

## **WILD AND SCENIC RIVER ELIGIBILITY: CIMARRON AND COMANCHE NATIONAL GRASSLANDS**

### **INTRODUCTION**

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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 the construction of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works that are on or directly affect 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 that protects and enhances 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.”

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?

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.

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 protection of values may involve state, local, and private partnerships, land acquisitions (where opportunity exists), or both.

All 4<sup>th</sup> order and higher streams on the Cimarron and Comanche National Grasslands (Grasslands) were evaluated for their eligibility to become part of the National System. An explanation of why 4<sup>th</sup> order and greater streams were chosen is provided in the following section. 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, would generally be initiated when:

1. 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.

## **ELIGIBILITY EVALUATIONS ON THE GRASSLANDS**

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

Eligibility evaluations on the Grasslands were completed for all 4<sup>th</sup> order and higher streams. The eligibility evaluation process was initiated with a pre-review of all flowing bodies of water on the Grasslands. This included more than 1,220 miles of 1<sup>st</sup> order and higher streams meeting the definition of a river as defined by the Wild and Scenic Rivers Act (P.L. 90-542). This allowed us to initially consider intermittent rivers, provided the volume of flow was sufficient enough to sustain or complement the ORVs identified within a river segment. As a result of the pre-review, only the 4<sup>th</sup> order and higher streams met the “sufficient flow” criteria. These were the 21 streams evaluated for WSR eligibility.

One river, the Purgatoire, was found free-flowing and possessing ORVs. The Cimarron River was found eligible although not suitable in the Land and Resource Management Plan-- Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands (USDA FS 1984). There are no changed circumstances to warrant its reconsideration (USDA FS 2005).

### **THE PURGATOIRE RIVER**

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#### **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 through which this segment flows is 14,836 acres, and includes any associated tributaries.

This segment of the Purgatoire River flows through the Picket Wire Canyonlands. The majority of the segment is located in Las Animas County, Colorado; approximately 3.5 miles of the most downstream portion is in Otero County, Colorado. 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 is cottonwood, willow, tamarisk and various shrubs, including currant, chokecherry and plum, as well as tall and mid-grass species. Efforts to control the invasive tamarisk (salt cedar) along the Purgatoire in the Picket Wire Canyonlands are currently underway. This effort and ongoing management should improve the overall health of the riparian ecosystem.

### **Outstandingly Remarkable Values: Paleontological**

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 is one of the first and most convincingly documented pieces of evidence of gregarious behavior in dinosaurs.

### **Outstandingly Remarkable Values: Recreational**

Both the dinosaur tracksite and the prehistoric and historic sites draw recreationists from around the nation. The dinosaur 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. The arduous hike into the tracksite is made by numerous visitors from across the nation. The prehistoric and historic sites, in particular the historic cemetery and rock art, are the focal point for many recreationists. Evidence indicates prehistoric and historic human occupation of the area ranging from 11,000 C.E. to A.D. 1950s.

### **Outstandingly Remarkable Values: Prehistoric and Historic**

Evidence of human's presence from remains along the Purgatoire River dates from 11,000 C.E. to A.D. 1950s. 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 although it has lost some of its integrity due to modernization over the years, it still retains the distinctive characteristics of a type, period, or method of construction found in that era. The ranch house and associated outbuildings are of interest to many precisely 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.

### **Outstandingly Remarkable Values: Fisheries**

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 and offers the most intact desired functioning aquatic habitat on the Comanche, so can be considered a stronghold for these species. Restoration is needed, 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 Pinyon [*sic*] Canyon Maneuver Site (Lohr and Fausch 1995).

In conclusion, the Purgatoire River was found free-flowing and to possess four Outstandingly Remarkable Values: paleontological, recreational, historic, and fisheries values. Therefore, the 16-mile segment of the Purgatoire River that runs through the northern parcel of Picket Wire Canyonlands (including the 14,836 acres of adjacent land and river tributaries) is deemed eligible for inclusion in the National Wild and Scenic River System.

## **LITERATURE CITED**

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