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Comments: Please see the attached file with comments from the Colorado Department of Natural Resources on the draft Wild and Scenic Eligibility Evaluation.

RE: CDNR Comments - Grand Mesa Uncompahgre, and Gunnison National Forest Draft Wild and

Thank you for the opportunity to submit comments on the Draft Wild and Scenic Eligibility Evaluation released in February 2019. We appreciate your continued collaboration and coordination on this planning effort. Enclosed are letters from two of our divisions: Colorado Parks and Wildlife (CPW) and the Colorado Water Conservation Board (CWCB).

CPW offers recommendations for additional stream reaches where robust and remote conservation populations of green lineage Colorado River cutthroat trout exist. In addition, CWCB's comments reflect a dual purpose of supporting Colorado's water supply needs, while continuing to uphold protections for stream segments with outstanding remarkable values (ORVs). For stream reaches with flow-related ORVs, we ask that you consider utilizing CWCB's Instream Flow Program as an alternative method of protection.

If you have any questions, please contact Amy Moyer at 303-866-3311, or division contacts listed herein. We look forward to continuing to work with you throughout this planning process as a cooperating agency.

RE: CPW Comments - Grand Mesa Uncompahgre, and Gunnison National Forest Draft Wild and Scenic River Eligibility Evaluation (January 2019)

Dear Plan Revision Team:

Thank you for the opportunity to participate in a review of the Draft Wild and Scenic River Eligibility Evaluation for the Grand Mesa Uncompahgre Gunnison National Forest (GMUG) Plan Revision. Colorado Parks and Wildlife's (CPW) statutory mission is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

Please consider the following comments on the GMUG Draft Wild and Scenic River Eligibility Evaluation (Draft Evaluation):

Categories for Outstanding Remarkable Values (pp. 5-8)

The Draft Evaluation states that the "fish populations" ORV is met only with conservation populations of green lineage Colorado River cutthroat trout that are brood stock sources for Colorado Parks and Wildlife. Given their native status across the GMUG and their relative scarcity across the landscape, CPW recommends that the "fish populations" ORV include all conservation populations of green lineage Colorado River cutthroat trout. Each conservation population contains a valuable reserve of the native aquatic diversity of the GMUG, and are all

considered by CPW as potential broad sources of green lineage Colorado River cutthroat trout

that can be utilized to restore stream reaches throughout the GMUG and the entire green lineage native range.

Additional conservation populations that warrant consideration for eligibility include West Antelope Creek, the Clear Fork of Muddy Creek and tributaries (North and South Twin, Rock, Second and Basin Creeks), Deep Creek (near Paonia Reservoir), North Anthracite Creek (and the entire Anthracite drainage, even though cutthroat are only in the North Fork), Schaefer Creek, Robinson Creek, Goat Creek, Elk Creek (near Telluride), Beaver Dams Creek, the North Fork of the Smith Fork of the Gunnison, Red Canyon Creek, the East and West Fork of Deep Creek (near Telluride) and Fall and Muddy Creeks upstream of Woods Lake. These represent some of the

more robust and remote populations of green lineage Colorado River cutthroat trout on the forest, and many of the drainages appear to meet other ORVs listed in the Draft Evaluation. In addition, CPW encourages the GMUG planning team to work with our sister agency, the Colorado Water Conservation Board (CWCB), to consider utilizing its Instream Flow Program as an alternative method of protection for flow-related ORVs.

#### Eligibility Evaluation Results

The Draft Evaluation lists nine groupings of creeks as Eligible for inclusion in the National Wild and Scenic Rivers System. CPW supports the USFS's determination for Cow Creek and tributaries, Roubideau Creek and Tributaries, Tabeguache Creek and North Fork, San Miguel River, and North Fork Escalante and Kelso Creeks. CPW agrees that these groupings meet the defined criteria for eligibility, and supports their inclusion with the following editorial suggestions and additional ORVs added:

#### Cow Creek and Tributaries

Cow Creek and the listed tributaries meet the wild classification, as well as the ORVs described in the Draft Evaluation. CPW recommends including recreation as an ORV, given that there is a recreational fishery for cutthroat trout in the mainstem of Cow Creek.

#### Roubideau Creek and Tributaries

CPW agrees with the ORVs listed in the Draft Evaluation for Roubideau Creek and Tributaries. CPW recently established the significance of Roubideau Creek for native fish spawning just below the Forest Service boundary and recommends that a "fish.", ORV be added to the Draft Evaluation. Native Fish Researchers with CPW have sampled Roubideau Creek up to the Forest boundary at Ben Lowe Flats and found native sucker larvae. Just downstream, near Criswell Creek, roundtail chub larvae were found.

Roubideau Creek and its tributary streams are of vital importance to flannelmouth suckers, bluehead suckers and roundtail chub. CPW tracks movements of PIT-tagged fishes into Roubideau Creek from the Gunnison River and recently concluded a four-year study of spawning in the drainage. More than 10,000 native suckers and chubs have been documented using Roubideau and its tributaries during spring runoff for spawning in a single year. Diminishment of flows coming off of the Uncompahgre National Forest to Roubideau Creek could be deleterious to populations of these native fish in the Gunnison River. CPW Native Fish Researchers are confident that these species use portions of Roubideau Creek on the Uncompahgre National Forest also, and plan to continue work to establish the upstream extent of spawning use.

