

WILD AND SCENIC RIVER ELIGIBILITY: CIMARRON AND COMANCHE NATIONAL GRASSLANDS

INTRODUCTION

In 1968 Congress enacted the Wild and Scenic Rivers Act (WSRA) to preserve select rivers' free-flowing condition, water quality, and outstandingly remarkable values (ORVs). The most important provision of the WSRA is protecting rivers from the harmful effects of water resources projects. To protect free-flowing character, the Federal Energy Regulatory Commission (which licenses nonfederal hydropower projects) is not allowed to license construction of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works on or directly affecting Wild and Scenic Rivers (WSR). Other federal agencies may not assist by loan, grant, license, or otherwise any water resources project that would have a direct and adverse effect on the values for which a river was designated.

The WSRA also directs that each river in the National Wild and Scenic Rivers System be administered in a manner to protect and enhance a river's outstanding natural and cultural values. It allows existing uses of the river to continue and future uses to be considered, as long as the existing or proposed use does not conflict with protecting river values. The WSRA also directs building partnerships among landowners, river users, tribal nations, and all levels of government.

In addition to affording the immediate protection of the eight rivers in the enabling legislation, the WSRA establishes a process for building a legacy of protected rivers. Rivers may be identified for study by an act of Congress under Section 5(a), or through a federal agency-initiated study under Section 5(d)(1). By the end of 2002, Congress had authorized 138 rivers for study. Section 5(d)(1) directs federal agencies to consider the potential of WSR in their planning processes, and its application has resulted in numerous individual river designations, and state and area-specific legislation.

Although there are other political means to establish Wild and Scenic Rivers, the primary process is through studies by federal land management agencies, which then present recommendations to Congress. This study process requires two steps before a river can be included in the National Wild and Scenic Rivers System. The first is an evaluation of a river's eligibility and potential classification. This evaluation considers the area within one-quarter mile of the high water marks on both sides of a river, and other features outside this corridor if their inclusion is essential for the protection of the river's ORVs. To be eligible for inclusion in the National System a river must be free-flowing and have at least one ORV.

The WSRA defines "free-flowing" as existing or flowing in a natural condition without impoundments, diversions, straightening, rip-rapping, or other modifications of the waterway. The existence of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the National System does not automatically disqualify it for designation, but future construction of such structure may not be permitted. The guidelines state "the fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria."

To the extent that the U.S. Department of Agriculture Forest Service (FS) is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the study river cannot be modified by new structures that were not part of conditions when eligibility was determined.

The second and final procedural step, suitability, provides the basis for determining whether to recommend a river as part of the national system. A suitability analysis is designed to answer the following questions:

1. Should the river's free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
2. Will the river's free-flowing character, water quality, and ORVs be protected through the river's designation as a WSR? Is designation the best method for protecting the river corridor? In answering these questions, the benefits and effects of WSR designation must be evaluated and alternative protection methods considered.
3. Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?

Although study corridors may include private lands, Forest Service jurisdiction and management practices do not control private land activities. If designation of any river occurs and if private land lies within the corridor, the Forest Service would consider acquisition of private lands only when the owner is willing to sell or exchange land for the appraised value. The Forest Service would not obligate anyone to sell his or her property.

Regardless of classification, rivers in the National System often are referred to simply as "wild and scenic." It is important to note that the specific legal classification of a particular river – as Wild, Scenic, or Recreational – has a direct effect on how it is administered and whether certain activities on federally owned land are permissible. Whatever the classification, each designated river is administered with a goal of non-degradation and enhancement of the values that led to its designation.

The identification of a river for study through the forest planning process does not trigger any protection under the WSRA. However, Forest Service policy requires interim protection be provided, to the extent of our authority, to protect the river and its qualities. To manage a river for its potential inclusion into the National System, the forest plan should provide direction using other authorities to protect its free-flowing character, water quality, ORVs, and preliminary or recommended classification.

