

**An Evaluation of the Cache La Poudre Wild and Scenic River Draft
Environmental Impact Statement and Study Report**

by

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State
University**

AN EVALUATION OF THE CACHE LA POUFRE
WILD AND SCENIC RIVER DRAFT ENVIRONMENTAL
IMPACT STATEMENT AND STUDY REPORT

By

Michael J. Eubanks

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EXECUTIVE SUMMARY

This critique of the Draft Environmental Impact Statement-Study Report (DEIS/SR) found it deficient with respect to several of the statutory requirements and guidelines by which it was reviewed. The foremost criticism of the DEIS/SR concerns its failure to develop and evaluate a water development (representing economic development) alternative to the proposed wild and scenic river designation of the Cache La Poudre. The decisionmaker and general public are therefore being asked to make a decision concerning water resource allocation of the Poudre without adequate information to assess potential foregone benefits of water development along this river. Other deficiencies of the DEIS/SR are summarized as follows:

- Eligibility criteria of the Poudre concerning its "free-flowing" status is questionable.
- Classification for segment 5 of the Poudre as "wild" is questionable due to the presence of an impoundment and transbasin diversion.
- Water development opportunities (economic development) of the Poudre that would be foreclosed should the river be designated as wild and scenic are not properly evaluated.
- Administrative responsibilities for the proposed wild and scenic river are not addressed.
- The DEIS/SR failed to meet the required report completion date (October 2, 1979) of Public Law 93-621 (authorizing legislation for the Poudre study).
- The DEIS/SR does not evaluate the impact of foreclosing a non-Federal plan (i.e., water development of the Poudre) as required by the Principles and Standards.
- The Regional Development and Social Well-Being accounts required to be addressed by the Principles and Standards are insufficiently represented in the DEIS/SR.

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INTRODUCTION

This report has been prepared as a partial requirement for a Master of Science degree from Colorado State University in the College of Forestry and Natural Resources.

A Draft Environmental Impact Statement-Study Report (DEIS/SR) on the Cache La Poudre was prepared jointly by the USDA-Forest Service and the State of Colorado Department of Natural Resources - Water Conservation Board. The DEIS/SR examines the potential inclusion of the Cache La Poudre in the national wild and scenic rivers system. After finalization the document with its recommendation will be forwarded to the President and the Congress, which will decide on designation, hence determining future water resource use of the Cache La Poudre. The objective of my study has been to evaluate the DEIS/SR with regard to its adequacy as a water resources planning "tool." The primary emphasis has been to examine the DEIS/SR in light of applicable statutory requirements and guidelines as set forth in: (1) The Wild and Scenic Rivers Act and amendments; (2) USDA-USDI Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System; (3) the National Environmental Policy Act; and (4) the Principles and Standards for Planning Water and Related Land Resources. This study is an attempt to evaluate objectively the planning procedures of the DEIS/SR and is not intended as an endorsement for either preservation or development of the Cache La Poudre water resource.

OVERVIEW OF THE WILD AND SCENIC RIVERS PROGRAM

Legislative History and Background of the Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act (Public Law 90-542), passed into law on October 2, 1968, provides for establishment of a National Wild and Scenic Rivers System. The Act states in Section 1:

"(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes." 1/

Interest in preservation of some American streams in their natural state dates back at least as far as 1960 when the National Park Service, responding to an inquiry from the Select Committee on National Water Resources of the Senate, recommended " ... that certain streams be preserved in their free-flowing condition because of their natural scenic, scientific, esthetic, and recreational values outweigh their value for water development and control purposes ..." (emphasis added). 2/ In 1962 the Outdoor Recreation Resources Review Commission (a bipartisan

Commission created by the Congress to evaluate national outdoor recreation needs) reinforced this recommendation as they concluded that "certain rivers of unusual scientific, esthetic, and recreational value should be allowed to remain in their free-flowing state and natural setting without man-made alterations." 3/ A joint "Wild Rivers Study" was initiated in 1963 by the Secretary of the Interior and the Secretary of Agriculture to investigate the need for a nation-wide system of wild rivers, to develop and establish suitable criteria and methods for river evaluation and identify those rivers or streams having "wild river" qualities. This study was completed in 1964 and served as the basis for the initial wild rivers proposal. From more than 650 rivers, 67 were selected for preliminary field reconnaissance of which 17 were selected for detailed investigation. 4/ Five basic criteria were used for wild river evaluation: (1) Condition (free-flowing and unpolluted), (2) quality (outstanding natural and recreational values), (3) capacity (large enough to sustain a meaningful recreation experience), (4) highest use (preservation of river should outweigh alternative uses), and (5) present status (no existing or authorized water development projects. 5/ Further emphasizing the Highest Use criteria, Anderson (1964), a participant in the "Wild Rivers Study," states that wild river designation in the West will likely be given only to relatively remote rivers where other demands for water resource development are not particularly strong. 6/

The first recommended legislation for a national system of wild rivers came from President Johnson in 1965. The Senate passed an Administrative-

backed bill (S 1446 introduced by Senator Church-Idaho) on January 19, 1966. 7/ Field hearings were held on S 1446 at Green River, Wyoming and Boise, Idaho. The idea of a wild and scenic river system was generally well received by the public, but specification of which rivers should be included produced heated debate, especially at the two field hearings. The discussion centered basically on the preservation versus economic development issue. Private property rights and water rights were also issues at the Idaho hearing. A minority report (Senate Report 792) accompanied S 1446 to the Senate, stating that a more detailed comprehensive study needed to be given to economic development values of Idaho rivers before a final designation be made. 8/ Although the Senate passed the bill 71 to 1, it was not acted on in the House prior to adjournment of the 1st Session of the 89th Congress. Senator Church reintroduced the measure to the 2nd Session as S 119 on January 11, 1967, with 38 cosponsors. 9/ The environmental movement and executive backing made the wild rivers issue very popular. The language of S 119 was stronger and more specific than its predecessor S 1446. It more explicitly defined "wild" and "scenic" rivers. The Senate passed S 119 by an 84-0 roll-call vote on August 8, 1967, but the issue was not brought before a House committee until March 1968. 10/ The four principal bills before the House Committee on Interior and Insular Affairs in 1968 were HR 8416 (Interior Committee Chairman Aspinall-Colorado); HR 90 (Saylor-Pennsylvania); HR 6166, the Administration bill (Reuss-Wisconsin); and S 119 as passed by the Senate. Major differences in the bills are shown below:

<u>Bill</u>	<u>No. of Rivers</u>	<u>Area</u>	<u>Acquisition Cost *</u>	<u>Development Cost *</u>	<u>Rivers to be Studied</u>
HR 8416	4	4,600	\$ 5.3	\$ 6.1	20
HR 90	16	213,820	100.7	18.1	66
HR 6166	9	90,565	35.1	10.3	35
S 119	9	84,880	25.3	9.9	28

* In millions of dollars

SOURCE: USDI, Bureau of Outdoor Recreation as printed in the 1968 Congressional Quarterly Almanac, p. 487.

House Hearings were held on March 7-8, and 18-19, 1968 on these bills. 11/ The House dismissed both HR 8416 and HR 90, and on July 3, 1968 reported on another Administrative-backed bill, HR 18260. 12/ This bill was the culmination of a number of years of effort and combined features of 16 other previously pending wild and scenic bills. 13/ It designated six initial rivers and 28 others were listed for detailed study. The House passed HR 18260 by a 267-7 roll-call vote on September 12, 1968 and its language was substituted for that of S 119. 14/ Political bargaining was much in evidence in both the House and the Senate concerning which rivers were to be placed in the national system.

The Conference Committee made several changes in the bill. The conferees retained the three-part classification system for rivers, but instead of numbering the classes used the Senate method by naming them "wild," "scenic," and "recreational." The conference version included 8 rivers in the system and designated 27 rivers for study. 15/ Influential Representative Wayne Aspinall, of Colorado, played a major role in making certain that no rivers in Colorado were designated into the system. He felt that it would be politically unwise to support any plan which would restrict water

development in Colorado. 16/ Other major changes involved land acquisition. The conferees limited land acquisition by fee title to up to 100 acres per river mile on both sides of the river, as opposed to 320 acres per mile proposed by the House bill. 17/ The conference report authorized \$17 million for land purchases, in lieu of the \$17,340,000 authorized by the House or the open-end authorization of the Senate. The conference report was accepted by the House on September 25, and the Senate on September 26, 1968. President Johnson signed S 119 into law (Public Law 90-542) on October 2, 1968. 18/

Provisions of the Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act stated the national policy for preservation of certain streams in their natural state if they possessed outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, or cultural values. The exact language of this policy was given in the previous section of this report.

The Act established three classifications in the system: "wild" (essentially primitive and unpolluted streams, free of impoundments, and generally accessible only by trail), "scenic" (streams that are free of impoundments, with largely primitive and undeveloped shorelines, but accessible in places by roads), and "recreational" (streams that may have some impoundments and developments, and are readily accessible by rail or car).

Section 3 of the Act designated segments of the following 8 rivers as part of the initial national wild and scenic rivers system: (1) Clearwater, Middle Fork, Idaho; (2) Eleven Point, Missouri; (3) Feather, California; (4) Rio Grande, New Mexico; (5) Rogue, Oregon; (6) Saint Croix, Minnesota and Wisconsin; (7) Salmon, Middle Fork, Idaho; and (8) Wolf, Wisconsin.

