue land acquisition along this segment at this time. A detailed cost analysis was not done as part of this study.

5. 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 only manages 38.0 percent of the shoreline of this segment and about half of the land in the segment corridor. The BLM's limited ownership of the shoreline would make management of this segment as a WSR challenging. However, other mechanisms are in place that will protect the fish values on this segment.

The greenback cutthroat trout receives protection under the ESA, while the Colorado River cutthroat trout receives protection by virtue of appearing on the BLM's official sensitive species list. The USFWS has advised the BLM to treat the fish population as though it were threatened greenback cutthroat trout, despite the current genetic uncertainty surrounding this population. Accordingly, the BLM will determine the effects on these fish from any actions it funds, authorizes, or undertakes. The BLM will initiate ESA consultation if it determines that an action may affect these fish. If the fish population turns out be Colorado River cutthroat trout, the BLM sensitive species manual guidance specifies that the population should be managed in a fashion similar to species that are listed under the ESA.

The "Greenback Cutthroat Trout Recovery Plan" (USFWS 1998) provides a framework for maintaining and enhancing current known populations of greenback cutthroat trout and for creating new populations of the species where feasible. Involved parties include the BLM, US Forest Service, USFWS, National Park Service, and CPW. The BLM, consistent with the position of the USFWS, intends to manage this segment in accordance with the conservation agreement.

The BLM is capable of managing for the protection of the cutthroat trout through incorporation of protective measures in its RMP. For example, the BLM will manage the area as an ACEC to protect the greenback cutthroat trout. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. Management actions of this ACEC include: (1) only allow vegetation treatments for the benefit of the identified relevant and important values (i.e., fish); (2) classify as closed to unauthorized motorized travel activities, including over-the-snow travel; (3) issue no special recreation permits for special or competitive events; and (4) close to mineral material sales and withdraw from coal leasing.

The CWCB holds an instream flow right on Roan Creek. There are varying levels of instream flow appropriations throughout the year for the entire segment. Between April 1 and October 31, the appropriated instream flow is 1.75 cfs. For the remainder of the year, the appropriated instream flow is 1.25 cfs. The purpose of an instream flow right is to preserve the natural environment to a reasonable degree. As such, this instream flow right provides a measure of flow protection that supports the ORV found on this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should continue to rely upon the appearance of cutthroat trout species on its sensitive species list as mechanism to insure that fish needs are considered in BLM plans and actions.
2. BLM should continue to rely upon the existence of an instream right held by the CWCB to protect the fish ORV.
3. BLM should continue to rely upon the inaccessibility of the creek as a method to protect the Fish ORV.

Based on these recommendations, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

There are current water diversions along this segment. The ability to change existing diversions and to appropriate new diversion of water could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new diversions and changes to existing diversions would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORV. 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.

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

Roan Creek is in Garfield County and is zoned as Resource Lands. The Resource Lands zone has limited potential to prevent development that is incompatible with protection of the ORV. Land types and uses within the Resource Lands zone include irrigated agriculture, grazing, farm and ranch residences, meadow hay land, and waste land (Garfield County 2008). Also, conditional uses in the Resources Lands zone include mineral extraction, forestry, mineral waste disposal, oil and gas drilling, and utility lines. The allowable uses along this segment include numerous forms of industrial development and resource extraction. These uses may result in development that is incompatible with the protection of this segment's ORV.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

In order for the greenback cutthroat trout to be considered recovered and delisted from the federally threatened and endangered species list, populations meeting a certain criteria must be documented in its native range, which is Arkansas and South Platte drainages on the Colorado Front Range (USFWS 1998). Thus, while designation for the protection of the greenback cutthroat trout would support the recovery of the species, it would not contribute to its delisting.

10. Contribution to a river system watershed or basin integrity.
Roan Creek is a tributary to the Colorado River.

Preliminary Suitability Determination
The preliminary suitability determination for this segment is **not suitable**. The ORV for this segment is for greenback cutthroat trout that are present. Mechanisms other than WSR designation can adequately protect these fish. The Roan and Carr Creeks ACEC, if chosen, would provide special management attention, limit allowable uses, and direct management actions to protect this fish population. The cutthroat trout are protected as special status species regardless of designation.

Other factors would make management of this segment in the NWSRS challenging and not the most effective use of the BLM's limited funds and management resources. The BLM manages only about a third of the shoreline and just over half of the land in the segment corridor. A cohesive and comprehensive management approach to this segment is difficult because the makeup of the segment is scattered and fragmented. In several places, the BLM manages only one side of the shoreline. The longest contiguous section of land in this segment where the BLM manages both sides of the shoreline is only two miles. As stated above, an ACEC overlaps some of the segment (roughly uppermost three-quarters), but this special management does not apply to the private lands in that section or to the remainder of the segment.

Additionally, there are oil and gas leases on nearly all of the BLM land in the corridor, and there are eight active wells in the corridor. BLM's permits for authorization to drill wells contain stipulations designed to protect the cutthroat trout population.

3.4 CARR CREEK

Description:	From the headwaters in the northern part of the GJFO to the confluence with Roan Creek.		
Total Segment Length:	15.10 miles	**Total Segment Area:**	4,916.51 acres
Length on BLM Land :	5.06 miles	**Area on BLM Land:**	2,289.73 acres
Preliminary Classification:	Scenic		
ORVs:	Fish		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
This segment contains outstandingly remarkable fish values. The tentative classification for this segment is scenic due to access via a dirt road.

The creek contains a core conservation population of Colorado River cutthroat trout (*Oncorhynchus clarki pleuriticus*) (CRCT Conservation Team 2006), a BLM sensitive species (BLM 2000) and a Colorado species of special concern (CPW 2007). However, recent genetic work suggests that this population is more closely related to greenback cutthroat trout *(Oncorhynchus clarki stomias)*, a federally threatened species. (Colorado Parks and Wildlife, 2011, "Native cutthroat trout populations displaying the lineage GB genotype identified west of the

Continental Divide.") Although Carr Creek is outside of what is considered the "native range" of greenback cutthroat, the USFWS considers this population greenback cutthroat for the purposes of the ESA.

The cutthroat trout is the most diverse trout species in North America, and its historical distribution covers the broadest range of any stream-dwelling trout in the Western Hemisphere. Today, they exist in only about five percent of their original range. Their numbers have declined due to over-fishing, stocking of rainbow, brook, brown, and Yellowstone cutthroat trout in their habitat, and loss of high-quality trout stream habitat due to logging, livestock over-grazing, water diversions and municipal and industrial pollution.

The area is permitted for livestock grazing though the permitee does not graze the land. A locked gate on private land downstream of the segment prevents public access to the segment.

The Roan and Carr Creeks ACEC overlaps roughly four miles of the uppermost portion this segment. The public and the BLM have proposed this ACEC to provide special management attention to the area's riparian habitat, fish, wildlife, and plant values.

There are approximately a dozen active water diversions along this segment and several more diversions lie outside the study area but have the potential to affect flows in the creek. Diversions in this area are primarily for irrigation purposes and have the potential to provide return flows to the creek.

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 for this 15.10-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 5.06 miles (33.5 percent) of the segment. Within the 4,916.51-acre study corridor, the BLM manages 2,289.73 acres (46.6 percent). The remaining land status is composed of 2,626.78 acres (53.4 percent) in private ownership.

