

DOLORES WILD AND SCENIC RIVER STUDY

FACT SHEET

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and
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October 7, 1975

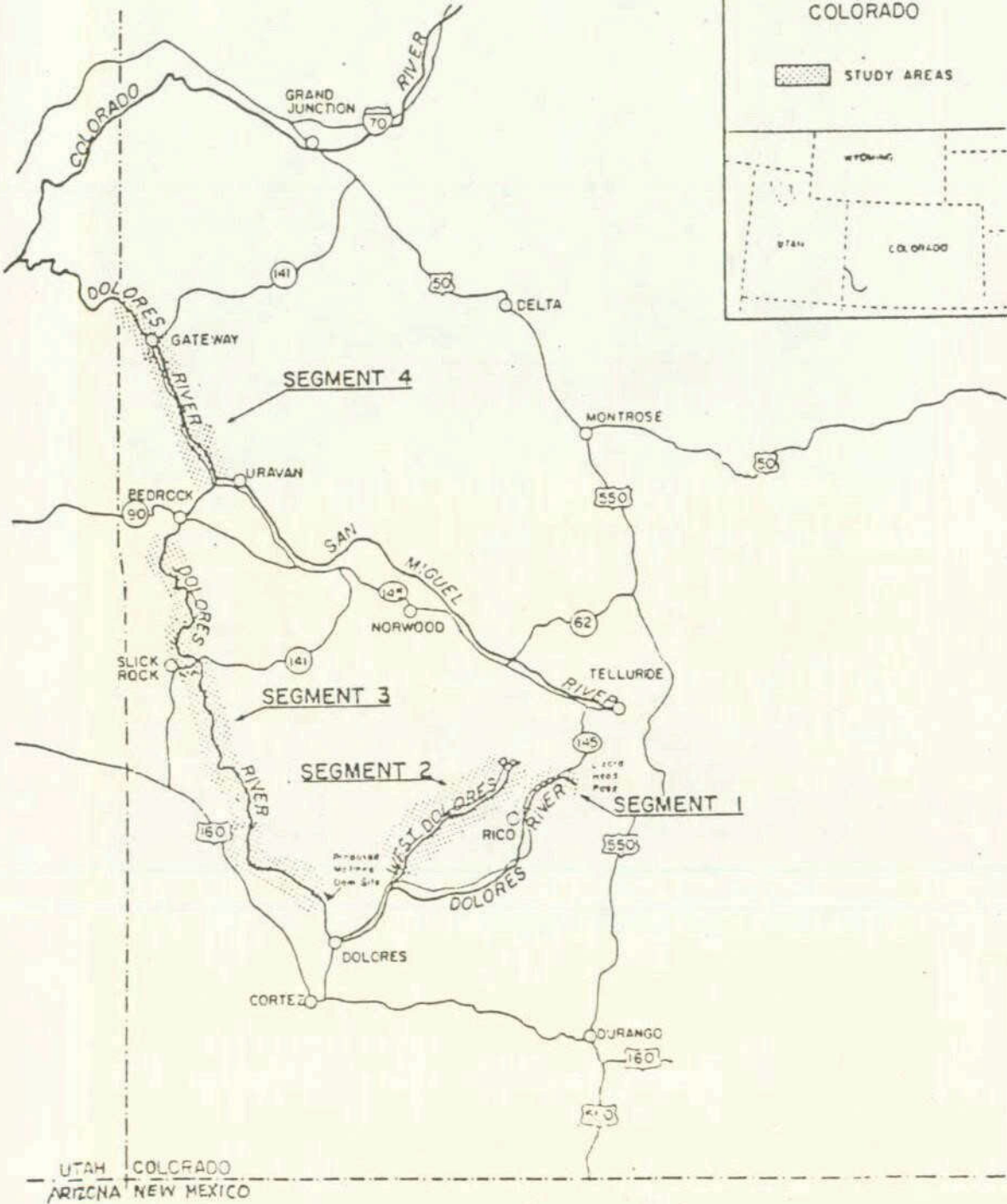
1. THE STUDY. Many people wondered why the Dolores River is being studied now - in 1975. Some also asked why the study was being done in such a rush; others asked why the river was studied only in spring 1975 when water levels were unusually high.