Land acquisition procedures are spelled out in the Act. The Act permits acquisition of up to 100 acres per mile on both sides of a river. Other limitations and prohibitions concerning land acquisition are contained in the Act. The authorized appropriation from the Land and Water Conservation Fund provides \$17 million for land acquisition. The Act prohibits the taking of land by condemnation if more than 50 percent of the land is owned by a Federal or State agency.

The Act directed the Secretaries of Interior and/or Agriculture to conduct studies of 27 rivers named in the Act, to determine if they should be included in the national wild and scenic rivers system (Sections 4 and 5). No rivers in Colorado were listed among the 27. Appendix A lists the 27 rivers to be studied. The Secretary of Agriculture was responsible for studies where national forest lands were involved, otherwise the Secretary of Interior was to direct the studies. The Federal agencies were to cooperate closely with State governments on the studies and authorized joint studies where requested by a State (which has been the

case in Colorado). The Act required close coordination with other interested agencies, particularly development oriented agencies such as the Corps of Engineers and the Federal Power Commission (FPC). The FPC was prohibited from licensing projects on or affecting stream segments within the system including all water resources development projects which could adversely affect a designated stream. 19/ The Act specifies that the study should, among other things, evaluate " ... the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system ...". 20/

The Act also provided protection against water development projects for potential wild and scenic streams during their period of evaluation. Mining was prohibited within a quarter mile of a wild river, including those in the study category, except for valid existing rights. State water laws and interstate water compacts would not be affected by the Act. 21/

The Wild and Scenic Rivers Act was amended on January 3, 1975 by Public Law 93-621. This amendment called for the study of 29 additional rivers for possible inclusion in the national wild and scenic rivers system (listed in Appendix B). Twelve of these rivers are in Colorado: Big Thompson, Cache La Poudre, Colorado, Conejos, Elk, Encampment, Green, Gunnison, Los Pinos, Piedra, Yampa, and Dolores. The amendment also states that these river studies should be completed and the reports submitted by not later than October 2, 1979. 22/

The Snake River, Washington-Oregon-Idaho and Housatonic River, Connecticut were added to the list of study rivers by Public Laws 94-199 (December 31, 1975) and 94-486 (October 12, 1976), respectively (Appendix C).

The "Omnibus Parks" Act of 1978 authorized \$54 million for land acquisition along 5 previously designated rivers - Eleven Point, Rogue, St. Croix, Salmon, and Chattooga. An additional \$44 million was authorized for land acquisition for 8 newly designated rivers and for some development activities along the Missouri River. Also 17 additional rivers for study were named, bring the total to 75 in that category (Appendix D).

23/

Status of the National Wild and Scenic Rivers System

The passage of the Wild and Scenic Rivers Act in 1968, which initiated the national wild and scenic rivers system, placed portions of 8 rivers into the system. Since that time 20 additions have been made and now more than 2,317 miles of 27 rivers are protected (Table 1). 24/ Figure 1 shows the location of existing components and study rivers (many river studies have been completed since publication of this map, although none have yet been officially designated).

There are four procedures by which a river may be added to the national system: (1) a later act of Congress in response to a study river included

TABLE 1

NATIONAL WILD AND SCENIC RIVERS SYSTEM

River	Administering Agency	Miles by Classification			Total Miles	Total Acres *
		Wild	Scenic	Recreational		
Middle Fork Clearwater, Idaho (P.L. 90-542-10/2/68)	USFS	54	--	131	185	55,651
Eleven Point, Mo. (P.L. 90-542-10/2/68)	USFS	--	44.4	--	44.4	14,195
Feather, California (P.L. 90-542-10/2/68)	USFS	32.9	9.7	50.4	93	19,873
Rio Grande, New Mexico (P.L. 90-542-10/2/68)	BLM/USFS (USFS) (BLM)	51.75 (43.90) (7.85)	--	1 (0.25) (0.75)	52.75 (44.15) (8.60)	16,880
Rogue, Oregon (P.L. 90-542-10/2/68)	BLM/USFS (USFS) (BLM)	33 (20) (13)	7.5	44 (27) (17)	84.5 (47) (37.5)	25,999
St. Croix, Minn and Wis. (P.L. 90-542-10/2/68)	NPS/FS	--	181	19	200	62,695
Middle Fork Salmon, Idaho (P.L. 90-542-10/2/68)	USFS	103	--	1	104	32,000
Wolf, Wisconsin (P.L. 90-542-10/2/68)	NPS	--	25	--	25	5,516
Allagash Wilderness Waterway Maine (Secretarial Designation-7/19/70)	State of Maine	95	--	--	95	22,840
Lower St. Croix, Minn & Wis (P.L. 92-560-10/25/72)	NPS	--	12	15	27	7,845
Little Miami, Ohio (Secretarial Designation-8/20/73)	State of Ohio	--	18	48	66	3,202.5

TABLE 1 (con't)

NATIONAL WILD AND SCENIC RIVERS SYSTEM

River	Administering Agency	Miles by Classification			Total Miles	Total Acres *
		Wild	Scenic	Recreational		
Chattooga, NC, SC, & GA (P.L. 93-279-5/10/74)	USFS	39.8	2.5	14.6	56.9	16,424
Little Beaver, Ohio (Secretarial Designation-10/23/75)	State of Ohio	--	33	--	33	2,637.4
Snake, Idaho & Oreg. (P.L. 94-199-12/31/75)	USFS	32.5	34.4	--	66.9	17,546
Rapid, Idaho (P.L. 94-199-12/31/75)	USFS	24	--	--	24	8,382
New, North Carolina (Secretarial Designation-4/13/76)	State of North Carolina	--	26.5	--	26.5	1,900
Lower St. Croix, Minn & Wis (Secretarial Designation-6/17/76)	States of Minnesota & Wisconsin	--	--	25	25	6,065
Missouri, Montana (P.L. 94-486-10/12/76)	BLM	72	18	59	149	131,838
Flathead, Montana (P.L. 94-486-10/12/76)	FS/NPS	97.9	40.7	80.4	219	57,400
Obed, Tennessee (P.L. 94-486-10/12/76)	NPS/State of Tennessee	45.2	--	--	45.2	6,451
Segments Added in 1978						
Pere Marquette, Michigan (P.L. 95-625-11/10/78)	USFS	--	66.4	--	66.4	13,000
Rio Grande, Texas (P.L. 95-625-11/10/78)	NPS	95.2	96	--	191.2	30,592

TABLE 1 (con't)

NATIONAL WILD AND SCENIC RIVERS SYSTEM

River	Administering Agency	Miles by Classification			Total Miles	Total Acres *
		Wild	Scenic	Recreational		
Skagit, Washington (P.L. 95-625-11/10/78)	USFS	--	99	58.5	157.5	34,650
Upper Delaware, NY & PA (P.L. 95-625-11/10/78)	NPS	--	25.1	50.3	75.4	75,000
Middle Delaware, NY, PA & NJ (P.L. 95-625-11/10/78)	NPS	--	35	--	35	(**)
American (North Fork) Calif (P.L. 95-625-11/10/78)	USFS/BLM (USFS) (BLM)	38.3 (26.3) (12)	--	--	38.3	13,430
Missouri, Nebraska & South Dakota (P.L. 95-625- 11/10/78)	Interior/Corps of Engineers	--	--	59	59	14,941
Saint Joe, Idaho (P.L. 95-625-11/10/78)	USFS	26.6	--	46.2	72.8	21,803
TOTAL		841.15	774.2	702.4	2,317.75	718,756.81

* Final boundaries for all areas not established. Thus, figure should be considered approximate.
 ** Located within the Delaware Water Gap National Recreation Area.

SOURCE: U.S. Department of the Interior, Heritage Conservation and Recreation Service (in the Tenth Annual Report of the Council on Environmental Quality, December 1979)