The segment corridor is leased for oil and gas exploration along roughly the downstream most 3.5 miles. There are 6 active wells within the study corridor (all on private land). The oil and gas potential on BLM lands is low along roughly the upstream most 5 miles of the segment. The oil and gas potential is moderate along the remaining BLM lands in the segment corridor. There are no active mining claims in the segment corridor.

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>

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or impose terms and conditions on proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the segment's values.

If designated, valid mining claims and mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, new mining claims or mineral leases may be allowed, subject

to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

As discussed below, existing mechanisms and management tools would reduce the potential for adverse effects on the fish values in this segment if it were not designated.

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

The cost of administering the area would not likely increase over current levels because public access to the segment is limited. The majority of land in this segment corridor is privately owned. The BLM would not pursue land acquisition, as it is not feasible to acquire enough land to affect its ability to manage the segment.

5. 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 Greenback Cutthroat Trout receives protection under the ESA, while the Colorado River Cutthroat Trout receives protection by virtue of appearing on the BLM's official sensitive species list. The USFWS has advised the BLM to treat the fish population as though it were threatened greenback cutthroat trout, despite the current genetic uncertainty surrounding this population. Accordingly, the BLM will determine the effects on these fish from any actions it funds, authorizes, or undertakes. The BLM will initiate ESA consultation if it determines that an action may affect these fish. If the fish population turns out be Colorado River Cutthroat Trout, the BLM sensitive species manual guidance specifies that the population should be managed in a fashion similar to species that are listed under the ESA.

The "Greenback Cutthroat Trout Recovery Plan" (USFWS 1998) provides a framework for maintaining and enhancing current known populations of greenback cutthroat trout and for creating new populations of the species where feasible. Involved parties include the BLM, US Forest Service, USFWS, National Park Service, and CPW. The BLM, consistent with the position of the USFWS, intends to manage this segment in accordance with the conservation agreement.

The BLM is capable of managing for the protection of the cutthroat trout through incorporation of protective measures in its RMP. For example, the BLM will manage the upper portion of the area as an ACEC to protect cutthroat trout. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. Management actions of this ACEC include: (1) only allow vegetation treatments for the benefit of the identified relevant and important values (i.e., fish); (2) classify as closed to unauthorized motorized travel activities, including over-the-snow travel; (3) issue no special recreation permits for special or competitive events; and (4) close to mineral material sales and withdraw from coal leasing.

The CWCB holds an instream flow right on Carr Creek. There are varying levels of instream flow appropriations throughout the year for the entire segment. Between April 1 and August 31, the appropriated instream flow is 2.0 cfs. It drops to 1.0 cfs between September 1 and October 31, and again to 0.5 cfs between November 1 and March 31. The purpose of an instream flow

right is to preserve the natural environment to a reasonable degree. As such, this instream flow right provides a measure of flow protection that supports the ORV found on this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should continue to rely upon the appearance of cutthroat trout species on its sensitive species list as mechanism to insure that fish needs are considered in BLM plans and actions.
2. BLM should continue to rely upon the existence of an instream right held by the CWCB to protect the fish ORV.
3. BLM should continue to rely upon the inaccessibility of the creek as a method to protect the Fish ORV.

Based on these recommendations, the stakeholder collaborative also recommended that BLM determine that this stream segment is not suitable for designation under the WSR Act.

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

There are current water diversions along this segment. The ability to change existing diversions and to appropriate new diversion of water could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new diversions and changes to existing diversions would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORV. 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.

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

Carr Creek is in Garfield County and is zoned as Resource Lands. The Resource Lands zone has limited potential to prevent development that is incompatible with protection of the ORV. Land types and uses within the Resource Lands zone include irrigated agriculture, grazing, farm and ranch residences, meadow hay land, and waste land (Garfield County 2008). Also, conditional uses in the Resources Lands zone include mineral extraction, forestry, mineral waste disposal, oil and gas drilling, and utility lines. The allowable uses along this segment include numerous forms of industrial development and resource extraction. These uses may result in development that is incompatible with the protection of this segment's ORV.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

In order for the greenback cutthroat trout to be considered recovered and delisted from the federally threatened and endangered species list, populations meeting a certain criteria must be document in its native range, which is Arkansas and South Platte drainages on the Colorado

Front Range (USFWS 1998). Thus, while designation for the protection of cutthroat trout may support the recovery of the species, it would not contribute to delisting.

10. Contribution to a river system watershed or basin integrity.
Carr Creek is a tributary to Roan Creek, which flows into the Colorado River near De Beque.

Preliminary Suitability Determination
The preliminary suitability determination for this segment is **not suitable**. The ORV for this segment is for greenback cutthroat trout that are present. Mechanisms other than WSR designation can adequately protect these fish. The Roan and Carr Creeks ACEC will provide special management attention, limit allowable uses, and direct management actions to protect this fish population. The cutthroat trout are protected as special status species regardless of designation.

Other factors would make management of this segment in the NWSRS challenging and not the most effective use of the BLM's limited funds and management resources. The BLM is a minority landowner on this segment. It only manages a third of the shoreline and less than half of land in the segment corridor. As stated above, an ACEC overlaps the upper portion of the segment (roughly uppermost four miles) where the BLM manages the entire shoreline and all of the surrounding land in the corridor. However, the special management afforded by the ACEC does not apply to the remainder of the segment where land ownership is fragmented.

Additionally, there are oil and gas leases on nearly all of the BLM land in the corridor, and there are eight active wells in the corridor. BLM's permits for authorization to drill wells contain stipulations designed to protect the cutthroat trout population.

3.5 ROUGH CANYON CREEK

Description:	Sections of Rough Canyon Creek on BLM land located south of Grand Junction in the Bangs Canyon SRMA.		
Total Segment Length:	4.21 miles	**Total Segment Area:**	1,356.52 acres
Length on BLM Land :	4.21 miles	**Area on BLM Land:**	1,248.06 acres
Preliminary Classification:	Scenic		
ORVs:	Scenic, Wildlife, Geologic		

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
Rough Canyon Creek is an intermittent stream and contains outstandingly remarkable scenic, geologic, and wildlife values. The tentative classification of this segment is scenic due to an inconspicuous dirt road that runs parallel to the creek for most of its extent.

This segment has outstandingly remarkable scenic value. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). Deep canyons exposing multiple

layers of rock as old as the Precambrian create outstandingly remarkable scenery. A classic faulted monocline next to the creek adds to the unusual and spectacular scenery.

This segment has outstandingly remarkable geologic value. The faulted monocline within Rough Canyon is readily visible from the creek and provides a textbook example of the feature. The exposed fault has provided evidence of the formation of the Uncompahgre Plateau.

This segment has outstandingly remarkable wildlife value. Rough Canyon Creek is an important Canyon Tree Frog *(Hyla arenicolor)* breeding area with many breeding pools found in surveys of this area. The Canyon Tree Frog is a BLM sensitive species (BLM 2000). The management objective for BLM sensitive species that are not federally listed as endangered or threatened is to initiate protective conservation measures that reduce or eliminate threats to minimize the likelihood of and need for listing of these species under the ESA. The CPW identified the Canyon Tree Frog as a species of greatest conservation need in its Comprehensive Wildlife Conservation Strategy (CPW 2006).

