

DECEMBER 2021

POLICY PROPOSAL: UTILIZING PARTNERSHIP WILD AND SCENIC DESIGNATIONS IN COLORADO

AMERICAN WHITEWATER

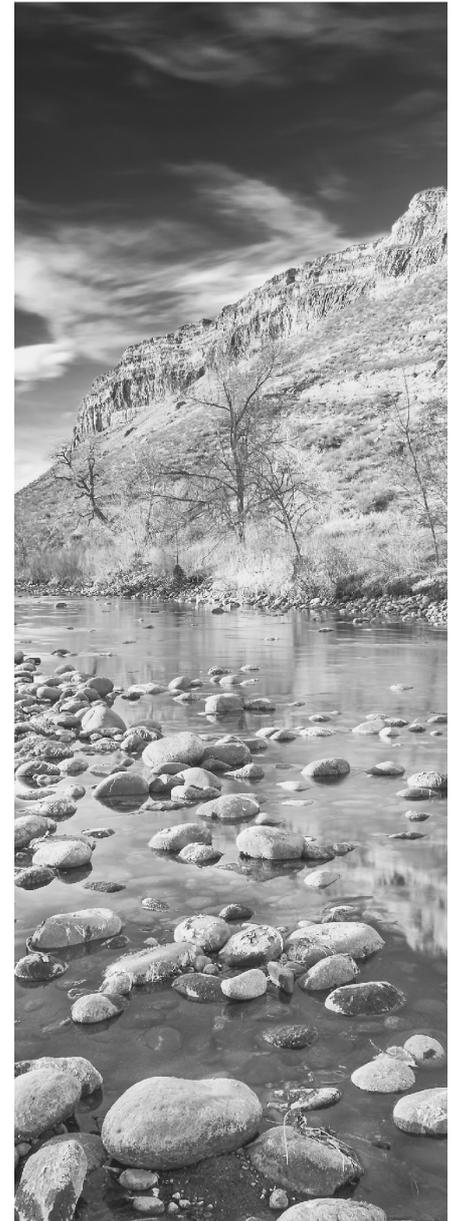


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INTRODUCTION

To date, more than 75,000 dams have been built throughout the United States, modifying over 600,000 miles of America's rivers.¹ Rivers are also threatened by the impacts of climate change, over-appropriation, population growth, pollution, and other consequences of anthropogenic actions. In Colorado, a state that relies on its rivers and streams for drinking water, outdoor recreation, agriculture, and economic well-being, the impacts of these hydrologic changes could be detrimental. The National Wild and Scenic Rivers Act of 1968 (NWSRA or Act) was created to preserve "designated free-flowing rivers for the benefit and enjoyment of present and future generations and to complement the then-current national policy of constructing dams and other structures along many rivers."² Although the Act currently provides the highest standard of river protection in the United States, the Cache la Poudre is the only river in Colorado that has been designated under NWSRA. Due to the state's unique political landscape and limited water resources, an alternative river protection tool may be better suited for Colorado. After researching various forms of Wild and Scenic River designations, other river protection tools being utilized in Colorado and other parts of the country, and conducting interviews with several key stakeholders in Colorado's water sector, our recommendation is to utilize the Partnership Wild and Scenic Rivers model in Colorado.



WHAT ARE PARTNERSHIP RIVERS?

Partnership Wild and Scenic Rivers (PWSRs) currently only exist in the Eastern United States on private, local, and state lands. PWSRs are usually congressionally designated and are managed in partnership between the National Park Service (NPS) and other stakeholders at the local, state, and regional levels. Prior to designation, Partnership rivers are managed at the local level and then receive federal funding and technical assistance after inclusion into the National Wild and Scenic Rivers System. Overall administration then becomes the responsibility of the NPS, but land use and management are governed by local or state entities. Since the creation of the Partnership model more than 700 miles of rivers within eight states have received designation.³

1. National Wild and Scenic Rivers System. (n.d.). *About the WSR Act*. Retrieved from: <<https://www.rivers.gov/wsr-act.php>>

2. Congressional Research Service. (2015). *The National Wild and Scenic Rivers System: A Brief Overview*. Retrieved from: <https://www.everycrsreport.com/files/20150922_R42614_0a758540c12265f01b583458c75ee18d29a9824f.pdf>