Interest in having the Dolores studied for possible Wild and Scenic Rivers designation dates back to the mid-1960's; at that time, members of the Colorado Whitewater Association drafted an early proposal, but nothing came of it. This interest grew in the late 1960's and early 1970's along with the national concern about the environment, and about wilderness and wild rivers preservation. Finally, on August 1, 1973, former U.S. Senator Peter Dominick introduced the Colorado Rivers Preservation Act calling for study of 14 State rivers for possible inclusion in the National Wild and Scenic Rivers System. The Dolores was one of these. Senator Dominick's bill proceeded through the normal legislative process and eventually became part of a major amendment to the Wild and Scenic Rivers Act. This Act was signed by President Ford on January 3, 1975 and called for study of 29 rivers in the United States - 12 of them in Colorado. Four segments of the Dolores were singled out for consideration:

- I. The main stem from its source downstream to Rico (15 miles).
- II. The West Dolores from its source downstream to its confluence with the main stem (35 miles).
- III. The main stem from a point just below the site of McPhee Dam (major structure of the Bureau of Reclamation's authorized Dolores Project) to 1 mile above the Highway 90 bridge near Bedrock (105 miles).
- IV. The main stem from its confluence with the San Miguel to the Colorado-Utah State line (38 miles).

DOLORRES RIVER
STUDY AREA,
COLORADO

STUDY AREAS



Among special provisions of this amendment was one requiring that the Dolores be studied in a single year - instead of the several normally allowed for this kind of work. This limit was set for two primary reasons:

- 1) To quickly identify and resolve conflicts that might exist between the Dolores Reclamation Project and possible wild and scenic rivers designation of parts of the Dolores, and
- 2) To avoid further delay in the Dolores Project.

As a result, the team's actual field work was limited to 1975. However, much additional data, gathered as far back as 1928, was also reviewed - and team members observed portions of the river throughout the year (on foot, on horseback, by motor vehicle, and from the air). The team's May 1975 raft trip down the Dolores from the Bradfield Ranch was only a more publicized and evident portion of its work.

2. WHAT'S NEXT? A number of people have been uncertain about the purpose of the Dolores River Study. Several have asked what would happen when it was complete.

The basic purpose of the Dolores River Study is to examine the four designated segments and make recommendations to the President and the Congress regarding their possible inclusion in the National Wild and Scenic Rivers System. This work will be completed by the end of this year.

At that point, the Dolores River Study Team will cease to exist; it will be Congress's job to decide if or how the river will finally be classified, and there is no guarantee that the Senators and Representatives will follow the team's recommendations. Two points are certain, however: 1) by law, Congress cannot act to include any of the Dolores in the National System before the close of the 1976 session of the Colorado State Legislature, and 2) there will be several more opportunities for public input and comment. See item 15 of this paper for a run-down of these opportunities.

3. THE DOLORES RECLAMATION PROJECT. Well over 100 persons, most of them residents of the Cortez-Dolores area, expressed fears or assumed that any wild and scenic river designation would automatically doom the Dolores Project. This was focused in a July 10, 1975 headline in the Montezuma Valley JOURNAL which read, "Wild Rivers Talks Can Be Fatal."

These concerns have little basis in fact. When Senator Dominick proposed the Dolores for wild and scenic river study back in 1973, he did so in the belief that the Dolores Project/McPhee Dam would not and should not be threatened. He included a special provision to this end in his bill.