NATIONAL WILD AND SCENIC RIVERS SYSTEM

As Authorized by P.L. 90-542
As Amended

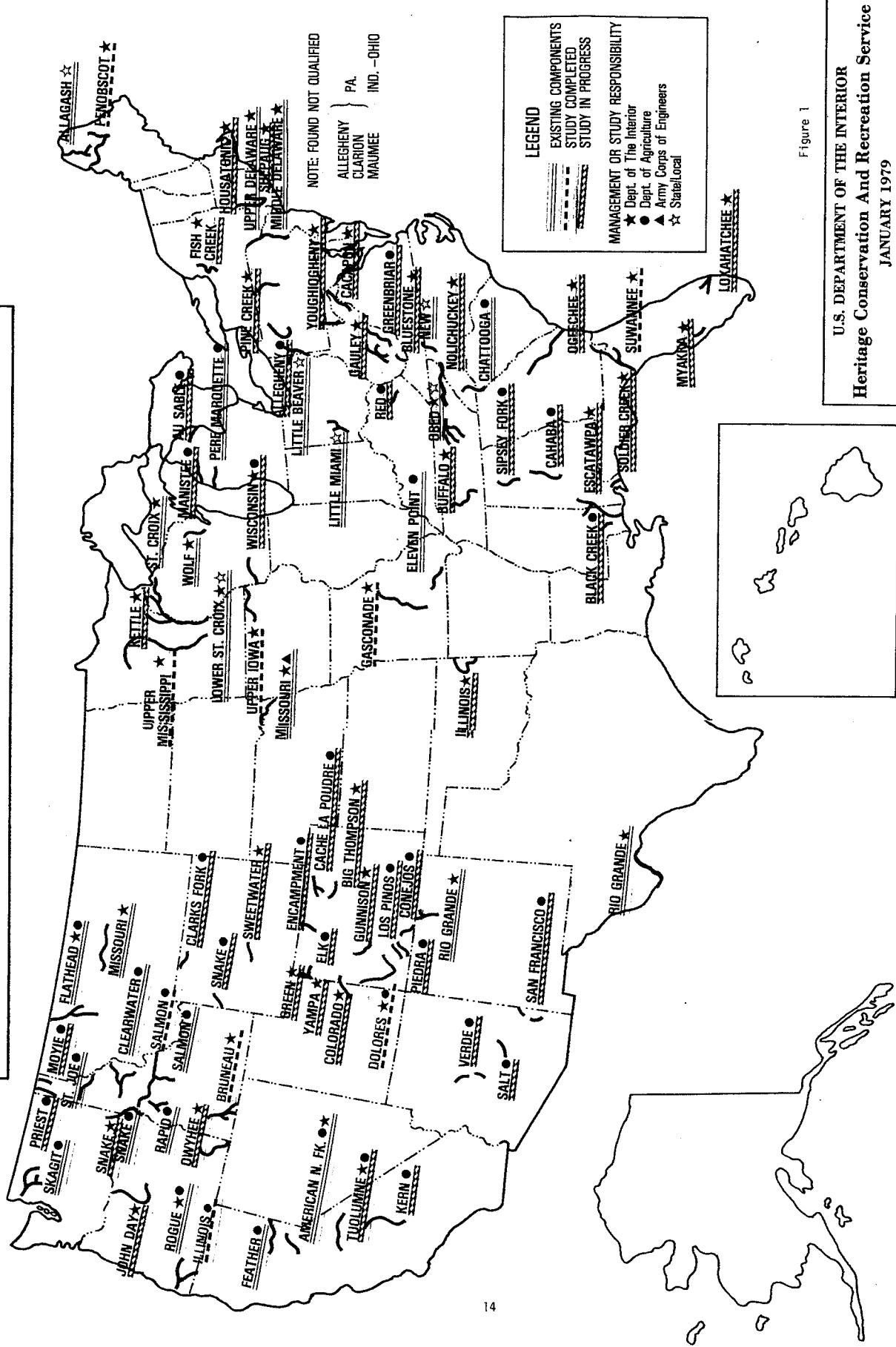


Figure 1

U.S. DEPARTMENT OF THE INTERIOR
Heritage Conservation And Recreation Service
JANUARY 1979

in the 1968 Wild and Scenic Rivers Act; (2) a later act of Congress in response to a study subsequently requested by Congress (such as the previously discussed 1975 and 1978 amendments); (3) a later act of Congress in response to recommendations contained in a multiple-purpose river basin study; or (4) the Secretary of the Interior's approval of a Governor's request to designate a state-administered river corridor as a part of the national system. 25/ Of the 27 rivers now in the system, 22 were designated by Federal legislation; 4 were designated by the Secretary of the Interior, and 1, the Lower St. Croix, was designated partly by Federal legislation and partly by Interior. 26/

The Department of Agriculture's Forest Service conducts the river study if a portion of it flows through a national forest, or if agriculture and forestry are of major importance. Otherwise, the Act specified that the Department of the Interior's Bureau of Outdoor Recreation (now the Heritage Conservation and Recreation Service) was to conduct the studies. However, the responsibility for conducting the Department of the Interior studies was transferred to the National Park Service on April 1, 1978. Also, some studies are conducted under joint Agriculture-Interior leadership. 27/

Status of the Study Rivers in Colorado

At the present time no rivers within the State of Colorado have been designated into the national wild and scenic rivers system. Former

Representative Wayne Aspinall of Colorado had much influence on the legitimation of the original Act and saw to it that no Colorado rivers were in that Act. A 1975 amendment, however, proposed that 12 rivers within Colorado be studied for possible inclusion in the system. Table 2 gives the current status for each of these 12 rivers. All of the rivers, except the Big Thompson, have been favorably recommended for designation. The current recommendations call for preservation of 598 miles of Colorado's rivers in the national system. This would represent a 20 percent increase in the existing national system which currently has 2,317 designated river miles. Should all 598 river miles be added to the system, Colorado would lead the nation for wild and scenic rivers. Other states with significant components currently in the national system include Idaho with 453 miles, Montana with 368 miles, Wisconsin with 277 miles, and Texas with 191 miles.

President Carter recommended addition of the Dolores River to the national system in both his 1977 and 1979 Environmental Messages to the Congress. His 1979 Message also proposed the addition of the Gunnison and Encampment Rivers. 28/ Congressman Burton of California is reportedly preparing an omnibus bill that would include several of the recommended wild and scenic river additions from Colorado. 29/

Cache La Poudre's Involvement in the Wild and Scenic Rivers Program

The recent Draft Environmental Impact Statement and Study Report on the Cache La Poudre is by no means the only historical record of its

TABLE 2

COLORADO STUDY RIVERS

<u>River</u>	<u>Administering Agency</u>	<u>Recommendation (River Miles)</u>				<u>Status</u>
		<u>Wild</u>	<u>Scenic</u>	<u>Recreational</u>	<u>Total</u>	
1. Big Thompson	NPS/CO-DNR	No designation			0	Congressional Review
2. Cache La Poudre	FS/CO-DNR	25	-	42.25	67.25	Working on Final Rept.
3. Colorado - Lower Dolores ^{1/}	NPS/CO-DNR	-	20	-	20	OMB Review
		-	9	-	9	
4. Conejos	FS/CO-DNR	25.6	-	13.2	38.8	Executive Review
5. Elk	FS/CO-DNR	17	12	6	35	OMB Review
6. Encampment	FS/CO-DNR	19.5	-	-	19.5	Executive Approval - Congressional Review
7. Green	NPS/CO-DNR	44	47	-	91	Working on Final Rept.
8. Gunnison	NPS/CO-DNR	26	-	-	26	Congressional Review
9. Los Pinos	FS/CO-DNR	54	-	-	54	Working on Final Rept.
10. Piedra	FS/CO-DNR	32.5	12.9	5.5	50.9	Executive Review
11. Yampa	NPS/CO-DNR	47	-	-	47	Working on Final Rept.
12. Dolores	BOR/FS/CO-DNR	<u>33</u>	<u>41</u>	<u>66</u>	<u>140</u>	Executive Approval - Congressional Review
	TOTAL	323.6	141.9	132.95	598.45	

FS - Forest Service
 NPS - National Park Service
 CO-DNR - Colorado Department of Natural Resources
 OMB - Office of Management and Budget
 BOR - Bureau of Outdoor Recreation (now Heritage Conservation and Recreation Service)

^{1/} Only Colorado portions.

involvement in the wild and scenic rivers program. The involvement of the Poudre predates the 1968 Wild and Scenic Rivers Act. The "Wild Rivers Study," initiated jointly in 1963 by the Secretaries of Interior and Agriculture, looked at more than 650 rivers. The study team selected 67 of these rivers for preliminary field reconnaissance and the Cache La Poudre was one of these. This field of 67 rivers was narrowed to 17 by the study team's reconnaissance studies, but the Poudre was not among these 17. 30/ It was also during this formative period of the wild and scenic rivers program that the Poudre received much attention from professionals involved in the joint Interior-Agriculture "Wild Rivers Study." Workshops for training of study team members were held at Colorado State University in Fort Collins, Colorado. Guidelines and criteria for river evaluation were developed and tested. Study team members were taught how to apply these techniques in order to evaluate potential wild rivers. The proximity of the Cache La Poudre made it ideal as a site for field training of the study team thus it served as a "natural" classroom. 31/ According to Anderson (a study team participant) the general concensus was that the Poudre did not meet the standards used at that time to classify it as a wild river. 32/

House of Representatives Bill 90, introduced by John P. Saylor (R-Pa.), included the Cache La Poudre as a river to be studied for possible inclusion in a system of wild and scenic rivers. 33/ Saylor was the ranking Republican on the House Interior Committee but perhaps more important was the fact that the chairman of that Committee was Wayne

Aspinall (D-Colo.). HR 90 had much more extensive river protection goals than the other bills before the Committee (HR 8416, HR 6166, and S 119). The bill which was finally passed by the House (HR 18260) was the result of much political bargaining and as a result the Poudre was dropped from the study river list. 34/

As previously mentioned, the Cache La Poudre was one of twelve Colorado rivers named in a 1975 amendment (Public Law 93-621) to the Wild and Scenic Rivers Act for study for possible inclusion in the national wild and scenic rivers system. 35/ The Act amendment calls for study of "both forks from their sources to their confluence ...," however, the North and South Fork never join, but unite with the main stem at different places. The Forest Service resolved this conflict by concluding that Congress intended the South Fork and main stem of the Poudre River should be studied, and not the North Fork of the Poudre. 36/ The DEIS/SR of the Cache La Poudre River, 1980 is the culmination of a joint study by the Department of Agriculture, Forest Service and the Colorado Department of Natural Resources represented by the Water Conservation Board. The study began in 1977. An interagency team was developed by the Forest Service to assist in "collecting, analyzing, and evaluating social, economic, and resource data." 37/ Table 3 shows the makeup of the Inter-agency Team.

