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Comments: Pages 1-12 are comments regarding the February 2019 Draft Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) Draft Wild and Scenic River Eligibility Evaluation report.

Grand Mesa, Uncompahgre and Gunnison Forest Plan Revision Comment #51806

RE: Draft Grand Mesa, Uncompahgre and Gunnison National Forests Draft Wild and Scenic River Eligibility Evaluation

Dear Responsible Official and GMUG Planning Team,

Thank you for the opportunity to provide comments on the February 2019 Draft Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) Draft Wild and Scenic River Eligibility Evaluation¹ report (hereafter, [ldquo]draft eligibility report[rdquo]).

It is our understanding that this report is intended to consider eligibility for designation under the National Wild and Scenic Rivers Act of 19682, and segments found eligible will be managed under the appropriate wild, scenic, or recreational river management area direction to protect those values that made it eligible and the characteristics that established its potential classification. To be eligible, the

river segment must be [ldquo]free-flowing[rdquo] as defined by Section 16(b) of the Act, and the river segment must have one or more outstandingly remarkable values ([ldquo]ORV[rdquo]s) (Section 1(b)).

The draft eligibility report states that the GMUG will be conducting the eligibility and classification portions of the Wild and Scenic Rivers (WSR) designation process during the forest plan revision, but that GMUG will only initiate a suitability evaluation when three specific conditions are met. If a river segment is found suitable, the agency[rsquo]s administration may recommend it for designation by Congress.

The conditions GMUG has provided that have to be met for GMUG to initiate the suitability evaluation are provided as: [ldquo][bull]Strong local interest or support is demonstrated for wild and scenic river

designation, [bull] Congress expresses interest in a specific river for wild and scenic river designation, and/or

* A proposed project would alter the free-flowing character of a stream, such as by impoundment, or would affect the resources that made the stream eligible.[rdquo]

Comment: It is critical that eligible segments be appropriately managed to protect and even enhance their ORVs and preliminary classifications (Wild, Scenic, or Recreation). The suitability analysis of segments found eligible should be done as soon as possible and use a stakeholder process similar to the one the Uncompahgre Field Office of the BLM used, which was very successful.

GMUG Eligibility and Classification Should Allow Additional Eligible Segments Having a Fish ORV and Include Segments Recommended by Colorado Parks and Wildlife Within San Miguel County.

The eligibility evaluation process is described by GMUG in their GMUG Ch. 80 Wild and Scenic River Process online story map³, as identifying rivers to be studied and evaluation eligibility based on free-flowing characteristics and the presence of outstandingly remarkable values (ORVs). The GMUG story map represents the classification process as being the classification of eligible rivers as wild, scenic, or recreational, based on the level of the development of the shoreline and the watercourse, level of access, and water quality. The GMUG story map explains GMUG's approach to defining ORVs as

"unique, rare, or exemplary features that are significant within the associated regions of comparison. Only one such value is needed for eligibility, the categories of which include: Scenery, Recreation, Geology, Fish, Wildlife, Prehistory, and History, Other Values (Vegetation, Scientific, and Paleontology)." It appears from the Forest Service Handbook FSH 1909.12, Chapter 80, 82.735, that ORVs must be river-related and "[hellip] must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale."

Comment: It appears that GMUG is being too stringent in limiting eligibility to segments with a fish ORV to those with a 90 percent genetic purity or brood stock, rather than allowing eligibility based on a fish ORV for segments with important fish habitat and populations. For example, native cutthroat populations are relatively rare across the GMUG, the State of Colorado, and certainly nationwide. There are important stream segments that should be considered eligible, with a fish ORV, based on their important cutthroat populations and habitat. San Miguel fully supports the comments being provided by Colorado Parks and Wildlife recommending a finding of eligible with a fish ORV for Elk Creek (near Telluride), East and West Forks of Deep Creek (near Telluride), and Fall Creek and its tributary Muddy Creek (upstream of Woods Lake near Telluride).

Additional Segments Should Be Included In the GMUG Draft Eligibility Report.