As enacted in January 1975, the Dolores River study bill specifically excluded all the Dolores Project area from any wild and scenic river consideration. At no point in 1975 has or will the Team study the project area of the river. Throughout its efforts, the Team has viewed the MCPhee Dam as already "in place" - already built. In fact, the Team has now concluded that this dam will *help* the wild and scenic qualities of the river downstream by: 1) assuring a minimum stream flow so the Dolores will not run dry, and 2) controlling spring runoff so that recreational boating days can be grouped together and predicted.

The Dolores Project will pass or fail *on its own merits*, not because of any wild and scenic river designation. Though originally authorized back in 1968, the project is only now nearing the end of its planning phase. Sometime after this work is complete, Congress will consider appropriation of money for land acquisition and construction; this will be when the project receives most intense scrutiny.

4. CONDEMNATION AND EASEMENTS. Many property owners along the Dolores expressed fears that their lands would be condemned. "The house I live in and the land I live on will become public property," wrote one person; "I'll be left with nothing."

In this case, it's true that some private lands along the river will be affected, but fears that all lands will be taken and existing uses ended are much exaggerated. First of all, there will be absolutely no government action on those portions of the Dolores River excluded from the study. Secondly, only those segments which Congress finally includes in the National System (if any) will be affected. This will most likely involve all or parts of the following river segments the Study Team found eligible or potentially eligible for inclusion: 1) The West Dolores, 2) the 105-mile segment between MCPhee Damsite and Bedrock, and 3) the 8-mile stretch from Gateway to the Colorado-Utah line.

On any segment finally included in the National Wild and Scenic Rivers System, government action is still sharply restricted. Section 6(b) of the Wild and Scenic Rivers Act states that if more than 50 percent of the land along a river is publicly owned (either by the U. S. or the State), then there shall be *no fee title condemnation*. Since well over half of the Dolores runs through National Forest and National Resource (BLM) land, any fee title condemnation here is out.

Instead, two kinds of easements on private lands in the river corridor will be acquired by negotiation with the landowners - or by condemnation if absolutely necessary. Neither type of easement will significantly change present land uses.

SCENIC EASEMENTS are written to prevent any degrading of the view from along the river by, for example, billboards, trash piles, excessive timbering, high density building construction and commercial sand and gravel operations. These agreements generally bind present and future landowners to existing uses and prevent developments that detract from the scenic and natural character of the land. They do not: 1) give the general public access, or 2) restrict or change any present land uses - unless the owner agrees to do so. If any of the Dolores is included in the national system, scenic easements will normally extend to the canyon rims where there are canyons, and for up to a half mile on either side of the river elsewhere (save in rare circumstances where they may extend for up to one mile).

PUBLIC USE EASEMENTS serve two basic purposes: 1) they secure access to key boat launch and take-out points along a river, and 2) they create a continuous corridor along the shore for boat landing, fishing, and hiking. If any part of the Dolores is included in the national system, the width of this corridor generally will fall somewhere between 100 and 200 feet on either side of the river centerline.

In practice, and in most cases, only one easement agreement will be worked out with each landowner - containing scenic stipulations, and, where apt, public use ones as well. All easements will be negotiated individually with landowners; if the Dolores is designated by Congress, this will probably take place within a year following designation, during the time when the final Wild and Scenic Rivers Management Plan is being worked out. Land values will be determined on a case-by-case basis; these will depend on prevailing land prices at the time and an appraisal of the opportunities and values the individual landowner is giving up.

Easements should be viewed as kinds of long-range insurance that the Dolores River and adjoining lands will be kept in their present, natural, or near-natural states for future generations. Except for occasional fencing adjustments along and across the river, and tighter restrictions on prospecting and mining, present activities will change hardly at all. Ranch lands will remain in ranching, croplands in crops, and so forth. However, landowners who look forward to selling out for another, more intensive use will probably lose that choice. For example, owners of ranch lands along any

designated segment of the Dolores will probably be unable to sell them for condominium or intensive resort development as has happened around Aspen and Vail.