TABLE 3

Interagency Team

Federal

U.S. Department of Agriculture:
Forest Service
Economic Research Service

U.S. Department of the Interior:
Heritage Conservation and Recreation
Service
(formerly the Bureau of Outdoor
Recreation)

Water and Power Resources Service
(formerly the Bureau of Reclamation)
National Park Service
Geological Survey
Fish and Wildlife Service
Bureau of Mines
Environmental Protection Agency

State of Colorado

Water Conservation Board
Division of Wildlife
Division of Parks and
Outdoor Recreation
State Historical Society
Colorado Geological Survey
Colorado State Forest Service
Division of Planning
Division of Highways
State Archaeologist

SOURCE: Cache La Poudre DEIS/SR

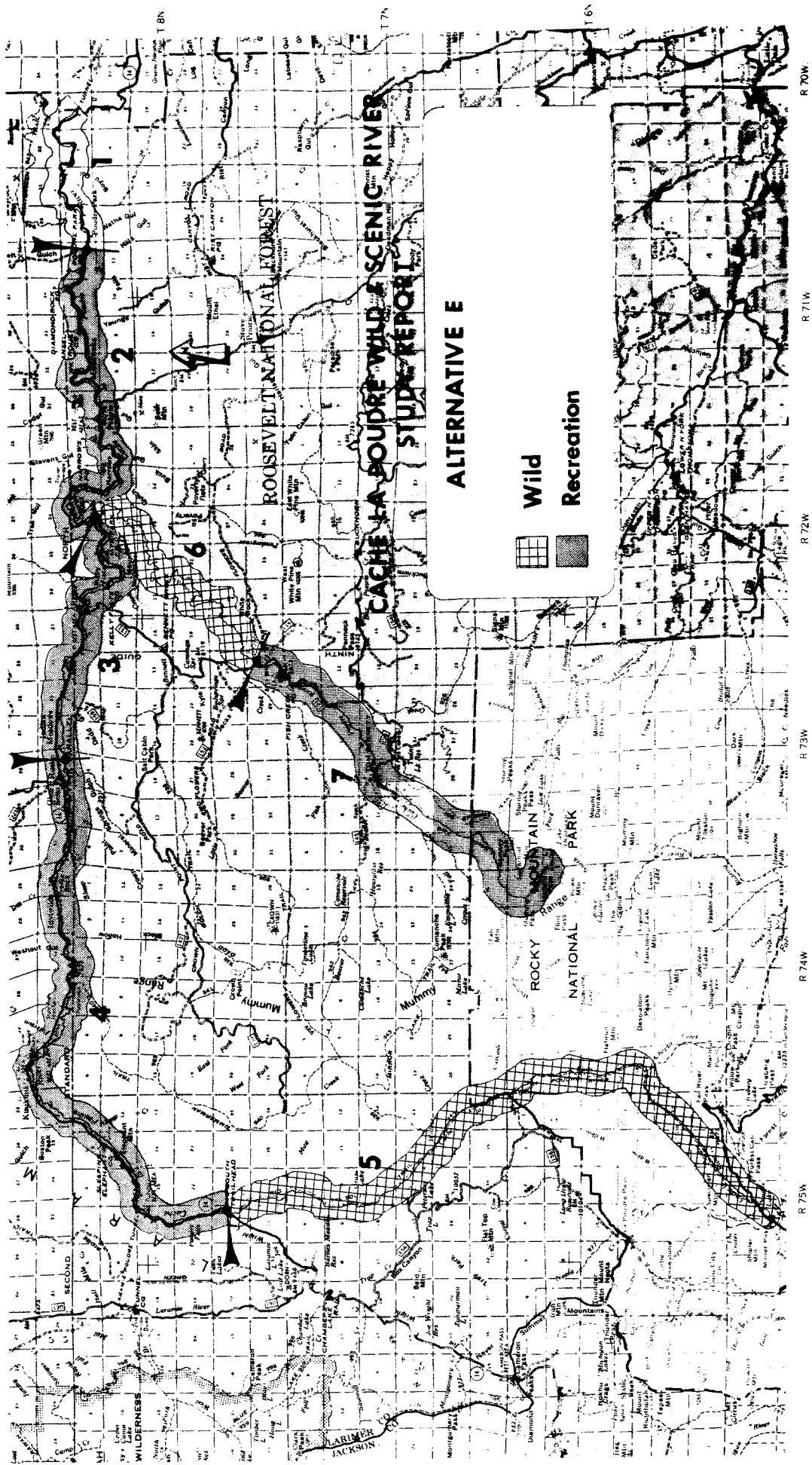
A series of four public meetings were held (June 13, 1977; December 14, 1977; March 21, 1979; and March 29, 1979) to obtain public participation in the study. Public involvement attempted "to facilitate public understanding of the legislation and the issues, to determine public concerns, and to obtain additional information for the study." 38/ The first public meeting (June 13, 1977) was conducted as a workshop by the Forest Service and the Colorado Department of Natural Resources Water Conservation Board. The main objectives were: "a. Describe the Poudre River Study Area; b. Describe the Wild and Scenic Rivers legislation, the guidelines for evaluation of the Poudre River, and the study process to be used; and

c. Identify the major public issues, concerns and opportunities regarding the possible designation of the Poudre." The second public meeting (December 14, 1977) was held to obtain comments on the Poudre eligibility, classification, and alternatives. Analysis of the various alternatives took place following this meeting. A third public meeting was held on March 21, 1979, to obtain public comment on the results of this alternative analysis. Based on issues and concerns at these public meetings, a fifth alternative was formulated (Alternative E, the recommended alternative). ^{39/} The DEIS/SR identified three main groups of issues and concerns:

- "1. The problems associated with increased recreation use in the corridor.
2. Private property rights conflicts with designation.
3. Water development project opportunities." ^{40/}

As shown on Figure 2, the Poudre River was divided into seven segments and five alternative designation schemes were evaluated. Table 4 summarizes the alternatives discussed in the DEIS/SR. Figure 2 shows the recommended alternative (E). The study area was defined to be "a 74 mile long by 0.5-mile wide corridor occupying approximately 23,680 acres." ^{41/} The DEIS/SR, issued on April 8, 1980, recommends that 67.25 miles of the Cache La Poudre River be added to the national wild and scenic rivers system. ^{42/} A final recommendation based on the DEIS/SR and public comment will be documented in a Final Environmental Impact Statement, which will be filed with the Environmental Protection Agency, made available to the public, and then forwarded to the President and the Congress.

FIGURE 2
Cache La Poudre River Segments



SOURCE: Cache La Poudre DEIS/SR

TABLE 4

Summary of Alternatives A - E
Formulation for the Cache La Poudre
Wild and Scenic River Study

<u>Segment</u>	<u>Approx.</u> <u>Miles</u>	<u>Approx.</u> <u>Ac.</u>	<u>Alternatives</u>					
			<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	
			<u>Classification</u>					
1	5	1,600	R	-	-	-	-	
2	10	3,200	R	-	-	-	R	
3	7	2,240	R	-	-	-	R	
4	16	5,120	R	-	-	-	R	
5	18	5,760	W	W	W	-	W	
6	7	2,240	W	W	-	-	W	
<u>7</u>	<u>11</u>	<u>3,520</u>	<u>R</u>	<u>R</u>	<u>-</u>	<u>-</u>	<u>R</u>	
TOTAL	74	23,680	TOTAL MILES	74	36	18	0	67.25

SOURCE: DEIS/SR, page iv.

The President or the Congress may accept, modify, or reject the recommendation to add segments of the Cache La Poudre to the national wild and scenic rivers system. 43/

EVALUATION OF THE CACHE LA POUFRE WILD AND SCENIC RIVER
DRAFT ENVIRONMENTAL IMPACT STATEMENT AND STUDY REPORT

This review of the Cache La Poudre DEIS/SR is based on guidance from the following sources: (1) Wild and Scenic Rivers Act, Public Law 90-542, October 2, 1968, as amended; (2) Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, Public Law 90-542, Joint Department of Agriculture and Department of the Interior Guidelines, 1970; (3) National Environmental Policy Act of 1969, as amended, Public Law 91-190 and pertinent CEQ regulations and procedures; and (4) Principles and Standards for Planning Water and Related Land Resources, Water Resources Council. These will be referred to as the Act, the Guidelines, NEPA, and Principles and Standards hereafter. The DEIS/SR is legally responsible to adhere to the guidance contained in each of these four sources.

Wild and Scenic Rivers Act and Guidelines for Evaluating Wild, Scenic, and Recreational River Areas. - The Act and Guidelines will be discussed together due to their similar content. The Guidelines expand on the eligibility and classification criteria for evaluation of potential wild, scenic, and recreational rivers as presented in the Act.

The Act provides a general description of eligibility criteria to be used to determine if a river qualifies to be included in the national

system. The river should be free flowing and possess one or more of the following "outstandingly remarkable" features: scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.

