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Mary Davis  
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*Submitted electronically via email*

**Re: Grasslands Land Management Plan Revision – Draft Assessment**

I am writing on behalf of American Whitewater and our interest in the Cimarron and Comanche National Grasslands Land Management Plan Revision and Wild and Scenic River Eligibility Study.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 70,000 supporters, 7,000 dues-paying members, and 80 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates.

We commend the Forest Service for conducting this eligibility study in accordance with the Wild and Scenic Rivers Act of 1968 and the 2012 Planning Rule, which require agencies to evaluate and identify rivers that may be eligible for inclusion in the National Wild and Scenic Rivers System during land management plan revisions.<sup>1</sup> We also recognize the agency's adherence to guidance in the Forest Service Land Management Planning Handbook (FSH 1909.12, Ch. 80).

While we strongly support the finding that the Purgatoire River is eligible and possesses Outstandingly Remarkable Values (ORVs) for geology, history/culture, fish, and wildlife, the study wrongly excludes recreation as an ORV despite clear evidence that the river provides unique recreation opportunities.

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<sup>1</sup> Wild and Scenic Rivers Act § 5(d)(1), 16 U.S.C. § 1276(d)(1); 36 CFR § 219.7(c)(2)(vi)

## Legal and Policy Basis for Recognizing Recreation as an ORV

The Wild and Scenic Rivers Act establishes that a river is eligible if it is free-flowing and possesses at least one *ORV* that is unique, rare, **OR** exemplary at a regional or national scale.<sup>2</sup>

The Forest Service Handbook defines a recreation ORV as:

“Recreational opportunities that are high quality and attract, or have the potential to attract, visitors from throughout or beyond the region of comparison; **or the recreational opportunities are unique or rare within the region.**”<sup>3</sup> [emphasis added]

This definition makes clear that recreation can qualify as an ORV either by popularity/national draw or by uniqueness/rarity. Both standards are sufficient in themselves.

## Recreation Values of the Purgatoire River

The report itself documents the unique and popular dinosaur tracksite that is river-dependent and provides exceptional recreational significance in the Purgatoire River corridor:

- The largest dinosaur tracksite in North America, internationally renowned and the subject of BBC, PBS, NPR, and National Geographic features, is located in the river channel. The study states that the tracksite and cultural sites “draw recreationists from around the nation” and that “the arduous hike is made by numerous visitors from across the nation.”<sup>4</sup>
- The Grasslands facilitate guided auto tours and interpretive hikes, demonstrating agency recognition of the recreation and education draw of these sites.

The report fails to mention the unique whitewater boating opportunities that exist on the Purgatoire River through both sections of the preliminary eligibility segments.

- In addition to the already identified dinosaur tracks tourism site, the Purgatoire River provides the only whitewater boating opportunity in the Arkansas Tablelands and Southern High Plains ecological sections — the defined “region of comparison” for this study.<sup>5</sup> Even if not heavily used, this rarity qualifies under the “unique or rare” clause of the Forest Service and Grassland’s recreation ORV criteria.<sup>6</sup>

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<sup>2</sup> WSRA § 2(b), 16 U.S.C. § 1273(b)

<sup>3</sup> FSH 1909.12, Ch. 82.41; CCNG Eligibility Report, Table 2

<sup>4</sup> USDA Forest Service, *Cimarron and Comanche National Grasslands Wild and Scenic Rivers Eligibility Study Report* (May 2025), pp. 12–13

<sup>5</sup> USDA Forest Service, *Cimarron and Comanche National Grasslands Wild and Scenic Rivers Eligibility Study Report* (May 2025), pp. 10

<sup>6</sup> USDA Forest Service, *Cimarron and Comanche National Grasslands Wild and Scenic Rivers Eligibility Study Report* (May 2025), pp. 12–13

- The Purgatoire River between US Highway 350 and State Highway 109 provides over 100 miles of boatable whitewater that is rarely explored, but provides a unique and challenging multi-day river recreation experience that is uncommon in the surrounding area. Specifically, it is the only whitewater boating and only multi-day river running opportunity in the entire region of comparison. The 100 miles include the entire 20.8 miles within the Grassland's management units. The first documented trip in 1983 describes the Purgatoire River as having wonderful views with juniper dotted slopes, red slickrock cliffs, cascading waterfalls, a wide range of beginner to challenging rapids, and excellent camping. While the river is not often run, it is a testament to the unique geology and scenery of southern Colorado and provides an equally unique river recreation experience. The Purgatoire River provides the only whitewater boating experience in the region of comparison and in southeastern Colorado.

The agency's conclusion that recreation is not an ORV is inconsistent with both the record and the standards set forth in the Handbook. Recreation is not merely incidental to geology or cultural ORVs — it is a distinct, high-quality way the public experiences these resources.

### **Procedural Concerns with the Eligibility Study**

- **Narrow interpretation of recreation ORVs:** The study appears to apply a heightened threshold, effectively requiring recreation to be nationally popular rather than recognizing uniqueness in a region with no other existing boating opportunities. This interpretation contradicts the plain text of FSH 1909.12 and the agency's own definition in Table 2 of the report.
- **Contradictory findings:** The report acknowledges that recreationists travel from across the country to experience the dinosaur tracksite and cultural features, yet declines to recognize recreation as an ORV. This is inconsistent with both the handbook and the specified criteria of the Recreation ORV.
- **Need for robust eligibility record:** As the Handbook emphasizes, eligibility determinations serve as the baseline for interim protections.<sup>7</sup> Excluding recreation now could weaken interim protections and limit the effectiveness of management tools available in the Management Plan.

### **Request**

American Whitewater respectfully requests that the Forest Service revise the eligibility determination for the Purgatoire River to recognize recreation as an Outstandingly Remarkable Value, in addition to geology, history/culture, fish, and wildlife. Doing so would:

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<sup>7</sup> FSH 1909.12, Ch. 82.73

1. Align with the statutory intent of the WSRA to protect rivers for all of their identified Outstandingly Remarkable Values.
2. Reflect the agency's own documented findings that the corridor attracts recreationists nationwide.
3. Recognize the unique value of the Purgatoire as the sole whitewater boating opportunity in the entire region of comparison.
4. Ensure a complete and defensible eligibility record that supports interim protections in the management plan.

## **Conclusion**

We thank the Forest Service for undertaking this important eligibility study and for identifying the Purgatoire River as eligible for inclusion in the National Wild and Scenic Rivers System. However, we urge the agency to correct its narrow interpretation of recreation ORVs and to ensure that recreation is recognized as one of the river's Outstandingly Remarkable Values.

By doing so, the final eligibility determination will better reflect the intent of the Wild and Scenic Rivers Act, the requirements of NEPA, and the public's deep and diverse connections to this special river.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kunz'.

Kestrel Kunz  
Southern Rockies Protection Director