Easements have an additional advantage over fee purchase, at least to local governments, in that they leave all land in private ownership, and thus do not seriously erode the tax base.

If parts of the Dolores are included in the national system, the subsequent establishment of easements will probably lead to some minor conflict between recreationists and private landowners. In all likelihood, these will be minor; an occasional cow may be spooked or litter may be left, for example. Land managing agencies will attempt to keep such instances to a minimum in two ways: 1) by developing firm controls as a basic part of the Management Plan, and 2) by on-going river and river corridor surveillance and law enforcement - actions that will not occur without designation.

5. THE LOCAL ECONOMY. Many persons fear that wild and scenic river designation of parts of the Dolores will cripple or even kill the Montelores area economy.

Most of this concern comes from people who believe either: 1) the Dolores Project will be stopped, or 2) ranching and other land uses, such as second homes and summer children's camps, will be eliminated along the river. Since wild and scenic river designation will bring about neither, it seems fair to expect only one possibly significant impact. Environmental restrictions on prospecting and mining in the river corridor will add costs to these activities. Timber does not appear to be an issue in the river corridor because of difficult access and the very small amount which is merchantable.

Wild and scenic river designation will increase the number of recreationists coming to the Montelores area (just as the creation of Mesa Verde National Park has). Recreation days on the McPhee-to-Bedrock reach of the Dolores are estimated to reach 168,000 by 1990 even if the river is not included in the national system. Designation would increase that figure to over 222,000 - or by almost one-third. This will mean a proportionate increase in the tourist dollars spent in the Montelores area. For example, before rafting trips, many parties will use motels and purchase food and supplies in Cortez or Dolores.

6. TOO MANY OUTSIDERS, TOO MUCH MESS. Some people fear that wild and scenic river designation will bring in large numbers of outsiders to crowd, litter and otherwise degrade the area.

No doubt more visitors will come if portions of the Dolores are included in the national system. Experience indicates as with other user groups - for example: hunters, jeepers, and fishermen - there will be a few bad apples, but most will be responsible river runners, hikers, and campers.

If any segment of the Dolores is designated, the ensuing Master Plan will be developed to protect the river and its canyons while still allowing for maximum enjoyment. There will, for example, be a ceiling on the numbers of boaters allowed on the river and boating permits required (as there now is on the Colorado River in Grand Canyon); parties will probably be required to pack out all trash, and may even have to carry along their own chemical toilets. The Forest Service and BLM will enforce laws and regulations on the river, and closely manage all recreational use.

7. WATER RIGHTS. A number of people expressed concern that water rights would be condemned or otherwise taken away.

Nothing of this kind is anticipated. Only "wild" river classification might limit diversions along the waterway, and a portion or portions of the river eventually designated as wild will have few if any existing diversions due to the restrictiveness of this classification in regard to developments present. Diversions are perfectly allowable on "scenic" and "recreational" river segments. More basically, any wild and scenic river designation on the Dolores will simply not affect any existing water rights.

8. A DRY RIVER. Many persons wonder how a river that runs low, and sometimes even dry, can possibly be considered for inclusion in the national system.

The purpose of the Wild and Scenic Rivers Act is to preserve selected American rivers "in free-flowing condition," whatever that condition happens to be. It does not necessarily mean for river-running or any other kind of recreation; "geologic, fish and wildlife, historic, cultural, and other similar values" are also considered worth preserving. In addition, the Wild and Scenic Rivers Act sets no minimum on river flows.

The Dolores has known an erratic flow pattern - with spring flooding followed by low water in the summer and fall - for many centuries. Starting in the late 1800's, the Montezuma Valley Irrigation Company diversion dropped the low flows considerably more; however, the Dolores Project, will guarantee a small but continuous streamflow below McPhee Dam that means the Dolores can be considered "free flowing."

9. A WILD RIVER WITH A DAM: Some individuals asked how a river could possibly be considered wild or scenic when a dam is to be constructed on it.