The draft eligibility report references the comprehensive wild and scenic eligibility evaluation as part of the previous incomplete plan revision process conducted from 2001 to 2007, as documented in the 2016 Comprehensive Assessments and Comprehensive Evaluation Report. The rivers reviewed by the GMUG team during that period within San Miguel County are listed as:

[ldquo]NORWOOD DISTRICT: Bridal Veil, Bear Ck, Ingram, San Miguel River, Deep, Elk, Howard, Lake, Bilk, Big Bear Ck, West Beaver, Beaver, East Beaver, Main Beaver, Silver Pick, Goat, McCullough,

Saltado, Muddy Ck (trib of Fall), Wilson, Waterfall (by Ophir), Swamp Canyon, Turkey, Vance, Skunk, Prospect, Marshall, Cornet, Mill, Eider, Remine, Willow, Last Dollar, Alder; and Further Discussion Rivers: a) Ames powerhouse [ndash] not water related b) San Miguel River [ndash] historical values due to presence of RR [ndash] water related c) Bear Ck (T-ride) [ndash] majority pvt land. [Abbreviations are as cut/paste from GMUG document, [ldquo]Appendix W-2 [ndash] Rivers Reviewed[rdquo]6.

The rivers found to be eligible within San Miguel County in the GMUG 2006 Comprehensive Assessment Appendix W include Ingram Falls and Bridal Veil Falls. These segments are also shown as [ldquo]Wild and Scenic River Eligible[rdquo] on the companion map.⁷ They are both included as eligible with preliminary

classifications of [ldquo]Recreation[rdquo] with ORVs of scenery (falls) and wildlife (Black Swift nesting site) in the GMUG document [ldquo]Volume 1 Chapter 6. Wild and Scenic Rivers[rdquo], July 2006.⁸ Bridal Veil Creek Falls also was given an additional historical ORV in this document.

Ingram Falls segment is described in the above references as 0.3 mile with elevations of 11,000 feet at the top of the falls to 9,600 feet near the base of Black Bear Road. It was considered eligible with a Scenery ORV. This segment is a popular and highly photographed water fall that draws international attention. The falls are visible from Town of Telluride and are well-contrasted against the unique panorama of vertical red cliffs rising up to glacially sculpted peaks. However, it is not included in the 2019 draft eligibility report, despite unchanged conditions.

Examination of the GMUG [ldquo]Notes[rdquo] document containing notes from the GMUG district review and GMUG interdisciplinary team (IDT) review in July and August of 2018 says, [ldquo]20180711 - district review concurred with previous eligibility recommendation for scenery and wildlife ORVs with initial classification of recreation. Black Swift site, split on wild_scen_2007 to approximate falls. 08/31/18 Forest Planning Team discussion - although black swift are uncommon, they are ranked by CNHP as G4/S3B, which does not reach one threshold being used to determine botanical/wildlife ORVs. Concur as eligible w/just the ORV of scenery.11/26/2018- The Responsible Official determined that this segment does not meet the requirements to be determined eligible.[rdquo]9

Comment: The condition of Ingram Falls is unchanged from the date of this analysis and has previously been found eligible as a free-flowing segment with one or more ORVs. Ingram Falls should be included in the Eligibility Evaluation process and report, with a finding of eligible for an ORV of scenery, and a preliminary classification of Recreation. The nesting population of black swifts is very important to our community and they should be recognized as an ORV. The 2019 eligibility report should be the location for discussion of segments previously found eligible. FSH 1909.12, Chapter 80, 82.3, provides, [ldquo]The Responsible Official may choose to evaluate or reevaluate a river for eligibility at any time through a plan amendment. This may

occur in relationship to project planning or as a result of changed circumstances[hellip][rdquo] FSH 1909.12,

Chapter 80, 82.4, states, [ldquo]Generally if a river segment has been studied in the past and a determination was made of its eligibility, it does not need to be studied again for eligibility during any subsequent land management planning, unless changed circumstances warrant additional review of eligibility.[rdquo] It also states, [ldquo]Changed circumstances are changes that have occurred to the river or the river corridor that have affected the outstandingly remarkable values (sec. 82.73).[rdquo]

Bridal Veil Falls segment is also not included in the 2019 draft eligibility report. It is described in the 2006 references above as a 0.02 mile segment with elevations ranging from 10,600 feet at the top of the falls to 9,800 feet at the base of the falls, located at the second switchback on Black Bear Road. The Ames Power Station is adjacent to the Bridal Veil Road. Bridal Veil Falls segment was considered eligible with ORVs of scenery (falls) and recreation (ice climbing). These falls are noted to be one of the most photographed features of the Telluride area, but is also arguably one of the most photographed and iconic river-segment/water-falls in the entire GMUG and is popular with locals and international visitors.