This segment has characteristics in addition to its ORVs that add to its value as a potential addition to the NWSRS. The majority of the study area (4.09 miles, 874.61 acres) is within the Rough Canyon research natural area and ACEC. The BLM has proposed to expand this existing ACEC to provide special management attention to its plant, fish and wildlife, scenic, cultural, and geologic values. The study corridor is also within the Bangs Canyon SRMA. While the SRMA is available for a wide-range of activities, Rough Canyon is protected from surface-disturbing activities and the canyon floor is open to foot and equestrian traffic only. The Tabeguache Trail follows the eastern rim of the canyon and is a motorized trail. Lastly, there are no active diversions along Rough Canyon Creek.

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 shoreline for this 4.21-mile segment is entirely managed by BLM. Within the 1,356.52-acre study corridor, the BLM manages 1,248.06 acres (92.0 percent), and the remaining 108.46 acres (8.0 percent) are privately owned. The segment corridor is not leased for oil and gas development; there are no active wells in the corridor; and the oil and gas potential is very low.

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>

WSR designation has the potential to affect water development along this segment. However, the potential for future water development is very low due to the intermittent nature of the creek and its remote location. If designated, it is expected that management practices would be similar to existing management practices. Hiking in the canyon could increase with designation and threaten the ORVs, particularly the canyon treefrog habitat. The values along this segment likely would not diminish if the segment was not designated because other management tools provide adequate protection, as discussed below.

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

The cost of administering this area is not likely to increase substantially if designated. The BLM already devotes funding to this area for its management of the Bangs Canyon SRMA and the Rough Canyon ACEC.

The acquisition of private lands is not essential for management for the protection of the ORVs because the BLM manages nearly all of the lands within the segment corridor. Nevertheless, the BLM would pursue acquisition of private parcels from willing sellers. No detailed cost estimate was prepared as part of this study.

5. 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 could manage this segment effectively as a WSR. The BLM manages all of the shoreline along this segment and 92 percent of the acres in the segment corridor. Other means also exist to protect the identified values other than WSR designation.

The BLM currently manages the segment corridor as part of the Rough Canyon research natural area and ACEC. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. This provides a layer of protection for the scenic, wildlife, and geologic ORVs.

The BLM also manages the segment corridor as part of the Bangs Canyon SRMA. Braided routes on the canyon floor and a lack of interpretive educational efforts put the identified ORVs, specifically the canyon treefrog, at risk. However, increased efforts by the BLM to educate users and close trails would minimize adverse impacts.

The BLM's VRM system provides some protection for the scenic values of this segment. The segment corridor is managed as VRM Class II. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape. Class II protection also provides some protection against visual disturbance which could indirectly protect the geologic value by minimizing the possibility of significant development in the area.

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

No historical or existing rights have been identified for this segment.

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

This segment is within Mesa County. There are parcels of private land within the watershed but not directly located on the creek. The private lands are within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional

district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

The Mesa Land Trust holds a conservation easement on a very small portion of the private land at the upstream end of the segment corridor (about 20 acres). Conservation easements are voluntary, perpetually binding documents that restrict development of a property. Conservation easements have the general purposes of conserving agricultural productivity, open space character, wildlife habitat, and scenic qualities, and for preventing any uses that will impair or interfere with the conservation values of the property (such as industrial uses). With regard to water use, conservation easements allow the maintenance of existing water systems and the development of new water sources, provided that such maintenance or development does not substantially diminish the conservation values of the property.

In sum, even though Mesa County zoning may allow incompatible development, the private lands in the segment corridor make up such a small percentage (8 percent) that adverse effects to ORVs from incompatible development is unlikely.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

Designation to protect the canyon treefrog would be consistent with the CPW initiative to protect the species.

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

Because the creek is intermittent, the Gunnison River does not rely upon a contribution from Rough Canyon Creek to meet average flow levels.

11. Other issues and concerns, if any.

None.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable**. The BLM can adequately protect the ORVs along this segment with other administrative protections. The increased visitation that would likely accompany designation has the potential to have an adverse effect on the wildlife (canyon tree frog habitat) value of the segment. As such, the BLM will protect the ORVs of this segment utilizing existing means other than designation. For example, the BLM's VRM system provides a layer of protection for the scenic and geologic values. The BLM manages this area as VRM Class II. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape.

The Rough Canyon ACEC also provides special management attention to values in this area (geologic, wildlife habitat, archaeological, and plants) that parallel the ORVs of this segment. For these reasons, the BLM determines that this segment is not suitable for inclusion in the NWSRS.

3.6 UNAWEEP CANYON COMPLEX

3.6.1 East Creek

Description:	Sections of East Creek on BLM land running parallel to Highway 141 from the Unaweep Divide to East Creek's confluence with the Gunnison River near Whitewater.		
Total Segment Length:	20.26 miles	**Total Segment Area:**	6,220.63 acres
Length on BLM Land :	8.96 miles	**Area on BLM Land:**	3,601.84 acres
Preliminary Classification:	Recreational		
ORVs:	Geologic		

Suitability Factor Assessment

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

This segment has outstanding geologic value. The tentative classification for this segment is recreational because Highway 141 runs parallel to the creek. Frequent traffic and transmission lines are readily apparent. With regard to its geologic value, East Creek flows east from the Unaweep Divide, through Unaweep Canyon, to the Gunnison River. West Creek flows west from Unaweep Divide and into the Dolores River. These creeks originate in the canyon and do not have a source large enough to create a canyon of such magnitude. It is hypothesized that Unaweep Canyon was carved by one or both of the modern day Gunnison or Colorado Rivers. The second uplift of the Uncompahgre Plateau probably rerouted one or both of these rivers. This has led to the exposure of multiple layers of rock, including the Precambrian basement layer of the Uncompahgre Plateau, and high canyon walls of up to 1000 feet. The divide located in the middle of the canyon separating East and West Creeks is rare (Foutz 1994) and Unaweep Canyon is the only known canyon in the world with a divide in the middle and a creek flowing out of each end (Ikenberry 2002). Approximately one-third of the study area (1,929.99 acres) is within the Bangs Canyon SRMA. Also, a small portion of the study area lies within the Dominguez-Escalante NCA. Congress designated the Dominguez-Escalante NCA to:

> "[C]onserve and protect for the benefit and enjoyment of present and future generations--(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and (2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities." (Public Law No. 111-11).

In a 2007 landscape health assessment, East Creek was rated as functioning-at-risk because of insufficient bank vegetation and streambed disturbance related to recreational use along the banks and off-highway vehicle use.

There are seven active diversions within the study area. These diversions are primarily for irrigation purposes and have the potential to provide return flows to the creek.

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 20.26-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 8.96 miles (44.2 percent) of the segment. Within the 6,220.63-acre segment corridor, the BLM manages 3,601.84 acres (57.9 percent). The remaining land status is composed of 4,014.64 acres (42.1 percent) in private ownership.

The BLM-managed lands in the segment corridor to the southeast of Highway 141 lie within the Dominguez-Escalante NCA (approximately 25 percent of this study area for this segment). The Omnibus Public Land Management Act of 2009 withdrew all BLM-managed lands in the Dominguez-Escalante NCA from "location, entry, and patent under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws." (Public Law No. 111-11) There is very low oil and gas potential on the remaining BLM lands in the segment corridor. There are no active oil and gas wells, oil and gas leases, or mining claims in this 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.