When the Wild and Scenic Rivers Act was moving toward its original passage back in 1968, Congress very carefully inserted wording which would allow *segments* of rivers to be included in the national system even though there were dams, proposed dams, or other developments elsewhere on the same rivers. This was no more than a concession to historical facts; all but a very few of America's major rivers are in part developed in some way; were the 1968 act to insist that only completely undeveloped rivers be allowed in the national system, then such a system would barely be able to exist.

By allowing *segments* of rivers to be placed in the national system, Congress recognized that some parts of rivers could be wild and scenic or recreational, while other more heavily developed sections would not be designated. The Study Team has identified a total of 17 rivers proposed for or already included in the national system which are dammed in one place or another. As noted earlier, McPhee Dam is not within a designated study segment of the Dolores River.

10. LEAVE THE RIVER AS IT IS. A very large number of persons asked why the Dolores could not be left as is. They maintained that already existing local, state, and Federal laws afforded more than enough protection.

First, this is the basic *purpose* of the Wild and Scenic Rivers Act - to leave rivers as they are. Secondly, the Dolores River is presently under a diverse complex of management authorities - local, state, and Federal. It would be quite possible for this situation to persist, and for the river to maintain some, while gradually losing much, of its present character.

Inclusion in the national system, however, would have several distinct advantages toward the goal of leaving the river essentially "as is"; notable among these is a guaranteed freedom from dams and undesirable, unsightly development on any designated segment. Perhaps most significant, however, wild and scenic designation will bring about a coordinated, umbrella management plan for outstanding segments of the Dolores. This will assure preservation of the river and its corridor for future generations more effectively and with less likelihood of undesirable changes than provided by the present mix of authorities.

11. PUBLICITY AND PUBLIC PARTICIPATION. Many residents of the Dolores River area felt they had been poorly informed about meetings, workshops, and the Study Team's activities.

Though time was tight, the Study Team made extensive efforts to involve and inform all segments of the concerned public. A Steering Committee was formed and opened to all interested citizens. Two sets of public meetings were held, with over two-thirds of these sessions in western Colorado; these were publicized in local newspapers, and to some extent, on radio and TV; individual letters were also sent out to a large mailing list prior to the first public meeting. It is inevitable that some parties still missed out, but the Study Team's effort to gain public involvement has been genuine throughout its work. Nevertheless, the Team acknowledges that its accelerated study schedule did not allow time to notify everyone of the public meetings, and for this we apologize.

The Dolores River area has been by far the most active in its study interest. Over 85 percent of the total meeting attendance was recorded at sessions held in this region.

12. A RIVER BASIN STUDY. A number of individuals and conservation organizations felt the Study Team was too limited in its approach to the Dolores. Some urged that the entire river be studied, including the segments not listed in the January 3, 1975 enabling law. Others felt the entire river basin should be studied, including all tributaries. A few suggested and named specific tributaries and side canyons.

From a total environment point of view, a basin-wide study is a worthy concept. However, it is not what Congress empowered the Study Team to do under provisions of the Wild and Scenic Rivers Act. Four segments of the Dolores River were listed in the January 3, 1975 legislation and those are what the Team considered.

It is the responsibility of Congress to establish the parameters of each wild and scenic river study. These parameters vary widely from river to river; thus, for example, the clause defining the study of Colorado's Piedra River specifically includes "the tributaries and headwaters on national forest lands." If the Dolores River clause had listed various tributaries and side canyons, the Study Team would have considered them; if it had specified a basin-wide study, then the Team would have undertaken same.

Already, Congress is in the process of considering expansion of the Dolores River study in one direction. On July 10, 1975, U.S. Senator Jake Garn of Utah introduced the "Dolores River Act of 1975" calling for study of 22 additional miles of the Dolores in that state.