Examination of the GMUG [ldquo]Notes[rdquo] document containing notes from the GMUG district review and GMUG interdisciplinary team (IDT) review in July and August of 2018, says, [ldquo]Power plant & diversions, Black Swift nesting site, approximate location of falls on flowline feature. 7/11/18 - District initially discussed the scenic, wildlife, and heritage values of this segment for historic power plant, black swift nesting site, and iconic scenery of the falls themselves. 8/31/18- IDT discussed that the waterfalls are not actually located on USFS lands; and black swifts, while are uncommon, they are ranked by CNHP as G4/S3B, which does not reach one threshold being used to determine botanical/wildlife ORVs. Team suggests not eligible.[rdquo]

Comment: The condition of Bridal Veil Falls is unchanged from the date of this analysis and has previously been found eligible as a free-flowing segment with one or more ORVs. Bridal Veil Falls should be included in the Eligibility Evaluation process and report, with a finding of eligible for the scenery, recreation, and historical ORVs, with a preliminary classification of Recreation. It is still a popular ice-climbing area. The nesting population of black swifts is very important to our community and they should be recognized as an ORV. The 2019 eligibility report should be the location for discussion of segments previously found eligible, so that the public can read documentation and agency rationale for determinations, and comment of these materials.

County references may disagree with the USFS determination that the falls are not on federal GMUG land. We recommend including in the eligibility report as above, and conducting a survey to determine property boundaries and ownership during field season. If the segment is found to intersect non-GMUG land, the landowner should be consulted for their opinion on suitability and support for a recommendation of Wild and Scenic designation when a suitability determination is initiated. Documentation of ownership detail should be published in the GMUG eligibility report and subject to public review and comment.

Beaver Creek, tributary to the San Miguel River, within San Miguel County was found eligible and suitable for a Recreational designation with vegetation ORV in the UFO BLM Draft Wild and Scenic River Suitability report (2013)¹⁰ and the 2016 UFO BLM Draft Resource Management Plan (DRMP)/Environmental Impact Statement (EIS)¹¹. The BLM segment stretches approximately 14.3 miles from the Beaver Creek confluence with the San Miguel River upstream to the GMUG Forest Boundary. This segment is proposed for a WSR designation of Recreational in Alternative D. The stated ORV for this segment is Vegetation, described as an [ldquo]A-

ranked superior occurrence of globally vulnerable (G3) narrowleaf cottonwood/blue spruce/thinleaf alder riparian forest, which is a primary reason the existing San Miguel BLM Area of Critical Environmental Concern (ACEC) was created. The designation of Recreational received strong support from a primary private landowner and San Miguel County, and was chosen to provide "reasonable certainty that future water development projects would receive consideration and could move forward with minimal difficulty."¹²

Comment: Examination of aerial imagery suggests substantially similar riparian vegetation continues upstream onto the GMUG lands. We recommend that an approximately 1-mile long segment of Beaver Creek extending south from the GMUG/BLM boundary to the confluence with West Beaver Creek be included in the GMUG eligibility report and found eligible with a similar vegetation ORV, as the segment flowing through the adjacent BLM land.

Map 1: Showing the southern extension of the UFO BLM land and outline of the Beaver Creek Wild and Scenic River segment found suitable for a Recreation classification and having a vegetation ORV. Yellow shading shows BLM land ownership. The segment terminates at the GMUG forest boundary. GMUG NF land is shaded green. The red circle shows the portion of Beaver Creek on GMUG NF land that should be included in the GMUG eligibility report, and found eligible with vegetation ORV. The WSR Corridor shown is the UFO BLM Alternative D - WSR Final Eligibility Shapefiles¹³. Imagery is 2017 3-inch Pictometry (San Miguel County).