44/ The DEIS/SR does address these eligibility criteria (pp 30-33), concluding that the Cache La Poudre is an eligible stream since it is free flowing and possesses outstandingly remarkable scenic and recreational features. 45/ The Act defines free flowing in the following way: " ... existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures ... shall not automatically bar its consideration for such inclusion ..." 46/ Flows in the Poudre are supplemented by eight transbasin diversions (from the Western slope) and eight upper basin reservoirs. 47/ Ray Anderson (Department of Agriculture - Economic Research Service), who was a participant in the 1964 USDA-USDI "Wild Rivers Study," states that the free flowing criteria was stressed as very important in the early wild rivers program and feels that the DEIS/SR does not properly consider this altered nature of the Poudre River. 48/ This alteration of the "free-flowing" nature of the Poudre has been the subject of much debate concerning the eligibility of the river 49/ and needs to be resolved since it affects use of the river. Recreation, for example, is significantly affected (positively) by the increased flows provided by the transbasin diversions. 50/

In addition to these eligibility criteria, the Guidelines define three others: (1) the river must be long enough to provide a meaningful

experience (generally defined as greater than 25 miles); (2) the river should have a "sufficient volume of water during normal years to permit, during the recreation season, full enjoyment of water-related outdoor recreation activities generally associated with comparable rivers;" and (3) the river should have high water quality. 51/ The DEIS/SR adequately addresses these three additional criteria (pp 30-33) and shows the Poudre to meet all three.

If considered eligible for inclusion in the national wild and scenic rivers system, the river must then be classified into categories based on degree of human development as shown in Section 2.(b) of the Act:

"(1) Wild river areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas - Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

The Guidelines further clarify these three categories by defining key words such as impoundment, generally inaccessible, essentially primitive, unpolluted. 52/ To facilitate classification the Poudre study area was divided into seven segments (refer back to Figure 2). The DEIS/SR classifies segments 1, 2, 3, 4, and 7 as recreational river areas and

segments 5 and 6 as wild river areas. 53/ The recreational-classed segments appear to have adequately and accurately applied the classification criteria of the Act and Guidelines. However, there seems to be a contradiction in the DEIS/SR concerning segment 5, which could affect its proposed wild river area classification. Page 35 of the DEIS/SR states that the segment 5 area contains "no diversion or dam structures," but Map 3 on page 13 shows a "major existing water site" (Peterson Lake) to be within the proposed wild river area. Also, the transbasin diversions into segment 5 seem in conflict with the page 35 statement.

The Act states that each proposed addition to the national wild and scenic rivers system must be studied by the Secretary of the Interior, or where national forest land is involved (as is the case with the Cache La Poudre), the Secretary of Agriculture or, in appropriate cases, both Secretaries. The report should, according to Section 4 of the Act include:

1. "Maps and illustrations, showing among other things the area included within the proposal;"
2. "Characteristics which make the area a worthy addition to the system,"
3. "The current status of landownership and use in the area;"
4. "The reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system;"
5. "The Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administrated;"

6. "The extent to which it is proposed that administration, including costs thereof, be shared by State and local agencies; and"
7. "The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system." 54/

The DEIS/SR contains sufficient information to inform decisionmakers concerning items 1, 2, 3, 5, and 7. The report, however, does not provide an adequate assessment of items 4 and 6, as shown in the following paragraphs.

Water development activities such as impoundments and diversions have had a long history on the Cache La Poudre. Water has been diverted from the Poudre for irrigation since 1864. 55/ Water development has played a very significant role in the agricultural and urban evolution throughout the arid West and particularly along the Front Range of the Rockies. The DEIS/SR recognizes water development on the Cache La Poudre as a foreseeable use of water that would be foreclosed with wild and scenic designation, but fails to provide the decisionmaker and the general public with sufficient information to assess the significance of the foregone benefits and costs. Water development is noted as one of the three main groups of identified issues and concerns. 56/ Pages 13-15 of the DEIS/SR discuss various proposed water development projects involving Federal, local, and private interests. A 1963 Reconnaissance Report and 1966 Concluding Report on the Poudre River (Grey Mountain-Idylwilde Project) by the Water and Power Resources Service (formerly Bureau of Reclamation), are

presented throughout the report as representing the water development perspective on the Poudre. Water development planning methodology (i.e., NEPA and Principles and Standards), hydroelectric power technology and design (i.e., low head hydropower technology), water and power demands in the region, and environmental constraints are four major areas that have changed significantly since the 1960's water development planning efforts. Therefore use of data from these out-of-date studies does not present a true picture of the current benefits and costs of water development of the Poudre. Updating the benefits and costs of the earlier Grey Mountain-Idylwilde Project studies through the use of appropriate indices was carried out by International Engineering Company, Inc., for the City of Greeley. 57/ Although this provides better "numbers" to assess the water development opportunity on the Poudre, it must be realized that the new numbers still represent an out-dated project study. The only way to accurately assess the water development scenario on the Poudre, thus realizing the foreclosed opportunity associated with wild and scenic designation, would be to examine such development potential using current standards and procedures. This question of assessing "... reasonably foreseeable potential uses of land and water which would be ... foreclosed if the area were included in the national wild and scenic rivers system ..." (Section 4.(a)) will be explored further in the sections concerning NEPA and the Principles and Standards.

Item 6, concerning the degree of participation for administration and costs by Federal, State, and local agencies, is not addressed in the

DEIS/SR. The joint partnership between the Forest Service and the State of Colorado for preparation of the DEIS/SR is noted, but degree of participation should the river be designated is lacking. 58/ Estimated project costs on Table V-1 of the DEIS/SR (National Economic Development Account) are said to be the "estimated costs to the Federal Government," but it is not clear if this represents the total project cost or just the Federal Government's portion of the total project cost. 59/ The involvement or capability of involvement of local communities such as Poudre Park is lacking in the DEIS/SR.

The land acquisition criteria of the Act appear to have been sufficiently addressed in the DEIS/SR.

The time frame for completion of the Cache La Poudre Wild and Scenic River Study was specified in the 1975 amendment to the Wild and Scenic Rivers Act. It states that the study " ... shall be completed and reports thereon submitted by no later than October 2, 1979 ...". 60/ The DEIS/SR was made available to the public on April 8, 1980, and the final report probably will not be submitted until at least a year after the 1979 deadline. There is mixed opinion concerning this issue within the Forest Service, ranging from non-concern to acknowledgement of this as a valid criticism. 61/ It would therefore appear that a legal clarification is needed concerning the failure of the Poudre Wild and Scenic River Study to meet the requirements of the Public Law 93-621 time schedule.

National Environmental Policy Act. - The NEPA has been one of the most important pieces of legislation for protection of the environment. It requires the preparation of a "detailed statement" on "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." These environmental impact statements are required to assess:

- "(i) The environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable, commitments of resources which would be involved in the proposed action should it be implemented." 62/

Section 102.(d) further elaborates on the alternatives to be investigated, as it states: "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (emphasis added). The water development issue on the Cache La Poudre as pointed out in the previous section, is one such unresolved conflict. The DEIS/SR evaluates five alternatives, differing in degree of wild and scenic designation of the Poudre (refer back to Table 4). Alternative D calls for no designation of any of the river thus representing the no action alternative. The DEIS/SR explanation of this alternative is confusing. Page 39 states that this no action alternative "means the continuation of current management plans." 63/ This implies a status quo condition

for the Poudre with no significant changes. The following page in the DEIS/SR presents a different picture. The no action alternative, Alternative D, is discussed as representing the water development opportunities by "keeping future development options open." 64/ It would seem that continuation of present management practices and water resource development on the Poudre represent two conflicting alternatives that should be separately developed and evaluated.

CEQ Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act provide clarification of the NEPA requirements. They point out that the NEPA process should emphasize the "real environmental issues and alternatives" and to help public officials make better informed decisions. The regulations state that the alternatives section "is the heart of the environmental impact statement" and should " ... rigorously explore and objectively evaluate all reasonable alternatives ..., including reasonable alternatives not within the jurisdiction of the lead agency." 65/ These regulations seem to clearly point out that a clearly defined water development alternative/s should be contained in an EIS evaluating future water use of a water resource, such as the Poudre River. The DEIS/SR failed to formulate and evaluate all reasonable alternatives, specifically pertaining to the " ... unresolved conflicts concerning alternative uses of available resources."