3. River Management Society. (n.d.). *Partnership Wild and Scenic Rivers*. Retrieved from: <https://rms.memberclicks.net/assets/PWSRToolkit/PWSRnewsletters/20YearsSuccess2018_PWSRforweb_Issue5.pdf>

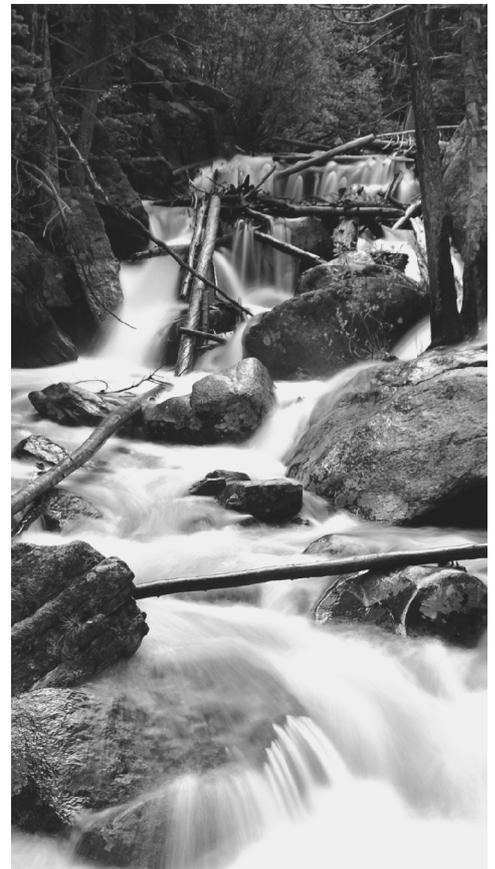
NOMINATION & DESIGNATION

In order to receive a designation, rivers must be free-flowing and contain at least one outstandingly remarkable value (ORV). Although other ORVs may be identified to illustrate the characteristics a river embodies, the ORVs most generally identified are: scenic, recreational, geologic, fish and wildlife, historical, and cultural. Additional ORVs could also be included into this program in order to exemplify values not addressed by ORVs outlined in the NWSRA. These ORVs could address specific circumstances in Colorado, such as climate refugia or agriculture, or could address other important values such as research or biodiversity.

The nomination process for PWSRs in Colorado would follow the same rules and processes outlined in the NWSRA. Under the NWSRA, rivers can be identified for study through congressional identification or through agency-authorized studies. Local entities, like environmental or recreational groups, can also help to identify rivers with potential for nomination. Once nominated and deemed eligible, a comprehensive river management plan (CRMP) must be developed through collaboration across federal, state, and local entities. Partnership rivers are then congressionally designated and administered by the Secretary of the Interior through the NPS in partnership with local governments, councils, watershed groups and non-governmental organizations. In Colorado, a different federal agency, such as the Bureau of Land Management (BLM) or the United States Forest Service (USFS), would also likely take on the responsibility of managing Partnership rivers due to the large amount of river miles that flow through BLM, USFS, and NPS lands within the state.