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or impose terms and conditions on proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other federal agencies to evaluate the potential effects on the segment's values.

The geologic value of this segment likely would not be foreclosed or diminished if the segment was not designated. As discussed above, Unaweep Canyon is thought to have been formed by either the Gunnison or Colorado Rivers. Then, the second uplift of the Uncompahgre Plateau rerouted one or both of these rivers. This value does not depend directly on flows in East Creek, and administrative provisions in the BLM land use plan will prevent outstanding expressions of the geologic value from being inappropriately developed.

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

If designated, it is unlikely that the cost of administering the area would increase dramatically over the current level, as the area already sees a moderate amount of activity from scenic drivers and because the highway serves as a corridor to the Gateway area and Southwest Colorado. BLM has already developed turnouts, signage, and other recreational infrastructure along the segment to accommodate the existing use. Further, the protection of this segment's geologic value does not require the active management that an ecosystem-based ORV, such as wildlife or fish, would. The BLM would not pursue land acquisition along this segment at this time.

5. 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 less than half of the shoreline of this segment and only 57.1 percent of the lands in the segment corridor, making effective management of the segment as a WSR challenging.

Other administrative management tools provide some protection for this segment's ORV. Almost half of the study area (2,748.66 acres) is managed as VRM Class II. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape. Class II protection provides some protection against visual disturbance which could indirectly protect the geologic value by minimizing the possibility of substantial development in the area. This segment flows along the boundary of the Dominguez-Escalante NCA which was designated to conserve and protect, among other resources, its geological values. Nearly 25 percent of the study area (1,438.97 acres) is protected by the NCA.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should establish a geological ACEC to protect the geological ORV.
2. BLM should carefully manage access routes and recreational use areas to prevent damage to the geological ORV.
3. BLM should continue to rely upon the inaccessibility of the creek as a method to protect the Fish ORV.

The stakeholder collaborative was unable to reach consensus on whether this stream segment should be determined suitable or not suitable by BLM for designation under the WSR Act.

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

There are current water diversions along this segment. The ability to change existing diversions and to appropriate new diversion of water could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new diversions and changes to existing diversions on BLM lands would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORV. 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.

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

The segment is in Mesa County and the small portion of land within the segment study corridor on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa

County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORV.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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.

East Creek is a tributary to the Gunnison River.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable**. The ORV for this segment is its unique geologic value. The BLM's VRM system provides a layer of protection for this value. VRM Class II protection provides protection against visual disturbance, and could indirectly protect the geologic value by minimizing the possibility of substantial development in the area.

Since there is a large percentage of private land in this segment, management as a Wild and Scenic River could be challenging and resource-intensive. Current zoning in the area could allow developments that could detract from the visual observation and interpretation of the geologic values.

Creation of a federal reserved water right with designation does not appear essential for managing the geologic ORV. The vast majority of BLM-managed lands in the corridor are concentrated at the downstream end of the segment. Flows in this portion of the segment depend on the actions of senior water rights holders upstream on private lands, and a junior federal reserved water right is unlikely to significantly affect the flow regime.

Because of the factors discussed above, management of this segment as suitable for inclusion in the NWSRS is not the most effective use of the BLM's limited funds and management resources.

3.6.2 West Creek

Description:	Sections of West Creek on BLM land running parallel to Highway 141 from the Unaweep Divide to West Creek's confluence with the Dolores River near Gateway.		
Total Segment Length:	23.56 miles	**Total Segment Area:**	6,926.06 acres
Length on BLM Land :	4.93 miles	**Area on BLM Land:**	2,490.99 acres

Preliminary Classification: Recreational
ORVs: Scenic, Wildlife, Geologic, Vegetation

Suitability Factor Assessment

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
West Creek contains outstandingly remarkable scenic, geologic, wildlife, and vegetative values. The tentative classification for this segment is recreational as Highway 141 runs parallel to the creek and its traffic is readily apparent from the creek.

This segment has outstandingly remarkable scenic value. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). Colorado State Highway 141, running through Unaweep Canyon and paralleling West Creek, is part of the Unaweep-Tabeguache Scenic and Historic Byway designated by Congress in 1980. The steep canyon walls formed by a rerouted ancient river have resulted in cliffs up to 1000 feet high in a magnificent canyon. Cottonwoods abound along the watercourse and provide a a striking contrast to the variety of different colors of the multitude of rock layers exposed on the canyon walls. Sections of the canyon are very narrow and intimate while others are very wide and open up to provide fantastic views.

This segment has outstandingly remarkable geologic value. East Creek flows east from the Unaweep Divide, through Unaweep Canyon, to the Gunnison River. West Creek flows west from Unaweep Divide and into the Dolores River. These creeks originate in the canyon and do not have a source large enough to create a canyon of such magnitude. It is hypothesized that Unaweep Canyon was carved by one or both of the modern day Gunnison or Colorado Rivers. The second uplift of the Uncompahgre Plateau probably rerouted one or both of these rivers. This has led to the exposure of multiple layers of rock, including the Precambrian basement layer of the Uncompahgre Plateau, and high canyon walls of up to 1000 feet. The divide located in the middle of the canyon separating East and West Creeks is rare (Foutz 1994) and Unaweep Canyon is the only known canyon in the world with a divide in the middle and a creek flowing out of each end (Ikenberry 2002). This segment has outstandingly remarkable wildlife and vegetation values. The study area contains nearly all of Unaweep Seep ACEC/research natural area, designated to protect the area's outstanding biologic diversity. The BLM is carrying forward this existing ACEC its fish and wildlife, plant, riparian habitat and hydrologic values. This area contains around twenty seeps in a contiguous area harboring an unusually high species diversity and density. The Great Basin silverspot butterfly (*Speyeria n. Nokomis*), a BLM sensitive species, is also found here. The management objective for BLM sensitive species that are not federally listed as endangered or threatened is to initiate protective conservation measures that reduce or eliminate threats to minimize the likelihood of and need for listing of these species under the ESA. Unaweep Seep is also a designated Important Bird Area (Audubon 2008). The Unaweep Seep ACEC is also among the highest in the GJFO in terms of plant diversity. Included in this assemblage is the helleborine orchid *(Epipactis gigantea)*, ranked by CNHP as S2 (state imperiled). An S2 rank indicates that the species is imperiled in the state because of rarity due to

very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state.

The study area for this segment is partially within the Palisade outstanding natural area and ACEC (2.18 miles, 625.77 acres). The BLM has proposed to expand the existing Palisade outstanding natural area and ACEC to provide special management attention to its vegetation (rare plant species), wildlife (peregrine falcon), and scenic values. A small portion of this segment and study area overlaps The Palisade WSA (0.03 miles, 561.54 acres).

There are numerous active water diversions along West Creek (approximately two dozen). These diversions are primarily for irrigation purposes, which have the potential to provide return flows to the creek. Some diversions are for stock and domestic purposes. The CWCB holds an instream flow right for 15 cfs on West Creek from its headwaters to its confluence with the Dolores 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.