Principles and Standards for Planning Water and Related Land Resources. -

The Principles and Standards were developed by the Water Resources Council in 1973 and amended in 1979, to guide planning the use of water and related land resources of the United States. Planning efforts will be:

"Directed to improvement in the quality of life through contributions to the objectives of national economic development and environmental quality. The beneficial and adverse effects on each of these objectives will be displayed in separate accounts with other accounts for the beneficial and adverse effects on regional development and social well-being. Planning for the use of water and land resources in terms of these objectives will aid in identifying alternative courses of action and will provide the type of information needed to improve the public decisionmaking process." 65/

A list of activities covered by the Principles and Standards includes a list of "Federal and federally assisted programs and projects" which specifies "Wild, scenic, and recreational rivers ..." 67/ Concerning the Wild and Scenic Rivers Act, they state that "comparisons are to be made with development alternatives which would be precluded by preserving these areas." 68/ "A range of possible alternatives capable of application by various levels of government and nongovernmental interests should be systematically evaluated in terms of their contribution to the national economic development (NED) and environmental quality (EQ) objectives." 69/ "A comprehensive range of alternatives should be evaluated toward balancing water availability over time against competing purposes." 70/ "One alternative plan will be formulated in which optimum contributions are made to the NED objective. Additionally,

during the planning process at least one alternative plan will be formulated which emphasizes the EQ objective. The number of alternative plans to be developed ... will depend upon complementarities or conflicts among specified components of the objectives, resource capabilities, technical possibilities ..." 71/ The adequacy of the DEIS/SR concerning the alternatives formulated and evaluated is questionable. The DEIS/SR states that "A National Economic Development alternative was not formulated." 72/ It further states that the "no action" alternative best serves the NED objective by keeping future development options open. 73/ The lack of a clear NED alternative fails to provide the decisionmaker with an understanding of the beneficial and adverse effects of this alternative (i.e., water development opportunities on the Cache La Poudre), therefore making it impossible to see the differences between the alternatives and accurately analyze them. Failure to consider an NED alternative essentially assigns it a zero value. Such an evaluation will produce an EQ bias, just as formulation of a NED alternative but no EQ alternative would produce an economic development bias. The Principles and Standards strive to eliminate any bias in water resources planning through establishment of the co-equal NED and EQ objectives. Comprehensive planning leading to wise use of water resources needs to analyze all beneficial and adverse effects concerning both NED and EQ.

The Principles and Standards also emphasize the importance of determining current and projected water resource demands and resource capabilities. This supply-demand relationship must be determined if the natural

resource is to be allocated properly. The following quotes from the Principles and Standards point this out:

"Plans will be directed to the improvement of the quality of life by contributing to the meeting of current and projected needs and problems ..." 74/

"These plans should be formulated to reflect national, regional, State, and local needs or problems consistent with the above two objectives." (NED and EQ). 75/

"Long-range projections of the need for and use of water and land resources will be considered ..." 76/

" ... the first step of specification of components of objectives can be viewed as establishing the boundaries of demand (needs or problems) in the context of each objective. In the next step, evaluation of resource capabilities, the initial evaluation is made of supply (availability) of the resources that can be employed to satisfy the current and future levels of demand." 77/

Concerning formulation of alternative plans, "A first requirement is to determine the general types of alternatives to be developed under alternative assumptions concerning the level and magnitude of component needs in the future." 78/

The DEIS/SR does not fully evaluate the supply-demand picture for water resources of the Cache La Poudre. Preservation needs for the Poudre, such as stream recreation and high scenic value, are stressed, while water development needs receive little analysis. The historical importance of water development in the area concerning irrigation and urban water use has been discussed previously in this report. Projected demands for these uses are not discussed in the DEIS/SR. Energy demand, relating to the hydroelectric potential of the Poudre River, for the area is not considered in the DEIS/SR. A comprehensive look at preservation and development needs for the water resources of the Poudre is needed to achieve the best allocation of that resource.

The Principles and Standards stress the need to work with non-Federal entities concerning plans that might be implemented in the absence of any Federal plan. 79/ Local interest for feasibility studies for water development on the Cache La Poudre and ultimate construction of favorable projects has been expressed by the Northern Colorado Water Conservancy District, 80/ a quasi-public organization capable of implementing such ideas. This potential water development alternative is a very real possibility, especially considering historical water development in the area, should the Federal plan for wild and scenic designation of the Poudre not occur. The Principles and Standards state the following concerning such non-Federal plans:

"Alternatives should not be limited to those the Federal Government could implement directly under present authorities. Therefore, the cooperative role of local, State, regional, and Federal organizations will be stressed. Plans, or increments thereto will not be recommended for Federal development that, although they have beneficial effects on the objectives, would physically or economically preclude non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the objectives when comparably evaluated according to these principles."

"The alternative non-Federal plan that would likely be physically displaced or economically precluded with development of the Federal plan, or increments thereto, will be evaluated for purposes of this determination on a comparable basis with the proposed Federal plan with respect to their beneficial and adverse effects on the objectives ..."81/ (emphasis added)

The full evaluation of a non-Federal water development alternative under Principles and Standards is needed in order to determine which plan best contributes to the two co-equal national objectives of NED and EQ.

As the DEIS/SR states the Principles and Standards call for an analysis of the beneficial and adverse effects on the alternative plans on four accounts: national economic development (NED), environmental quality (EQ), regional development (RD), and social well-being (SWB). 82/ The DEIS/SR discussion of the RD account presents evaluations of the alternatives on Gross Regional Product, Income, and Employment. 83/ No information is given concerning how these numbers were derived therefore it is impossible to assess their accuracy. The SWB account on the other hand presents a detailed analysis of a 1978 Social Well-Being Analysis Study on the Poudre River by CSU Sociologist David M. Freeman. 84/ The "Futures Foregone" and "Conflict Polarization" discussion is technical and hard for the man-on-the-street to understand. Additionally, a couple of technical issues made the study of questionable value. First, the preferred alternative (Alternative E) was not evaluated by the Social Well-Being Analysis Study, therefore the effects of this alternative can only be speculated on. Conversation with David Freeman revealed that his analysis technique should be iterated in an attempt to refine the alternatives and minimize the adverse impacts in the conflict polarization and futures foregone areas. Also he stated that information concerning the water development potential became available too late for proper consideration in the study. 85/ The second issue concerning the SWB study involves the Futures Foregone analysis. This analysis looked at the effect of the alternatives on various future activity opportunities. Only free-flowing river activities (rafting, kayaking, etc.) were evaluated, assuming that the river would remain unimpounded. Future

activity opportunities should the Poudre be impounded, i.e., sailing, motor boating, water skiing, hydroelectric power generation, were not included in the analysis. Evaluation of the futures foregone for flat-water recreation and hydropower could change the outcome of the analysis. This is a legitimate criticism of the analysis' design according to conversation with David Freeman. 86/

CONCLUSIONS

Water resources planning in the United States has changed dramatically over the past two decades. The rapid growth of the environmental movement and recognition of the need for comprehensive planning are two major points that have facilitated this change. Water resources planning requires a balanced approach to the two co-equal national objectives of national economic development and environmental quality. Historical evidence shows us that failure to adequately consider environmental quality has produced projects with tremendous adverse impacts on the environment in order to enhance economic development. Planning requirements contained in the NEPA and Principles and Standards attempt to correct this one-sided view of planning through a balanced NED-EQ approach, however, this should not be interpreted as a justification to inadequately consider economic development. Proper water resource planning must "count the costs" concerning development and preservation. In my opinion, the DEIS/SR fails to provide the Federally required balanced NED-EQ approach to water resources planning for the Cache La Poudre. It does not adequately consider the economic development aspects of the river that would be foregone should designation occur. Also, the DEIS/SR is inadequate with respect to several requirements, as discussed in this report, contained in the Wild and Scenic Rivers Act; USDA-USDI Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System, NEPA, and Principles and Standards. The following is a summary of the major criticism of the DEIS/SR presented in this report:

- The DEIS/SR does not properly consider the "free flowing" eligibility criteria of the Act, in light of the major transbasin diversions and upper basin reservoirs which have significantly altered the flow regime of the Poudre.
- Classification of segment 5 of the Poudre as "wild" by the DEIS/SR is questionable due to the presence of an impoundment and transbasin diversion within the proposed wild river area.
- Water development opportunities which would be foreclosed if the area were included in the national wild and scenic rivers system are not adequately addressed in the DEIS/SR.
- Administration responsibilities, including cost, to be shared by State and local agencies should the river be designated are not addressed in the DEIS/SR.
- The Cache La Poudre Wild and Scenic River Study failed to meet the required scheduled completion date (October 2, 1979) of Public Law 93-621 (authorizing legislation for the Poudre study).
- The DEIS/SR does not comply with the NEPA requirements for formulation and evaluation of reasonable alternatives pertaining to the "... unresolved conflicts concerning alternative uses of available resources."
- The DEIS/SR fails to follow the requirements of the Principles and Standards concerning the national economic development objective.
- Principles and Standards emphasize the full evaluation of the supply-demand relationship for proper water resource allocation. The DEIS/SR does not adequately address the current and projected water resource demands and resource capabilities of the Poudre.
- The DEIS/SR does not evaluate the potential non-Federal plan for water development of the Poudre for comparison with the Federal wild and scenic designation plan with respect to their beneficial and adverse effects on the two national objectives of national economic development and environmental quality.
- The DEIS/SR does not adequately address the Regional Development and Social Well-Being accounts required by the Principles and Standards.

In summary, the DEIS/SR does not present sufficient information to allow the decisionmaker to make a meaningful analysis. The DEIS/SR should be

revised to include a full discussion of economic development, in order that the decisionmaker can weigh the development-preservation issue. A full disclosure of all the beneficial and adverse impacts concerning both aspects, development and preservation, is needed before further consideration of designation of the Cache La Poudre into the national wild and scenic rivers system.