All Fourth Order and larger streams on the Cimarron and Comanche National Grasslands (Grasslands) were evaluated for their eligibility to become part of the National System. If a river is found eligible it will be managed under the appropriate Wild, Scenic, or Recreational management area standards and guidelines to protect those values that made it eligible and the characteristics that established its potential classification.

The second phase of river study, suitability, will be initiated when:

1. Strong public interest or support is demonstrated for Wild and Scenic River designation, *and*
2. Congress expresses interest in a specific river for Wild and Scenic River designation, *or*
3. A proposed project would alter the free-flowing character of a stream, such as by impoundment, or would affect the resources that made the stream eligible.

The eligibility evaluations found one river segment to be eligible. All other rivers on the Grasslands were found to be ineligible based on lack of ORVs and/or not possessing a free-flowing nature. The eligible river segment is described below.

PURGATOIRE RIVER

Eligible Segment and Potential Classification

One eligible segment of the Purgatoire River runs through the Comanche National Grassland (Comanche). This segment has a total combined length of approximately 16 miles.

General Description

Purgatoire River – Recreational

This segment begins where the river enters National Forest System (NFS) lands (Section 35, R. 56 W., T. 28 S.) and stretches approximately 16 river miles down stream to where the river exits NFS land (Section 26, R. 55 W., T. 27 S.). The approximate size of the parcel of NFS land that this segment flows through is 14,836 acres.

This segment of the Purgatoire River flows through the Picket Wire Canyonlands. The majority of the segment is located in Las Animas County; approximately 3.5 miles of the most downstream portion is in Otero County. It lies within the largest and most accessible portion of the Canyonlands. The first impression of the Picket Wire Canyonlands, viewed from the edge of the canyon, is the remarkable contrast between the flat, somewhat featureless landscape of the shortgrass prairie and the canyon. The landform or terrain consists of the canyon lined with sharp exposed rock cliffs, a yellow-colored sandstone contrasting with the vegetation of the canyon.

Wildlife species common to the area include mule deer, white-tailed deer, big horn sheep, elk, raccoon, rock squirrel, thirteen-lined ground squirrel, coyote, grey fox, bob cat, and mountain lion. Birds include turkey, red-tailed hawk, Swainson's hawk, great horned owl, scaled quail, prairie falcon, American kestrel, golden eagle, canyon towhee, mourning dove, mountain bluebird, northern flicker, downy woodpecker, hairy woodpecker, Lewis's woodpecker, and many others.

Vegetative features include scatterings of juniper mixed with semi-arid plants of cactus, yucca, grasses and forbs below the cliffs and above the alluvial valley bottom. The vegetation found in the river bottom consists of cottonwood, willow, tamarisk and various shrubs, including currant, chokecherry and plum, as well as tall and mid-grass species. An effort is currently underway to control the invasive tamarisk (salt cedar) along the Purgatoire in the Picket Wire Canyonlands. This effort and ongoing management should improve the overall health of the riparian ecosystem.

The extensive dinosaur trackways are one of the most unique features along the Purgatoire River. Over 1,300 tracks representing perhaps as many as one hundred individual dinosaurs are preserved in limestone layers of the lower Morrison Formation (about 150 million years old). The trackways are a

naturally-occurring part of the active river channel, and were exposed by the erosive action of the river over the last several centuries.

The trackways have long been considered the largest dinosaur tracksite in North America.; there is no doubt that this tracksite is one of the largest and best known on an international scale. The site preserves parallel trackways of dinosaurs seemingly traveling together, and provides one of the first and most convincingly documented pieces of evidence of gregarious behavior in dinosaurs.

The tracksite is internationally renowned, and has been the subject of attention by the British Broadcasting Corporation, the Public Broadcasting System, National Public Radio, and National Geographic Magazine. Visitors from across the nation make the rather arduous hike to the site.