Land ownership for this 20.26-mile segment is a combination of federal (BLM) and private. The BLM manages shoreline along 4.93 miles (20.9 percent) of the segment. Within the 6,926.06-acre study corridor, the BLM manages 2,490.99 acres (36.0 percent). The remaining land status is composed of 4,435.07 acres (64.0 percent) in private ownership.

A small portion of the segment corridor downstream from the confluence of Ute Creek is leased for oil and gas exploration but there are no active wells in the area. There is an active mining claim in the segment corridor where West Creek flows into the Dolores River. There is no oil and gas potential in this 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.

WSR designation has the potential to affect future water development along this segment. With designation, BLM would obtain authority to deny or impose terms and conditions on proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds to evaluate the potential effects on the segment's values.

If designated, valid mining claims and mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, new mining claims or mineral leases may be allowed, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment.

The geologic value of this segment likely would not be foreclosed or diminished if the segment was not designated. As discussed above, Unaweep Canyon is thought to have been formed by either the Gunnison or Colorado Rivers. Then, the second uplift of the Uncompahgre Plateau rerouted one or both of these rivers. This value does not depend on flows in East Creek or require protective management by the BLM.

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

If designated, it is unlikely that the cost of administering the area would increase over the current level. The area already sees a moderate amount of activity from scenic drivers, and the highway serves as a corridor to the Gateway area and southwest Colorado. Further, the BLM already devotes funding to its management of particular areas within this segment, such as the Unaweep Seep and the Palisade ACECs.

The BLM would not pursue land acquisition along this segment at this time. The majority of land in this segment is privately owned. It is not feasible for the BLM to acquire enough land to appreciably affect its ability to manage the segment.

5. 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 only 20.9 percent of the shoreline of this segment and only 36.0 percent of the lands in the segment corridor, making effective management of the segment as a WSR challenging.

A portion of this segment flows through the Palisade WSA. The Palisade WSA is managed according to BLM Manual 8550, Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM 1995). The goal of this policy is to manage WSAs to not impair their suitability for preservation as wilderness, until Congress designates them as wilderness, or until they are released from further wilderness consideration. This "non-impairment" management standard is more stringent than the BLM's management direction for Recreational WSRs. But 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.

Portions of the study area are also currently managed as part of the Palisade outstanding natural area and ACEC and the Unaweep Seep ACEC. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. The Unaweep Seep ACEC has been successful at protecting the Great Basin silverspot butterfly as well as the plant diversity of the area. Continuation of these ACECs would help protect the ORVs.

Management actions for the Unaweep Seep ACEC include: (1) classify as closed to unauthorized motorized travel activities, including over-the-snow travel; (2) closed to mechanized travel, wood collecting, fossil collecting and camping; (3) designate as ROW exclusion area; and (4) withdraw from mineral location, close to mineral material sales, and classify as unsuitable for coal leasing.

The BLM's VRM system provides some protection for the scenic values of this segment. The segment corridor is managed as VRM Class II. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape. Class II protection also

provides some protection against visual disturbance which could indirectly protect the geologic value by minimizing the possibility of significant development in the area.

The CWCB holds an instream flow right on West Creek for 15 cfs year-round from its headwaters to its confluence with the Dolores River. The purpose of an instream flow right is to preserve the natural environment to a reasonable degree. As such, this instream flow right provides a measure of flow protection that supports the ORVs found on this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should utilize protections associated with existing WSAs and protections associated with the proposed lands with wilderness characteristics management prescription to protect the ORVs.
2. BLM should rely upon the existing instream flow water right held by the CWCB to assist in protecting the scenic, wildlife, and vegetation ORVs.

The stakeholder collaborative was unable to reach consensus on whether this stream segment should be determined suitable or not suitable by BLM for designation under the WSR Act.

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

There are current water diversions along this segment. The ability to change existing diversions and to appropriate new diversion of water could be affected if the segment were designated and included a federal reserved water right. With a federally reserved water right in place, new diversions and changes to existing diversions would be allowed to the extent that sufficient flow remains in the river segment to support the identified ORV. 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.

7. <u>Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development.</u>

The segment is in Mesa County and the small portion of land within the segment study corridor on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

The Mesa Land Trust holds conservation easements on private lands at the upstream end of the segment corridor (approximately 500 acres). In large part, these conservation easements will protect the river's ORVs and prevent incompatible development. Conservation easements are voluntary, perpetually binding documents that restrict development of a property. Conservation easements have the general purposes of conserving agricultural productivity, open space character, wildlife habitat, and scenic qualities, and for preventing any uses that will impair or interfere with the conservation values of the property (such as industrial uses). With regard to water use, conservation easements allow the maintenance of existing water systems and the development of new water sources, provided that such maintenance or development does not substantially diminish the conservation values of the property.

In sum, even though Mesa County zoning may allow incompatible development, conservation easements on private lands in the segment corridor provide more stringent land use controls and generally will prevent incompatible development.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The Uncompahgre National Forest issued a proposed Forest Plan Revision in conjunction with the Gunnison National Forest in March 2007. The US Forest Service deferred its determination on West Creek as it flows through Unaweep Canyon (called Unaweep Creek in the US Forest Service document) until the BLM completed its eligibility determination (US Forest Service 2006). However, the proposed forest plan is not final and has been suspended because of litigation over the US Forest Service's 2005 planning rule.

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

West Creek is a tributary of the Dolores River.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable**. Management of this segment as a WSR would be challenging based on the amount of private land and, therefore, not the most effective use of the BLM's limited funds and management resources. The BLM manages only about a third of the land in the segment corridor and only about twenty percent of the shoreline. The CWCB holds an instream flow right along West Creek, and this water right appears to be supporting the ORVs in this segment. Other administrative mechanisms can protect the ORVs along this segment without designation. As discussed above, the BLM's VRM system provides a layer of protection for the segment's scenic and geologic values. The Unaweep Seep ACEC provides special management attention to the wildlife and vegetation values of the area. For these reasons, the BLM determines that this segment is not suitable.

3.6.3 North Fork of West Creek

Description:	Sections of the North Fork of West Creek on BLM land from Pinon Mesa running through the Palisade WSA to the confluence with West Creek east of Gateway along Highway 141.		
Total Segment Length:	8.46 miles	**Total Segment Area:**	2,751.86 acres
Length on BLM Land :	3.31 miles	**Area on BLM Land:**	1,080.11 acres
Preliminary Classification:	Wild		
ORVs:	Scenic		

Suitability Factor Assessment

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

The North Fork of West Creek has outstandingly remarkable scenic value. The tentative classification for this segment is Wild because the segment flows through the Palisade WSA and there is little development along the stream corridor. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). The North Fork of West Creek drops steeply from Pinon Mesa and forms a rugged narrow canyon through the Palisade WSA. In this area, the dark grey Precambrian bedrock is overlaid with deep red sandstone. Therefore, the canyon possesses mostly dark grey cliffs with upper cliff bands of dark red. In addition, the more mesic environment along the creek allows Ponderosa Pines and other higher elevation species to exist the entire length of the creek down to the confluence with West Creek. These features, in combination with the relatively high perennial stream flow and remote environment make the North Fork of West an outstandingly remarkable scenic area.

Grazing occurs within the segment study corridor but does not detract from the scenic nature of the area.