#### Tabeguache Creek and North Fork

Tabeguache Creek is also an important native fish spawning stream and CPW recommends adding a fish ORV to the Draft Evaluation for Tabeguache Creek. In 2014, a barrier to upstream migration was removed from Tabeguache around 2 miles upstream of its confluence with the San Miguel River. This allows native roundtail chubs and bluehead and flannelmouth suckers from the San Miguel to access several additional miles of spawning habitat in the spring. CPW has confirmed natural reproduction for these species in Tabeguache Creek since this barrier was removed. As with Roubideau Creek, this spawning is thought to primarily occur on BLM land; however, land and water use on USFS land upstream undoubtedly can impact this important resource value.

#### San Miguel River

CPW agrees that the San Miguel River segments 1 and 2 meet the Wild and Scenic Eligibility Criteria and certainly have the scenery and recreational ORVs identified in the Draft Evaluation.

#### Kelso and North Fork Escalante

CPW agrees that Kelso and North Fork Escalante meet the Eligibility Criteria and ORV for fish given the importance of these two creeks for native cutthroat trout conservation. CPW recommends identifying the fish as Green Lineage Colorado River cutthroat trout, rather than greenback cutthroat trout. This matches recent genetic evaluations that have determined that the greenback cutthroat trout is not the native cutthroat trout to western Colorado (see Metcalf et al. 2012).

CPW appreciates the opportunity to review the Draft Wild and Scenic River Eligibility Evaluation for the Grand Mesa Uncompahgre Gunnison National Forest (GMUG) Plan Revision. We look forward to continued collaboration on the Plan revision as a cooperating agency. If you have any questions or would like clarification on any comment in this letter please contact Southwest Energy Liaison, Jon Holst at 970-375-6713.

#### CWCB

Dear Grand Mesa, Uncompahgre, and Gunnison Forests Planning Staff:

The Colorado Water Conservation Board (CWCB) appreciates the opportunity to participate and provide comments during the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests Plan Revision.

The CWCB recognizes the strength of a Wild and Scenic eligibility and classification determination as a land management tool and a means to protect outstandingly remarkable values (ORVs). The CWCB also acknowledges that an eligibility determination can hold implications for water rights and water development within the State of Colorado. The recommendations in this letter are intended to address the CWCB's water-related concerns while recognizing the environmental values that the Forest Service is working to protect. As emphasized in Colorado's Water Plan, our state is striving to meet water supply demands of our growing population while fostering a strong, resilient, natural environment.

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Additional Planning Documents

The CWCB appreciates GMUG staff's review of Colorado Division of Water Resources information for water diversions and impoundments, U.S. Geological Survey data for ditches and reservoirs, and the use of Forest Service knowledge and data for ditches, headgates, diversions, and water developments. However, CWCB recommends that GMUG staff also consider the following new information for updating the eligibility and classification analysis. These documents provide detailed descriptions of the projects that local water leaders have identified for meeting the area's water needs.

- \* Colorado's Water Plan
- \* Gunnison Basin Implementation Plan
- \* Southwest Basin Implementation Plan
- \* Colorado Basin Implementation Plan
- \* Colorado Decision Support System
- \* Statewide Water Supply Initiative

#### Future Water Projects

Colorado's Water Plan contemplates the construction and/or enlargement of reservoirs to meet future water demands. Roundtable Basin Implementation Plans identify how that the region's municipal and industrial demand is expected to be met by investigating means of providing additional water, firming of existing supplies, and enlargement of distribution systems, with many of the necessary water rights already decreed.

The CWCB understands that the Forest Service may also use the eligibility and classification findings as a basis for the agency's comments on projects that have a federal nexus. For example, water projects identified in the Southwest Basin Roundtable's Basin Implementation Plan as Identified Projects and Processes may fall into this category. Attachment 1 includes a comprehensive list of Identified Projects and Processes that may be located in or near a proposed eligible Wild and Scenic segment.

It is unclear at this time whether the Forest Service or other federal agencies would consider the implementation of identified Basin Implementation Plan projects as unreasonably diminishing the flow-related ORVs in the proposed Wild and Scenic segments. For projects with downstream eligible segments, a federal agency's determination that diminishment of an ORV would occur may lead to permitting delays and reduced yield from these future projects. We encourage you to work closely with the Basin Roundtables and the associated project sponsors if you proceed with an eligible designation in these areas.

#### Federal Reserved Water Rights

Historically, the CWCB has taken the position that federal reserved water rights are not the preferred method for protecting flow-related ORVs in river corridors. Rather, the CWCB's Instream Flow (ISF) Program may provide adequate protection of flow-related values in the subject stream segments. The 2000-2004 Pathfinder Project, a pilot program spearheaded by GMUG, the CWCB and other state agencies, and stakeholders, includes the ISF Program among a list of tools that the Forest Service can use to achieve instream flow protection without unilateral action and bypass flow requirements on special use permits. CWCB encourages the Forest Service to include the Pathfinder Project and its findings in the GMUG revised Forest Plan revision. The Pathfinder Project sets forth a strategy based on cooperation first, and moves to collective and coordinated efforts second. We especially encourage you to rely upon CWCB's ISF Program as a mechanism to protect flow-related values in lieu of pursuing federal reserved water rights, as set forth in the Pathfinder Project.

The following table lists the ISFs that are currently decreed or recommended to be decreed that are located within the proposed rivers eligible for inclusion in the National Wild and Scenic Rivers System:

San Miguel River, Roubideau Creek, Tabeguache, Copper, Oh-be-joyful, Cow, West Elk, West Soap, North Fork Escalante, North Fork Tabeguache. Kelso is recommended.

See letter for table outlining ongoing or planned projects involving these segments.