



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
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Kathy Kitzmann (Chair)
Mike Eytel (Vice-Chair)
Upper Colorado River Wild and Scenic Stakeholders Group
c/o Rob Buirgy (facilitator) rob@upcowildandscenic.com

Dear Stakeholders:

The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) are in receipt of your letter dated April 24, 2020 requesting that BLM and USFS review the *Amended and Restated Upper Colorado River Wild and Scenic Stakeholder Group Plan for the Upper Colorado River* (SG plan). You have asked that BLM and USFS review the SG plan from the viewpoint of its consistency with the original SG Plan that was adopted by BLM and USFS in June 2015, pursuant to the completion of the 2015 Wild and Scenic Rivers Study and associated Record of Decision for both agencies.

The feedback from our review process is divided into three categories, as set forth below.

1. Inconsistencies with SG plan adopted in 2015.

Our review finds no inconsistencies with the SG plan that was adopted in 2015. As you communicated, all the changes that have been made are refinements to the original SG plan. No material changes have been made, from the perspective of the commitment that the SG made to assist BLM and USFS with protecting and enhancing the outstanding remarkable values (ORVs) in Segments 4 through 7.

2. Recommended clarifications to plan language.

- a. Overall, BLM and USFS conclude that the refinements made to the SG plan increase the ability of the SG to monitor the status of the ORVs and take actions to protect and enhance the ORVs. However, we do have the following requests for clarification:

Footnote 17 has the following language regarding the protocol for visitor intercept surveys:

“While not a part of the SG Plan, this protocol can be found on the W&S website: www.upcowildandscenic.com.”

BLM and USFS recommend clarifying this language as follows:

“While the protocol is not a permanent part of the language of this plan, the SG has formally voted to adopt and rely upon the protocol as part of SG operations. The protocol can be found on the W&S website at www.upcowildandscenic.com”

- b. BLM and USFS believe that the endowment commitment specified in Section VIII.A.1 is an important part of the plan. However, we believe the revised language that refers to the “poison pill” will be challenging for members of the public to readily understand. We request additional language in this section to briefly summarize the provisions of the “poison pill.” From our perspective, the key points are:

- The Windy Gap Firing Project and Moffat Tunnel Firing Project permitting decisions are currently being litigated.
- Stakeholders have six months from the completion of litigation to determine if they are satisfied with the terms and conditions found in those permits.
- If a stakeholder is not satisfied that the permit terms and conditions will protect the ORVs, the stakeholder may elect to withdraw from the SG plan, resulting in its termination.

3. Recommended additional actions that could be incorporated into the plan.

- a. BLM and USFS recognize that negotiating how to address channel maintenance flows has been among the most difficult discussions the SG has completed over the last five years. BLM and USFS believe that the SG commitment to do whatever it can to facilitate channel maintenance flows is appropriate, given the limited ability of the SG cooperative measures to increase flows during high flow events.

However, we believe the commitment to monitoring the effects of high flow on channel maintenance processes would be enhanced by incorporating provisions that will formally prompt the SG to review and act upon the findings of channel maintenance studies, after such studies have been in effect for a sufficient amount of time to build a knowledge base. We suggest including a timeframe for formal SG review of channel maintenance studies. We also recommend listing potential actions that the SG may take in response to studies. These actions may include: setting up a flow forecasting and monitoring protocol to proactively identify potential opportunities to provide and/or enhance channel maintenance flows before those events occur; requests to the cooperative measures subcommittee to implement actions to increase flows during key periods of wet years; and outreach to other flow management forums to highlight the role of channel maintenance flows and to request their cooperation to increase flows during key periods of wet years.

- b. Section VIII of the plan delineates procedures for funding the SG plan, and subpart E describes one of the sources of funding, the State of Colorado Wild and Scenic Rivers Fund. BLM and USFS have observed that this funding source has provided a very high percentage of the funding necessary for stakeholder group operations over multiple years. BLM and USFS are concerned that funding available from this source may be substantially reduced or eliminated in the future, due to state spending priorities and decreased state revenue. Without this funding, stakeholder group viability could be threatened, and critical stakeholder group functions committed to the SG plan could be substantially reduced. BLM and USFS request that the stakeholder group consider adding language describing how the stakeholder group would address a substantial shortfall in funding, specifically addressing how key functions in the SG plan would be maintained.

Both USFS and BLM are committed to continuing to work collaboratively with the SG on management issues and challenges on the Upper Colorado River as they arise. We affirm our decision that adopted the plan in 2015. We also appreciate all the hard work and dedication that the SG has given to this plan for such an important stretch of river. We offer our sincere thanks on behalf of the public, BLM and USFS.

Sincerely,

William Mills
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