A portion of the segment and study area study area is within the Palisade WSA (2.85 miles, 916.46 acres) and the Palisade outstanding natural area and ACEC (2.96 miles, 917.00 acres). The BLM has proposed to expand The Palisade outstanding natural area and ACEC to provide special management attention for its vegetation (rare plant species), wildlife (peregrine falcon), and scenic values.

The study area for the portion of this segment on BLM-managed lands lies within the Gateway SRMA.

There are no active diversions along the North Fork of West Creek. The CWCB holds an instream flow right from Y Gulch to its confluence with West Creek.

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.

Within this 8.46-mile segment, the BLM manages the shoreline along 3.31 miles (39.1 percent). Within the 2,751.86-acre study corridor, the BLM manages 1,080.11 acres (39.3 percent). The northern portion of the study area 1671.75 acres (60.7 percent) is on private land. There are no active mining claims, no oil and gas leases, and no oil and gas wells in the segment corridor. There is no oil and gas potential 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.

WSR designation has the potential to affect future water development along this segment and in areas located upstream from this segment. With designation, BLM would obtain authority to deny or place terms and conditions on any proposed projects on BLM lands that would be incompatible or potentially degrade the ORVs for this segment. The BLM would review proposed projects that require federal permits, licenses, or funds from other agencies to evaluate the potential effects on the segment's values.

The scenic values likely would not diminish if the segment were not designated. The segment flows through the Palisade WSA, which is subject to stringent protective management, as discussed below.

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

Any additional cost of administering the area for protection of its ORVs if designated would be minimal. First, public access to the area is limited. Second, the BLM already incurs some costs specific to this area in order to manage the area according to its Interim Management Policy for Lands Under Wilderness Review. The BLM also already devotes some funds to the area in order to manage the Palisade ACEC. The BLM would not pursue land acquisition along this segment at this time. Because the BLM-managed lands in the segment corridor form a contiguous block along the downstream end of the canyon, the BLM can effectively protect the scenic value of this segment without acquiring additional lands.

5. 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 can effectively manage this segment as a WSR. Minimal management is currently required to protect the scenic nature of the area as access is challenging due to dense vegetation and the steep slopes of the canyon walls. However, other means can protect the ORVs in the absence of WSR designation.

A portion of this segment flows through the Palisade WSA. The Palisade WSA is managed according to BLM Manual 8550, Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM 1995). The goal of this policy is to manage WSAs in such a manner to not impair their suitability for preservation as wilderness, until Congress designates them as wilderness, or until they are released from further wilderness consideration. This "non-impairment" management standard is similar to the BLM's management direction for Wild

WSRs. But 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.

Portions of the study area are also currently managed as part of the Palisade outstanding natural area and ACEC. An ACEC is an administrative designation that the BLM uses to provide special management attention is to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes. Continuation of this ACEC would help protect the scenic ORV.

The BLM manages the WSA and ACEC as VRM Class I, which also provides protection for the scenic ORV. The goal of VRM Class I is to preserve the existing character of the landscape. It requires the level of change to the characteristic landscape to be very low and to not attract attention.

The CWCB holds an instream flow right on the North Fork of West Creek from Y Gulch to its confluence with West Creek. There are varying levels of instream flow appropriations throughout the year for the segment, the most being between April 1 and June 30 for 3.7 cfs. The appropriation drops to between 0.4 and 0.8 cfs for the remainder of the year. The purpose of an instream flow right is to preserve the natural environment to a reasonable degree. As such, this instream flow right provides a measure of flow protection that supports the ORVs found on this segment.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should utilize protections associated with existing WSAs and protections associated with the proposed lands with wilderness characteristics management prescription to protect the ORV.
2. BLM should rely upon the existing instream flow water right held by the CWCB to assist in protecting the scenic ORV.

The stakeholder collaborative was unable to reach consensus on whether this stream segment should be determined suitable or not suitable by BLM for designation under the WSR Act.

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

There are a limited number of private water rights located with and upstream from this segment. Designation would not affect the ability to operate these rights as they have been historically operated. However, if the owners desire to change those water rights, the changes would be subject to the federal reserved water right that would be associated with the designated segment.

7. <u>Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development.</u>

The segment is in Mesa County and the small portion of land within the segment study corridor on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and

very low-density single-family residential development within the rural planning area (Mesa County 2008). The Agricultural, Forestry, Transitional district has limited potential to prevent development that is incompatible with protection of the ORVs. The allowable uses along this segment include various forms of industrial development and resource extraction. For example, the Agricultural, Forestry, Transitional district allows oil and gas drilling and commercial forestry as of right. The Agricultural, Forestry, Transitional district also allows some conditional uses that could have an adverse effect on ORVs, such as sand and gravel storage or excavation, waste transfer, solid waste disposal and other mining. These industrial uses may result in development that is incompatible with the protection of this segment's ORVs, particularly its scenic values.

The Mesa Land Trust holds a conservation easement on some of the private lands in the upstream end of the segment corridor (approximately 300 acres). This conservation easement will protect the river's ORV and prevent incompatible development. Conservation easements are voluntary, perpetually binding documents that restrict development of a property. Conservation easements have the general purposes of conserving agricultural productivity, open space character, wildlife habitat, and scenic qualities, and for preventing any uses that will impair or interfere with the conservation values of the property (such as industrial uses). With regard to water use, conservation easements allow the maintenance of existing water systems and the development of new water sources, provided that such maintenance or development does not substantially diminish the conservation values of the property.

In sum, even though Mesa County zoning may allow incompatible development. Only private lands with conservation easements (and thus more stringent land use controls) in the segment corridor will prevent incompatible development.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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.

North Fork of West Creek is a tributary of West Creek, which contributes to the Dolores River.

11. Other issues and concerns, if any.

None.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable.** The upstream five miles and uppermost sixty percent of the segment corridor are on private land. Existing management of the BLM lands in the corridor can adequately protect the scenic value and tentative classification of this segment. However, protection of the ORVs on the upper part of the segment, which consists primarily of private lands, would be challenging. Management of this segment as suitable for inclusion in the NWSRS is not the most effective use of the BLM's limited funds and management resources.

The portion of the segment on BLM land flows through a WSA. The BLM manages WSAs to not impair their suitability for preservation as wilderness. This will protect the Wild classification of the segment as it flows through BLM land. Pursuant to this management objective, WSAs are managed as VRM Class I. The goal of VRM Class I is to preserve the existing character of the landscape, which will protect the scenic value of the segment as it flows through BLM land.

Neither of these protections discussed above apply to private lands. Only about 300 acres of the segment corridor are conserved under a conservation easement with the Mesa Land Trust. The remaining private lands in the corridor are only subject to the restrictions of the Mesa County Agricultural, Forestry, Transitional zoning district. As discussed above, this zoning district has the potential to allow development that is incompatible with this segment's scenic value and Wild classification (i.e., a road within the corridor).

3.6.4 Ute Creek

Description:	From North Berg Mesa near the northern extent of the Uncompahgre Plateau to the confluence with West Creek east of Gateway.		
Total Segment Length:	4.22 miles	**Total Segment Area:**	1,441.12 acres
Length on BLM Land :	4.19 miles	**Area on BLM Land:**	1,362.63 acres
Preliminary Classification:	Scenic		
ORVs:	Scenic, Vegetation		

Suitability Factor Assessment

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

Ute Creek has outstandingly remarkable scenic and vegetative values. The tentative classification for this segment is Scenic due to limited access via a dirt road along this segment.