Discussion of Segments Included in the GMUG Draft Eligibility Report.

San Miguel County has provided comments in 2016 to the UFO BLM (Attachment A) and Colorado Water Conservation Board (CWCB) (Attachment B) indicating support for the UFO BLM determinations of suitability of river segments identified in BLM Alternative D, which are within the San Miguel and Dolores Basins.

By making a determination of [suitable] for inclusion in the National Wild and Scenic Rivers System for the segments contained in Alternative D of the DRMP/EIS, the UFO BLM is honoring the countless hours of work from local stakeholders, citizens, sub-RAC (Resource Advisory Council), RAC members, and state and federal agency specialists, along with all of the public input gathered in-person and via multiple written comment periods.

The number of segments recommended as [suitable] by the UFO BLM process is a very small subset of the number of segments analyzed by the BLM. The stakeholder group's work determined that

recommending a determination of [suitable] for WSR designation was found to be the best locally acceptable method to manage and maintain important native fish or other critical wildlife habitat, recreation, and scenic values. Private property rights and water rights were carefully considered during the suitability process led by the stakeholder group and had been appropriately respected in Alternative D of the draft UFO BLM DRMP/EIS¹⁴.

Similar to our comments and support for suitability of certain segments within the UFO BLM, San Miguel County

supports GMUG including adjacent river segments with a finding of eligible and identification of the same OHVs where the segments are substantially similar. We urge the GMUG to find these segments suitable during the suitability determination process and to work with the CWCB at the appropriate time to obtain flow protections using state processes to support the flow-related ORVs where they do not already exist within the segments.

Generally, San Miguel County does not comment on features beyond our jurisdictional boundary. However, we feel it is important to indicate our continued strong support both San Miguel River Segments 1 (within San Miguel County) and Segment 2 (extending into Montrose County) because of their shared connection to our economy, recreational opportunities important to our residents and visitors, important visual resources within the San Juan Skyway Scenic Byway and the Unaweep- Tabeguache Scenic and Historic Byway, and native fish habitat which transcends artificial political and stream segmentation polygons.

Comment: The San Miguel River center line and WSR buffer is mostly on lands managed by the UFO BLM. The GMUG should respect the robust and exhaustive process that was performed for the UFO BLM DRMP/EIS, which included input from CPW, U.S. Fish and Wildlife (USFWS), and Colorado Natural Heritage Program (CNHP), by including the preliminary classification and all of the ORVs identified by the BLM. San Miguel River Segment 1 was given the preliminary classification of Recreational, with Scenic, Recreational, Wildlife (fish), Historic, Vegetation, and Paleontology ORVs by the UFO BLM. There are small intersections of the river and the WSR buffer with GMUG NF land. The eligibility, ORVs and preliminary classification have no significant change other than a change in agency ownership and should therefore be the same. San Miguel River Segment 2 was given the classification of Wild, with Scenic, Recreational, Wildlife (fish), and Vegetation ORVs by the UFO BLM. However, the GMUG draft eligibility report only provides Scenery and Recreation ORVs for both San Miguel River Segments 1 and 2. The full list of UFO BLM ORVs should be referenced in the GMUG eligibility report for these segments.

Comment: Not all of the GMUG lands that intersect the San Miguel River Segments 1 and 2, or their buffers, appear to have been included in the GMUG draft eligibility report, figures, and GIS files. We request that the entire width of these WSR corridors be included and that GIS be re-checked.

Map 2: Showing in blue, the UFO BLM WSR corridors for San Miguel River Segments 1 and 2. The pink areas are the GMUG WSR Eligibility Evaluation corridors downloaded from the GMUG Planning web page 15. Red circles show areas where San Miguel County GIS layers suggest there are additional GMUG NF intersections with the San Miguel River and/or the WSR corridor, which should be included in the GMUG eligibility report, as eligible with the same ORVs as identified by the UFO BLM. Map is 1:100,000 scale.

See attachments for letter of support for UFO process and County Resolution supporting public lands