MANAGEMENT

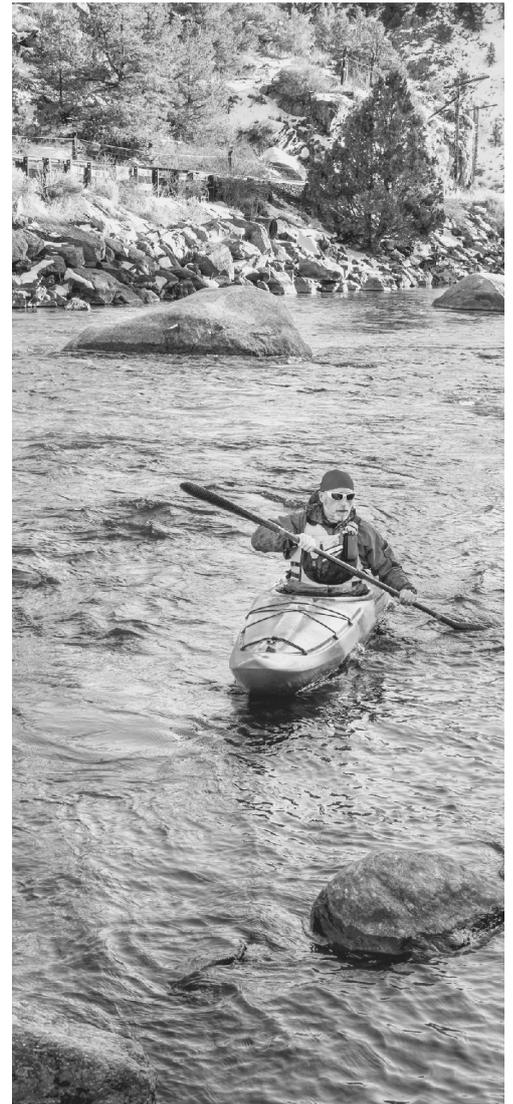
In the Eastern United States, local- and state-level protections such as local zoning ordinances generally exist on PWSRs prior to their inclusion into the National System. However, there is a considerable amount of federally owned public land in Colorado compared to Eastern states. Therefore, new protections and management strategies developed for Partnership rivers must be incorporated into previously existing forest plans, resource management plans, and other federal planning initiatives. Thus, forest plans and resource management plans would need to be amended in order to include the protections necessary for designated PWSRs in Colorado. Throughout the process of updating management plans, there must also be an emphasis on collaborative efforts between local, state, and federal entities. Although the creation of a new CRMP will be anchored in federal funding and technical assistance through the NPS, BLM, or USFS, state and local involvement will need to be prioritized.



FUNDING

One major benefit of the Partnership model is that it is anchored by federal funding and technical assistance, but also leverages substantial funding from state, local, and private entities that take part in managing designated rivers. When rivers are added to the National System, Congress generally provides funds for operations and maintenance through annual congressional appropriations to the relevant agencies.⁴ Congress generally allocates between \$300,000-500,000 to each designated river for the creation of a CRMP.⁵ These funds go towards studies and plans, federal agency staff, public engagement, and other means necessary to create the CRMP. The cost is often spread out over several years.

Once designated, Partnership rivers usually receive approximately \$250,000 annually for the support of federal staffing to help with planning, monitoring, technical assistance and restoration projects.⁶ This level of funding is generally maintained each year by Congress for the ongoing management and protection of designated rivers. Funds are also indirectly allocated to local entities, often a non-profit organization, that work in coordination with the managing federal agency to provide management and oversight of the designated river. Most Partnership rivers on the East Coast receive federal funding through the NPS; however, the BLM and USFS could also take on the responsibility of providing funding and technical assistance for PWSRs in Colorado.



WATER RIGHTS

Since the Partnership model has only been utilized in Eastern states with Riparian water governance models, this model will need to be adapted in order to fit the requirements of Colorado's Prior Appropriation Doctrine. Thus, a streamflow protection component must be added to the Partnership model. Federal Reserve Water Rights can be included in federal designations under the NWSRA to protect streamflow if necessary; however, federal oversight of state water resources can be a major point of contention in the state of Colorado. Therefore, a state-level streamflow protection tool such as the Colorado Water Conservation Board's Instream Flow (ISF) program could be a more appropriate option. Through the ISF program, the CWCB is able to acquire water rights from other appropriators to preserve streamflows for the environment. Another applicable option, especially for rivers with recreation-related ORVs, is a Recreational In-Channel Diversion (RICD). Cities, counties, water conservancy districts and other local community entities can obtain RICD water rights to preserve minimum flows necessary for reasonable recreational experiences on the water. It is important that potential future Partnership rivers include a flow protection component to ensure maintenance of flow-related ORVs. Both the ISF program and RICDs would protect streamflow through state and local means.

4. Riddle, Anne A. (2019). Wild and Scenic Rivers: Designation, Management, and Funding. Retrieved from: <https://www.everycrsreport.com/files/20190828_R45890_3f1325bf400d44366a513417d872ff7a0ca2071d.pdf>

5. B. Ratcliffe (Division Manager Conservation and Outdoor Recreation Programs, National Park Service). (December 1, 2021). Personal Communication.

6. Ibid.