APPENDIX A

Study Rivers Listed in Public Law 90-542
October 2, 1968

1. Allegheny, Pennsylvania
2. Bruneau, Idaho
3. Buffalo, Tennessee
4. Chatoga, North Carolina, South Carolina, and Georgia
5. Clarion, Pennsylvania
6. Delaware, Pennsylvania and New York
7. Flathead, Montana
8. Gasconade, Missouri
9. Illinois, Oregon
10. Little Beaver, Ohio
11. Little Miami, Ohio
12. Maumee, Ohio and Indiana
13. Missouri, Montana
14. Moyie, Idaho
15. Obed, Tennessee
16. Penobscot, Maine
17. Pere Marquette, Michigan
18. Pine Creek, Pennsylvania
19. Priest, Idaho
20. Rio Grande, Texas
21. Saint Croix, Minnesota and Wisconsin
22. Saint Joe, Idaho
23. Salmon, Idaho
24. Skagit, Washington
25. Suwannee, Georgia and Florida
26. Upper Iowa, Iowa
27. Youghiogheny, Maryland and Pennsylvania

APPENDIX B

Study Rivers Listed in Public Law 93-621
January 3, 1975

28. American, California
29. Au Sable, Michigan
30. Big Thompson, Colorado
31. Cache La Poudre, Colorado
32. Cahaba, Alabama
33. Clarks Fork, Wyoming
34. Colorado, Colorado and Utah
35. Conejos, Colorado
36. Elk, Colorado
37. Encampment, Colorado
38. Green, Colorado
39. Gunnison, Colorado
40. Illinois, Oklahoma
41. John Day, Oregon
42. Kettle, Minnesota
43. Los Pinos, Colorado
44. Manistee, Michigan
45. Nolichucky, Tennessee and North Carolina
46. Owyhee, South Fork, Oregon
47. Piedra, Colorado
48. Shepaug, Connecticut
49. Sipsey Fork, West Fork, Alabama
50. Snake, Wyoming
51. Sweetwater, Wyoming
52. Toulumne, California
53. Upper Mississippi, Minnesota
54. Wisconsin, Wisconsin
55. Yampa, Colorado
56. Dolores, Colorado

APPENDIX C

Addition of Two Separate Study Rivers

57. Snake, Washington, Oregon, and Idaho (Public Law 94-199, December 31, 1975)
58. Housatonic, Connecticut (Public Law 94-486, October 12, 1976)

APPENDIX D

Study Rivers Listed in Public Law 95-625
November 10, 1978

59. Kern, California
60. Loxahatchee, Florida
61. Ogeechee, Georgia
62. Salt, Arizona
63. Verde, Arizona
64. San Francisco, Arizona
65. Fish Creek, New York
66. Black Creek, Mississippi
67. Allegheny, Pennsylvania
68. Cacapon, West Virginia
69. Escatawpa, Alabama and Mississippi
70. Myakka, Florida
71. Soldier Creek, Alabama
72. Red, Kentucky

APPENDIX E

Interviews on Cache La Poudre Wild and Scenic River DEIS/SR

<u>Name</u>	<u>Agency</u>	<u>Date</u>
1. Glen Weaver	CSU - Economics Department	30 May 80
2. Ray Anderson	USDA - ERS	30 May 80
3. Henry Caulfield	CSU - Political Science Department	30 May 80
4. Norman Evans	CSU - WRI	5 Jun 80
5. Robert Young	CSU - Economics Department	3 Jun 80
6. Barry Tolefson	HCRS - USDI	3 Jun 80 Telecon
7. Dennis Bode & Steve Olson	Fort Collins, Water & Sewer Dept.	4 Jun 80
8. Bill Cleary	Cong. Jim Johnson's Admin. Aid	5 Jun 80 Telecon
9. Ed Nesselroad	Forest Service - USDA	5 Jun 80
10. Hank Deutsch	Forest Service - USDA	5 Jun 80
11. Ken Czarnowski	HCRS - USDI	6 Jun 80
12. Milt Robinson	Forest Service, Reg. II, USDA	6 Jun 80
13. Don Bock	National Park Service - USDI	6 Jun 80
14. Ken Kaufman	International Engineering Co., Inc.	6 Jun 80
15. Larry Nelson	WPRS - USDI	9 Jun 80
16. Dan Merriman	Colorado Water Conservation Board	9 Jun 80
17. Lee Lamb & Mike Prewitt	Instream Flow Group - FWS - USDI	10 Jun 80
18. Ron Farmer	HEP, FWS - USDI	10 Jun 80
19. Albert Hamilton	PRPA	12 Jun 80 Telecon
20. George Wallace	Northern Colo. Resources Council	11 Jun 80
21. Ward Fischer	Ft. Collins - Chrm. Water Board	11 Jun 80
22. Tom McKenna	Preserve Our Poudre	12 Jun 80
23. David M. Freeman	CSU - Sociology Department	13 Jun 80
24. William Marlatt	CSU - Nat. Res. Department	13 Jun 80
25. Earl Phipps	Nor. Colo. Water Conservancy Dist.	16 Jun 80
26. Terry Trembly	Larimer-Weld Co. COG	16 Jun 80 Telecon
27. Karen Wadde1	POP	16 Jun 80
28. Stan Case	Ft. Collins - Power & Light Dept.	17 Jun 80
29. Victor Koelzer	CSU - Civil Engr. Department	17 Jun 80
30. Bob Mulvaney	Forest Service, Reg. II, USDA	25 Jun 80 Telecon

ENDNOTES

- 1/ Public Law 90-542 (October 2, 1968), Wild and Scenic Rivers Act. 82 Stat. 906. p. 906 (Hereafter referred to as the Act.)
- 2/ U.S. Congress. House. Committee on Interior and Insular Affairs. Providing for a National Scenic Rivers System, and for Other Purposes. H. Rept. 1623, 90th Cong. 2nd Sess. 1968. p. 2 (Hereafter referred to as House Report.)
- 3/ U.S. Congress. Senate. Committee on Interior and Insular Affairs. National Wild and Scenic Rivers System. S. Rept. 491. 90th Cong. 1st Sess. 1968. p. 2. (Hereafter referred to as Senate Report)
- 4/ Ibid., p 2.
- 5/ Raymond L. Anderson, "Wild Rivers: An Added Dimension in Water Resource Use," paper presented at the Economics of Water Resource Development Conference, December 9, 1964, pp 5-6.
- 6/ Ibid., p 9.
- 7/ Congressional Quarterly Almanac. Vol. XXIV. 90th Cong. 2nd Sess, 1968. Congressional Quarterly Inc., Washington, D.C., p 486 (Hereafter referred to as CQ Alm.)
- 8/ Susan J. Lampton, "The Legislative Process Involved in Passage of S 119, National Wild and Scenic Rivers Act," paper presented in PO 792 A, Colorado State University, May 1, 1980. p 13. (Hereafter referred to as Lampton.)
- 9/ Senate Report, p 2.
- 10/ CQ Alm., p 486.
- 11/ Ibid., p 487.
- 12/ Lampton, p 17.
- 13/ House Report, p 1.
- 14/ CQ Alm., p 487.
- 15/ Ibid., p 488.
- 16/ Lampton, p 18.
- 17/ CQ Alm., p 489.
- 18/ Ibid., p 489.

ENDNOTES (con't)

- 19/ Ibid., p 486.
- 20/ Act, 82 Stat. 909.
- 21/ CQ Alm., p 486.
- 22/ Public Law 93-621 (January 3, 1975), Wild and Scenic Rivers Act, amendments. 88 Stat. 2094, p 2094. (Hereafter referred to as 1975 Act amendments.)
- 23/ U.S. Council on Environmental Quality, "Environmental Quality - 1979: the Tenth Annual Report." Washington, D. C., Government Printing Office, Stock Number 041-011-00047-5, December 1979. p. 407.
- 24/ Ibid., p 407.
- 25/ A. Dan Tarlock and Roger Tippy, "The Wild and Scenic Rivers Act of 1968," article in Cornell Law Review, Vol. 55, No. 5, May 1970, p. 713.
- 26/ CEQ 1979 Report, pp 408-409.
- 27/ U.S. General Accounting Office, "Federal Protection and Preservation of Wild and Scenic Rivers is Slow and Costly," Report to the Congress CED-78-96, May 22, 1978, p 5.
- 28/ Weekly Compilation of Presidential Documents, Vol. 15, No. 31, Jimmy Carter, August 6, 1979, p 1365.
- 29/ Don Bock, National Park Service, Personal Conversation, June 6, 1980.
- 30/ Senate Report, p 2.
- 31/ Raymond L. Anderson, Economic Research Service - USDA, Personal Conversation, May 30, 1980.
- 32/ Ibid.
- 33/ House Report, p 45.
- 34/ CQ Alm., p 487.
- 35/ 1975 Act amendments, 88 Stat. 2094.
- 36/ U.S. Department of Agriculture - Forest Service and Colorado Department of Natural Resources - Water Conservation Board, Draft Environmental Impact Statement and Study Report, Cache La Poudre Wild and Scenic River, Arapaho and Roosevelt National Forests, April 8, 1980, Fort Collins, Colorado, p 5. (Hereafter referred to as DEIS/SR).