This segment has outstandingly remarkable scenic value. Scenic quality is a measure of the visual appeal of a tract of land. The BLM uses a scenic quality rating process to assign public lands an A, B, or C rating based on seven key factors: landform, vegetation, water, color, adjacent scenery, scarcity, and cultural modifications. In a recent visual resources inventory, this area was determined to have a scenic quality rating of A (BLM 2009c). Ute Creek has formed a narrow canyon that rarely opens up to create a wider canyon bottom. The narrow, steep canyon walls form interesting overhangs and features, and the addition of a healthy cottonwood community provides for a unique, pristine watercourse in a region where riparian areas are frequently impacted by humans. When the canyon does open up, it reveals spectacular views of the Dolores River valley and the Palisade.

This segment also has outstandingly remarkable vegetative value. The cottonwood communities along the segment contain a gallery forest with cottonwoods of all age classes, composing one of the best examples of a "potentially natural community" in the GJFO (BLM 1993). A small portion of the segment and study area lies within the Palisade WSA (46.12 acres) and the Palisade outstanding natural area and ACEC (0.07 miles, 84.06 acres). The BLM has proposed to

expand The Palisade outstanding natural area and ACEC to provide special management attention for its vegetation (rare plant species), wildlife (peregrine falcon), and scenic values.

The segment area is almost entirely within the Gateway SRMA.

There are no active diversions from Ute Creek. However, there are a series (about five) of developed stock ponds on US Forest Service land upstream.

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 4.22-mile segment is primarily federal (BLM and US Forest Service) with a small area of private ownership. The BLM manages shoreline along 4.19 miles (99.5 percent) of the segment. Within the 1,441.12-acre study corridor, the BLM manages 1,362.63 acres (94.6 percent). The US Forest Service manages 68.54 acres (4.1 percent) at the upstream end of the segment corridor. The remaining land status consists of 18.59 acres (along Highway 141; 1.3 percent) in private ownership.

There is no oil and gas potential in this area, and there are no active wells in this area. However, roughly 165 acres of the segment corridor near Ute Creek's confluence with West Creek is leased for oil and gas exploration. There are no active mining claims in the segment 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.

While WSR designation has the potential to affect future water development along this segment, there currently are no active water diversions along Ute Creek, and additional water development is not anticipated.

If designated, valid mineral leases would remain in effect. Because the segment is preliminarily classified as Scenic, new mining claims or mineral leases may be allowed, subject to reasonable access and stipulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. As discussed below, the ORVs in this segment are not likely to diminish if the segment is not designated.

Grazing use of this segment, including the use of the trail along the segment to move livestock, would likely not be affected by designation. The scenic classification would allow for continued use and maintenance of the trail, and the existing livestock use is not expected to significantly impact the scenic and vegetation ORVs.

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

The cost of administering the area for protection of the ORVs would be minimal as public access to the area is limited. Regardless, designation of the segment would enhance the BLM's ability to obtain funding for the management of the area.

The acquisition of private lands is not essential for management for the protection of the ORVs because the BLM manages nearly all of the lands within the segment corridor. Nevertheless, the

BLM would pursue acquisition from of private parcels from willing sellers. No detailed cost estimate was prepared as part of this study.

5. 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 could effectively manage this segment as a WSR because it manages nearly all of the lands in the segment corridor (94.6 percent). Because of the limited access, the BLM is able to protect the vegetation ORV with minimal management. The scenic ORV is largely dependent upon management actions related to potential mineral extraction and related development in the vicinity. Again, because the corridor itself is difficult to access, it is unlikely that the corridor would be developed for mineral extraction.

The BLM's VRM system also provides some protection for the scenic values of this segment. The BLM manages the segment corridor as VRM Class II. The objective of VRM Class II is to retain existing landscape character. This class permits only low levels of change to the characteristic landscape. It provides that management activities may be seen but should not attract a casual observer's attention. Any changes must repeat the basic elements of line, form, color, and texture found in the predominant natural features of the characteristic landscape.

The Lower Colorado River Wild and Scenic River Stakeholder Collaborative, described in **Section 2.2.5** (Public Input) of this report, provided management recommendations for this stream segment. Specifically, the stakeholder collaborative recommended:

1. BLM should utilize protections associated with the proposed lands with wilderness characteristics management prescription to protect the ORVs.
2. BLM should establish a riparian ACEC, combined with surface use stipulations, to protect to the scenic and vegetation ORVs.

The stakeholder collaborative was unable to reach consensus on whether this stream segment should be determined suitable or not suitable by BLM for designation under the WSR Act.

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

No historical or existing rights have been identified for this segment.

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

The segment is in Mesa County and the small portion of land within the segment study corridor on private land is within the Agricultural, Forestry, Transitional district. The Agricultural, Forestry, Transitional district is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the rural planning area (Mesa County 2008). Local zoning is not a major concern for this segment as private lands constitute only one percent of the segment corridor.

8. Support or opposition of local governments, state governments, and stakeholders to designation under the WSRA.

Refer to criterion #4.

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

The Uncompahgre National Forest found the portion of Ute Creek upstream of the BLM segment not eligible for inclusion in the NWSRS during the eligibility study for the Grand Mesa, Uncompahgre, and Gunnison National Forests land management plan revision process (US Forest Service 2006). The portion of Ute Creek in the National Forest serves as the boundary between two management areas: big game winter range in non-forest areas and big game winter range in forested areas. The US Forest Service manages these areas according to the following general prescriptions: (1) provide semi-primitive non-motorized, semi-primitive motorized, and roaded natural recreation opportunities; (2) manage motorized recreation prevent unacceptable stress on big game animals during primary big game use season; use vegetation treatments to enhance plant and animal diversity; (3) manage livestock grazing to favor wildlife habitat; and (4) (in forested areas only) use timber harvest to improve winter range. Management by the US Forest Service to provide big game habitat is unlikely to have an adverse effect on this segment's ORVs, with the exception of some types of timber harvest (such as clearcutting). Nevertheless, management by the US Forest Service as to provide big game habitat is generally consistent with BLM management that would occur with designation.

The Uncompahgre National Forest's 2007 proposed forest plan would manage this area as recommended wilderness. The US Forest Service would manage the area to protect its wilderness characteristics until Congressional action is taken. (US Forest Service 2007) Natural processes with little or no human intervention would influence ecosystems. However, the proposed forest plan is not final and has been suspended because of litigation over the US Forest Service's 2005 planning rule. Management by the US Forest Service as recommended wilderness is generally consistent with BLM management that would occur with designation.

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

The segment is a tributary of West Creek, which contributes to the Dolores River.

11. Other issues and concerns, if any.

None.

Preliminary Suitability Determination

The preliminary suitability determination for this segment is **not suitable,** BLM has proposed managing lands along the creek corridor, within the Ute Creek watershed, and within the viewshed of the creek, as lands with wilderness characteristics. This is a highly restrictive management prescription that would prevent actions that could degrade the scenic and vegetation ORVs. In addition, BLM intends to make a recommendation to the CWCB for an instream flow water right that would assist in supporting the vegetation and scenic ORVs.