Evidence of man's presence also remains along the Purgatoire River. The Wine Glass Ranch headquarters (Rourke Ranch) was used until the ranch was purchased in 1984. The original homestead is over 100 years old and has lost some of its integrity due to modernization over the years. Nonetheless, the ranch house and associated outbuildings are of interest to many because of their architecture and the building materials. The Rourke Ranch is listed as a National Historic District on the National Register of Historic Places (NRHP). Along the Purgatoire are numerous other prehistoric and historic sites that are individually eligible and eligible as a Historic District to the NRHP.

The Purgatoire River is a tributary to the Arkansas River and has been documented to be fish bearing for those river reaches within the Comanche boundary. The Purgatoire River is one of three perennial flowing tributaries on the Comanche. Other than Timpas Creek, this river system has the most diverse fish fauna, offers the most intact desired functioning aquatic habitat on the Comanche, and so can be considered a stronghold for these species. There are needs for restoration, such as invasive species management, within the riparian area. Sediment issues have also been identified, but may need further investigation because turbidity levels are characteristically higher for Great Plains river systems. The existing fish assemblage within the Purgatoire River is associated with conditions of higher turbidity levels, as well. The Purgatoire River may offer opportunities for the re-introduction or introduction of native aquatic species. The tributaries in the Picket Wire Canyonlands may provide critical elements associated with fulfilling necessary life history requirements for native plains species, as has been demonstrated in research on the adjacent Piñon Canyon Maneuver Site (Lohr and Fauchsh 1995).

In conclusion, the Purgatoire River has Outstandingly Remarkable paleontological, historic, fishery, and recreational (interpretation at the dinosaur trackway) values and has been determined to possess a free-flowing nature. Therefore, the approximately 16-mile stretch of river located in the Northern Parcel of Picket Wire Canyonlands is deemed eligible for inclusion in the National Wild and Scenic River System.

LITERATURE CITED

Diedrich, Jackie and Cassie Thomas. USDA, Forest Service. USDI, Natl. Park Service. 1999. The Wild & Scenic River Study Process. Portland, Oregon, and Anchorage, Alaska. Document on file at the Comanche National Grassland, Springfield Ranger District

Office, Springfield, CO and at <http://www.nps.gov/rivers/publications.html>. Accessed April 2005.

Diedrich, Jackie. USDA Forest Service. 1999. Implementing the Wild & Scenic Rivers Act: Authorities and Roles of Key Federal Agencies. Portland, Oregon. Document on file at the Comanche National Grassland, Springfield Ranger District Office, Springfield, CO and at <http://www.nps.gov/rivers/publications.html>. Accessed April 2005.

Haas, Dan. USDI, Natl. Park Service. 2000. Designating Rivers Through Section 2(a)(ii) of the Wild & Scenic Rivers Act. Seattle, Washington. Document on file at the Comanche National Grassland, Springfield Ranger District Office, Springfield, CO and at <http://www.nps.gov/rivers/publications.html>. Accessed April 2005.

Haubert, John. USDI, Natl. Park Service. 1998. An Introduction to Wild and Scenic Rivers. Washington, D.C.. Document on file at the Comanche National Grassland, Springfield Ranger District Office, Springfield, CO and at <http://www.nps.gov/rivers/publications.html>. Accessed April 2005.

Lohr, S.C., and K.D. Fausch. 1995. Aquatic Biota and Habitat of the Purgatoire River and its Tributaries at the U.S. Army Piñon Canyon Maneuver Site and the U.S. Forest Service Picket Wire Canyonland, Colorado. Colorado State University, Fort Collins, CO. Project Completion Report Submitted To: U.S. Army, U.S. Fish and Wildlife Service, and U.S. Forest Service.

USDA, Forest Service. 1994. Comanche National Grassland Picket Wire Canyonlands Management Plan. Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands. USDA Forest Service Document. On file at the Comanche National Grassland, Springfield Ranger District Office, Springfield, CO.