ENDNOTES (con't)

- 37/ Ibid., p 2.
- 38/ Ibid., p 3.
- 39/ Ibid, pp 77-78.
- 40/ Ibid., p ii.
- 41/ Ibid., p iii.
- 42/ Ibid., p ii.
- 43/ Ibid., p 2.
- 44/ Act, 82 Stat. 906.
- 45/ DEIS/SR, p 33.
- 46/ Act, 82 Stat 918.
- 47/ DEIS/SR, p 12.
- 48/ Raymond L. Anderson, Economic Research Service - USDA, Personal Conversation, May 30, 1980.
- 49/ Earl Phipps, Secretary-Manager, Northern Colorado Water Conservancy District, Personal Conversation, June 16, 1980.
- 50/ DEIS/SR, p 20.
- 51/ U.S. Departments of Agriculture and the Interior, Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, Public Law 90-542. February 1970. p 3.
- 52/ Ibid., p 7.
- 53/ DEIS/SR, pp 34-36.
- 54/ Act, 82 Stat. 909.
- 55/ John T. Daubert and Robert A. Young, "Recreation Demand for Maintaining Instream Flows: A Contingent Valuation Approach," a draft report supported by the U.S. Office of Water Research and Technology, Project A-035 and the Colorado State University Experiment Station. 1980. p 8.
- 56/ DEIS/SR, p ii.

ENDNOTES (con't)

- 57/ International Engineering Company, Inc., Report of Long Range Study, Seaman Reservoir and Grey Mountain Dam, for the City of Greeley - Water and Sewer Board, March 1980, p 5-1.
- 58/ DEIS/SR, p 2.
- 59/ Ibid., pp 47-48.
- 60/ 1975 Act amendments, 88 Stat. 2095.
- 61/ Hank Deutsch and Bob Mulvaney, Forest Service - USDA, Personal Conversations, June 5, 1980 and June 25, 1980.
- 62/ Public Law 91-190 (January 1, 1970) The National Environmental Policy Act. 83 Stat. 852. p 852.
- 63/ DEIS/SR, p 39.
- 64/ Ibid., p. 40.
- 65/ U.S. Council on Environmental Quality. "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 CFR Part 1500-1508, U.S. GPO, Washington, D.C., Stock Number 041-011-00042-4, November 29, 1978, pp 12-13.
- 66/ U.S. Water Resources Council. "Principles and Standards for Planning Water and Related Land Resources," Federal Register, Washington, D.C., September 10, 1973 and as amended on December 14, 1979, p 5. (Hereafter referred to as Principles and Standards, page numbers refer to 1973 FR numbers).
- 67/ Ibid., p 23.
- 68/ Ibid., p 28.
- 69/ Ibid., p 11.
- 70/ Ibid., p 86.
- 71/ Ibid., p 15.
- 72/ DEIS/SR, p 40.
- 73/ Ibid., p 40.
- 74/ Principles and Standards, p 13.

ENDNOTES (con't)

75/ Ibid., p 13.

76/ Ibid., p 93.

77/ Ibid., p 98.

78/ Ibid., p 101.

79/ Ibid., p 87.

80/ Earl Phipps, Secretary - Manager, Northern Colorado Water Conservancy District, Personal Conversation, June 16, 1980.

81/ Principles and Standards, p 87.

82/ DEIS/SR, pp 38-39.

83/ Ibid., p 59.

84/ Ibid., p 61.

85/ David M. Freeman, Department of Sociology - Colorado State University, Personal Conversation, June 13, 1980.

86/ Ibid.

REFERENCES

- Anderson, Raymond L., "Wild Rivers: An Added Dimension in Water Resource Use." A paper presented at the Economics of Water Resource Development Conference, Western Agricultural Economics Research Committee, San Francisco, California. December 9, 1964.
- Congressional Quarterly Almanac, Vol. XXIV. 90th Cong 2nd Sess, 1968. Congressional Quarterly Inc., Washington, D.C.
- Daubert, John T. and Robert A. Young, "Recreation Demand for Maintaining Instream Flows: A Contingent Valuation Approach." a draft report supported by the U.S. Office of Water Research and Technology-Project A-035 and the Colorado State University Experiment Station. 1980.
- Freeman, David M., A Social Well-Being Analysis of Four Proposed Management Alternatives on the Poudre River Wild and Scenic Study Area. Department of Sociology, Colorado State University. June 30, 1978.
- International Engineering Company, Inc. Report of Long Range Study - Seaman Reservoir and Grey Mountain Dam. Prepared under contract for the City of Greeley - Water and Sewer Board, 2 volumes, March 1980.
- Lampton, Susan J. "The Legislative Process Involved in the Passage of S 119, National Wild and Scenic Rivers Act." A paper presented in PO 792A, Colorado State University. May 1, 1980.
- Mid-Continent Regional Wild Rivers Task Group. Draft Study Report on a Portion of the Upper Green River, Wyoming. Prepared for consideration of the Wild Rivers Study Team. July 1, 1964.
- Public Law 90-542 (October 2, 1968), Wild and Scenic Rivers Act, 82 Stat. 906.
- Public Law 91-190 (January 1, 1970), National Environmental Policy Act, 83 Stat. 852.
- Public Law 93-621 (January 3, 1975), Wild and Scenic Rivers Act, amendments, 88 Stat. 2094.
- Public Law 94-199 (December 31, 1975), Hells Canyon National Recreation Area Act, 89 Stat. 1117.
- Public Law 94-486 (October 12, 1976), Wild and Scenic Rivers Act, amendments, 90 Stat. 2327.
- Public Law 95-625 (November 10, 1978), National Parks and Recreation Act of 1978, 92 Stat. 3467.

REFERENCES (con't)

- Ritchey, Norman C. Multiple-Use Planning in the Little South Fork of the Cache La Poudre Watershed. Masters Thesis. Cooperative Watershed Management Unit - Colorado State University. June 1964.
- Tarlock, A. Dan and Roger Tippy. "The Wild and Scenic Rivers Act of 1968." in Cornell Law Review. Vol 55, No. 5, May 1970.
- U.S. Congress. House. Committee on Interior and Insular Affairs. Providing for a National Scenic Rivers System, and for Other Purposes. H. Rept. 1623. 90th Cong., 2nd Sess., House Miscellaneous Reports on Public Bills IV, 1968.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. National Wild and Scenic Rivers System. S. Rept. 491. 90th Cong., 1st Sess., Senate Miscellaneous Reports on Public Bills, III, 1967.
- U.S. Council on Environmental Quality, "Environmental Quality: the Tenth Annual Report." Washington, D.C., GPO, Stock No. 041-011-00047-5, December 1979.
- U.S. Council on Environmental Quality, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act." 40 CFR Parts 1500-1508. Washington, D.C., Government Printing Office, Stock Number 041-011-0042-4, November 29, 1978.
- U.S. General Accounting Office, "Federal Protection and Preservation of Wild and Scenic Rivers is Slow and Costly." Report to the U.S. Congress. CED-78-96. Washington, D.C. May 22, 1978.
- U.S. Departments of Agriculture and the Interior, Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System under Section 2, Public Law 90-542. February 1970.
- U.S. Department of Agriculture - Forest Service and State of Colorado Department of Natural Resources - Water Conservation Board. Cache La Poudre Draft Environmental Impact Statement and Study Report. Arapaho and Roosevelt National Forests, Fort Collins, Colorado. April 8, 1980.
- _____. Conejos Wild and Scenic River Study and Final Environmental Impact Statement. Rio Grande National Forest, Monte Vista, Colorado. 1979.
- _____. Elk Wild and Scenic River - Final Environmental Impact Statement and Study Report. Routt National Forest, Steamboat Springs, Colorado. 1979.
- _____. Los Pinos Wild and Scenic River - Draft Environmental Impact Statement and Study Report. San Juan National Forest, Durango, Colorado. 1979.

REFERENCES (con't)

- _____. Piedra River Final Environmental Impact Statement and Wild and Scenic River Study. San Juan National Forest, Durango, Colorado. 1979.
- U.S. Department of Agriculture - Forest Service, Department of the Interior - Bureau of Outdoor Recreation, and State of Colorado Department of Natural Resources - Water Conservation Board. Dolores Wild and Scenic River Final Environmental Impact Statement and Study Report. 1976.
- U.S. Department of the Interior - National Park Service and State of Colorado Department of Natural Resources - Water Conservation Board. Big Thompson River Wild and Scenic River Study. Denver, Colorado. 1979.
- _____. Colorado and Lower Dolores Rivers Wild and Scenic River Study and Final Environmental Impact Statement. Denver, Colorado. 1979.
- _____. Green and Yampa Rivers Draft Wild and Scenic River Study and Environmental Statement. Denver, Colorado. 1979.
- _____. Gunnison River Final Environmental Statement and Wild and Scenic River Study. Denver, Colorado. 1979.
- U.S. Department of the Interior - Bureau of Reclamation. Reconnaissance Report Cache La Poudre Unit, Colorado, Longs Peak Division, Missouri River Basin Project. Denver, Colorado. 1963.
- _____. Concluding Report Cache La Poudre Unit, Colorado, Longs Peak Division, Missouri River Basin Project. Denver, Colorado. 1966.
- _____. Pick-Sloan Missouri River Basin Program, Front Range Unit, Longs Peak Division, Colorado, Status Report. Denver, Colorado. 1977.
- U.S. Water Resources Council. "Principles and Standards for Planning Water and Related Land Resources." Federal Register, Washington, D.C., September 10, 1973 and as amended on December 14, 1979.
- Weekly Compilation of Presidential Documents, Vol. 15, No. 31, Jimmy Carter, August 6, 1979.