This page intentionally left blank

CHAPTER 4
LIST OF PREPARERS

Name	Role
BLM, Colorado State Office	
Roy Smith	Water Rights
BLM, Grand Junction Field Office	
Matt Anderson	Planning and Environmental Coordinator
Michelle Bailey	Outdoor Recreation Planner
Peter Benduha	Recreation Technician
Janny Choy	Hydrologist
Julia Christiansen	Natural Resource Specialist
Douglas Diekman	Geographic Information Systems
Jim Dollerschell	Range Management Specialist
Robert Fowler	Range Management Specialist
Tom Fresques	Fisheries Biologist
Scott Gerwe	Geologist
Chris Hamm	Supervisory Outdoor Recreation Planner
Mike Jones	Park Ranger
Robin Lacy	Realty Specialist
Aline LaForge	Archaeologist
Alissa Leavitt-Reynolds	Archaeologist
David Lehmann	Supervisory Natural Resource Specialist
Anna Lincoln	Ecologist

Name	Role
Heidi Plank	Wildlife Biologist
Christina Stark	Natural Resource Specialist
Ken Straley	Outdoor Recreation Planner
Mark Taber	Range Management Specialist
Aaron Young	Geographic Information Systems
Environmental Management and Planning Solutions, Inc. (EMPSi), RMP Contractor	
Kevin Sampson	Geographic Information Systems
Kate Wynant	Wild and Scenic Rivers

CHAPTER 5
REFERENCES

BLM (US Department of the Interior, Bureau of Land Management). 1983. Manual 8560. Management of Designated Wilderness Areas. Release 8-22, April 27, 1983.

_____. 1984. Manual 8400: Visual Resource Management. Rel. 8-24, April 5, 1984. BLM, Washington, DC.

_____. 1986. Handbook H-8410-1: Visual Resource Inventory. Rel. 8-28, January 17, 1986. BLM, Washington, DC.

_____. 1987. Grand Junction Resource Management Plan and Record of Decision. BLM, Grand Junction Field Office, Grand Junction, Colorado. January 1987.

_____. 1992. Manual 8351: Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management. Rel. 8-61, May 19, 1992. BLM, Washington, DC.

_____. 1993. Blue Creek Ecological Site Inventory Report. BLM, Grand Junction Colorado.

_____. 1995. Manual 8550: Interim Management Policy and Guidelines for Lands Under Wilderness Review. Rel. 8-66, July 5, 1995. BLM, Washington, DC.

_____. 1998. BLM Manual 8270: Paleontological Resource Management. July 13, 1998.

_____. 2000. Colorado BLM State Director's Sensitive Species List (Animals and Plants). Internet Web site: http://www.blm.gov/co/st/en/BLM_Programs/botany/Sensitive_Species_List_.html. Updated June 2000. Accessed June 22, 2009.

_____. 2004. Resource Management Plan and Record of Decision for the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness. BLM, Grand Junction Field Office, Grand Junction, Colorado. September 2004.

_____. 2008. Record of Decision and Approved Resource Management Plan for Bureau of Land Management, Moab Field Office. BLM, Moab Field Office, Moab, Utah. October 2008.

_____. 2009a. Wild and Scenic River Eligibility Report for Bureau of Land Management, Grand Junction Field Office. BLM, Grand Junction Field Office, Grand Junction, Colorado. March 24, 2009. 77pp.

_____. 2009b. Resource Management Plan Revision Scoping Summary Report. BLM, Grand Junction Field Office, Grand Junction, Colorado. April 2009. 204pp.

_____. 2009c. Visual Resource Inventory. Prepared for the BLM, Grand Junction Field Office, Grand Junction, CO, by Otak, Inc., Carbondale, CO. September 2009.

BLM (US Department of the Interior, Bureau of Land Management) and US Forest Service (US Department of Agriculture, National Forest Service). 2007. San Juan Public Lands Draft Land Management Plan and Draft Environmental Impact Statement. BLM Dolores, Columbine, and Pagosa Field Offices. US Forest Service – Region 2, San Juan National Forest. December 2007.

Colorado Natural Heritage Program. 2009. Colorado Tracked Natural Plant Communities. Internet Web site: http://cnhp.colostate.edu/tracking/communities.html. Updated April 3, 2009. Accessed June 24, 2009.

CPW (Colorado Parks and Wildlife). 2006. Colorado's Comprehensive Wildlife Conservation Strategy and Wildlife Action Plans. November 2, 2006.

_____. 2007. Threatened and Endangered List. Internet Web site: http://wildlife.state.co.us/WildlifeSpecies/SpeciesOfConcern/ThreatenedEndangeredList/ListOfThreatenedAndEndangeredSpecies.htm. Updated October 15, 2007. Accessed June 23, 2009.

CRCT Conservation Team. 2006. Range-wide Status of Colorado River cutthroat trout *(Orcorhynchus clarkii pleuriticus)*: 2005. March 2006. 200pp.

CRCT Coordination Team. 2006. Conservation strategy for Colorado River cutthroat trout *(Oncorhynchus clarki pleuriticus)* in the States of Colorado, Utah, and Wyoming. Colorado Division of Wildlife, Fort Collins. 24pp.

CWCB. 2010.

Foutz, Dell R. 1994. *Geology of Colorado Illustrated*. Your Geologist, Grand Junction, Colorado. 181 pp.

Garfield County. 2008. Garfield County Unified Land Use Resolution. Article III: Zoning. September 2008.

Ikenberry, Donna Lynn. 2002. *Wild Colorado: A Guide to Fifty-one Roadless Recreation Areas*. 1st Ed. Falcon Guide, Guilford, Connecticut. 353 pp

Interagency Wild and Scenic Rivers Coordinating Council. 1999. The Wild and Scenic Rivers Study Process, Technical Report. Washington, DC.

Mesa County. 1996. Mesa Countywide Land Use Plan: From Issues to Actions. Mesa County, Colorado. October 1996.

_____. 2008. Land Development Code. Mesa County, Colorado. Effective May 2000, last revised November 2008.

USFWS (US Department of the Interior, Fish and Wildlife Service). 1998. Greenback cutthroat trout recovery plan. US Fish and Wildlife Service, Denver, Colorado.

_____. 2002a. Colorado pikeminnow *(Ptychocheilus lucius)* Recovery Goals: amendment and supplement to the Colorado Squawfish Recovery Plan. US Fish and Wildlife Service, Mountain-Prairie Region (6), Denver, Colorado.

_____. 2002b. Razorback sucker (*Xyrauchen texanus*) Recovery Goals: amendment and supplement to the Razorback Sucker Recovery Plan. US Fish and Wildlife Service, Mountain-Prairie Region (6), Denver, Colorado.

US BOR (US Department of the Interior, Bureau of Reclamation). No date. Grand Valley Project, Colorado. Internet Web site: http://www.usbr.gov/dataweb/html/grandvalley.html. Accessed June 22, 2009.

US Forest Service (US Department of Agriculture, National Forest Service). 2006. Comprehensive Assessments for the Grand Mesa, Uncompahgre, and Gunnison National Forests. Appendix W-2: Rivers Reviewed. US Forest Service, Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado. July 17, 2006.

Utah Department of Natural Resources. 2006. Range-wide Conservation Agreement and Strategy for Roundtail Chub, Bluehead Sucker, and Flannelmouth Sucker. Publication Number 06-18. Salt Lake City, Utah. September 2006.

This page intentionally left blank.