13. **INELIGIBLE SEGMENTS.** Conservationists in particular have questioned the conclusions of the Study Team regarding the main stem of the Dolores from its source downstream to Rico, and from the confluence with the San Miguel River to Gateway. Why were these segments ruled out?

Upper Main Stem: This 15-mile segment was judged ineligible for inclusion in the National System because it lacked any "outstandingly remarkable" qualities as specified in the Wild and Scenic Rivers Act. It is, accurately, a typical high mountain stream - no more, no less. Nine miles of this stretch are paralleled by a paved state highway.

Main Stem from San Miguel Confluence to Gateway: This 30-mile segment was judged ineligible for several reasons. First and foremost, it is a heavily developed stretch of the river; a paved state highway follows it for 26 miles; mining activity, both past and present, is frequently visible; farming and ranching along the river are widespread. In addition, the segment lacks outstanding features, except perhaps geologic. Recreational attributes and use are low, and scenic resources moderate at best. The Study Team did recognize exceptional values in the 4-mile stretch immediately below the confluence where the canyon is deep and dramatic and the old Hanging Flume is of unique historic interest; however, this portion is simply too short for inclusion in the national system by itself.

14. **MANAGEMENT PLAN** A number of individuals wondered how the Management Plan for those segments of the Dolores included in the National System will be developed. And when?

The Study Team is empowered to develop a conceptual plan only for those segments it recommends for inclusion in the national system. By "conceptual," we mean it will be like a preliminary blueprint - a jumping-off point for the preparation of a final, working management plan.

The latter plan will be developed only if Congress approves one or more segments of the Dolores for inclusion in the national system. In that case, the Forest Service, the Bureau of Land Management and the State of Colorado will have a year to prepare a detailed, concrete plan. This will allow adequate time for specific input from concerned and affected persons.

15. **ADDITIONAL INPUT.** Almost everyone who wrote the Study Team wanted (implicitly or outright) to know when and how they'd have a chance to add more comment on the Dolores, the present study, and future actions.

This concern can best be addressed by listing a number of steps yet to come. The Dolores River is a long way from becoming a component of the National Wild and Scenic Rivers System; concerned citizens and groups will have plenty of chance to influence the final outcome. However, like any earnest participation in the democratic process, this will demand vigilance, careful thought, and hard, honest work. Many people know and care about the Dolores River in many different ways; the final result will reflect the efforts of those who care most, know their facts, and work hardest.

The following opportunities exist for continued public input:

- A. The Study Team is still receiving input. By this, we mean that we are still accepting new factual information that will help us in our decisions.
- B. By early to mid-November, a draft of the Study Team's Dolores Wild and Scenic River Report will be forwarded to Colorado Governor Richard Lamm, and to all concerned State and Federal agencies for administrative review. Within 15 to 20 days, these agencies will return their comments to the Study Team and a final report will then be prepared.
- C. In early December, the study report and a draft environmental impact statement (DES) will be released and circulated to all interested parties. The environmental statement will describe the study proposal, its impacts, and will evaluate alternative proposals. Written comments on the DES will be received for a period of 45 days after the statement is released. Separate written comments will be accepted on the study report; however, these comments will be needed sooner so that they can be sent to Washington to accompany the submitted report.
- D. No later than January 3, 1976, a final report will be submitted to the President and Congress. All comments on the draft environmental impact statement will be included with the final statement which will be completed in early 1976.
- E. Congress will consider the recommendations contained in the final documents, and the proposed Dolores Wild and Scenic River will go through the normal legislative process. Because of the many and varying differences in opinion on the future of this river, field hearings are almost certain. The public will be amply notified as to the place, date, and time of these. Congressional committees will also be open to comment; the Colorado Congressional delegation, especially, will be open to public input.
- F. If Congress votes any portion of the Dolores into the National Wild and Scenic Rivers System, a Management Plan will still have to be drawn. This plan must be published in the Federal Register, and will not become effective for 90 days. This process, again, allows ample time for all interested parties to review the plan for reasonableness.

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