



REPORT TO CONGRESS

Curecanti Resource Protection Study

June 2009



To the Members of Congress,

We are pleased to present the results of the Resource Protection Study at Curecanti National Recreation Area (NRA) in Gunnison and Montrose Counties, Colorado. The study was conducted in response to a request by Congress to assess the natural, cultural, recreational, and scenic resources within and surrounding the NRA; identify alternatives to protect those resources; and recommend a variety of tools to achieve this protection.

The study recommendations will ensure that the Bureau of Reclamation and Western Area Power Administration will continue their administrative jurisdictions and responsibilities for the construction, operation, maintenance, replacement, and additions required for the Wayne N. Aspinall Unit and the Uncompahgre Project.

The recommendations include a request that Congress consider legislative establishment of the National Recreation Area and designation of a Conservation Opportunity Area. Together, the recommendations are designed to enhance operational efficiencies among the various land management agencies in the Curecanti area; provide for the continuation and potential expansion of recreational opportunities; and ensure the conservation of the natural and cultural resources and the preservation of the spectacular scenery which is intrinsic to the Curecanti experience.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Snyder". The signature is written in a cursive, flowing style.

Michael D. Snyder
Intermountain Regional Director
National Park Service

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EXECUTIVE SUMMARY

Request from Congress

The National Park Service (NPS), with the Bureau of Reclamation (Reclamation) as a cooperating agency, has prepared this report in response to Section 11 of the *Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999* (Public Law 106-76). The Act instructed the Secretary, acting through the NPS Director, to conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area (NRA). The Secretary was then to submit a report to Congress summarizing the findings and making recommendations. Although the study and report was requested within three years of passage of the Act, additional time was needed to resolve a variety of issues brought up during the course of the study.

The purpose of the study is to assess the natural, cultural, recreational, and scenic resources within and surrounding the NRA; identify alternatives to protect those resources; and recommend a variety of tools for this resource protection.

Additional Background

The NRA evolved from the Colorado River Storage Project Act of 1956. Pursuant to the Act and other laws, Reclamation planned for, constructed, and now operates the dams, reservoirs, power plants, and related facilities of the Curecanti Unit, known today as the Wayne N. Aspinall Unit (Aspinall Unit). Reclamation also has primary responsibilities for the Gunnison Tunnel and its related facilities (Uncompahgre Project). Therefore, Reclamation served as a cooperating agency on the study and environmental impact statement.

Under a 1965 Memorandum of Agreement (MOA) between Reclamation and NPS, Reclamation manages the dams, reservoirs, power plants, access roads, and related facilities, while NPS manages the natural and cultural resources, opportunities for public recreation and resource understanding, and their associated facilities.

Despite the decades of NPS presence in co-managing the NRA, Curecanti has not yet been formally designated by Congress as a national recreation area, and has no legislated boundary.

Study Alternatives and Recommendations

Two alternatives were selected for detailed analysis of impacts by the study team—Alternative 1: No Action (Continuation of Existing Conditions); and Alternative 2: Proposed Action. Alternatives 1 and 2, along with the other alternatives considered but eliminated from detailed assessment, are described in the *Final Resource Protection Study/Environmental Impact Statement* (Final RPS/EIS). Alternative 2 was selected as the preferred alternative, or selected action, in the Record of Decision.

The draft version of the RPS/EIS underwent a 90-day public review period. Of the 35 comments received, 63% supported the Proposed Action, 26% were neutral, and 11% supported the No Action Alternative. It is important to note that the Proposed Action has the support of the involved agencies and local governments (Gunnison and Montrose Counties, and the City of Gunnison).

The recommendations of the Proposed Action include a request that Congress consider legislative establishment of Curecanti as a National Recreation Area, and designation of a Conservation Opportunity Area (COA) outside of the NRA boundary. Details of the recommendations may be found on pages 10-12 of this Report.

The entire Final RPS/EIS is available on the NPS planning website at <http://parkplanning.nps.gov/cure>. It is also included on the compact disc (CD) that is in the pocket attached to the inside front cover of this Report. In addition, the CD contains this Report to Congress, a PowerPoint presentation that identifies the background and findings of the study, an 8-page Summary Brochure of the Final RPS/EIS, and the Record of Decision on the Final RPS/EIS.

BACKGROUND OF CURECANTI

Curecanti NRA is comprised of 41,790 acres of federal lands and waters, stretching approximately 40 miles along the Gunnison River Basin in Gunnison and Montrose Counties, Colorado. It offers a variety of recreational opportunities in a spectacular geological setting.

The roots of Curecanti began in 1956 when Congress authorized Reclamation to construct the Curecanti Unit of the Colorado River Storage Project, which consists of three dams, their reservoirs and related facilities. Reclamation acquired most of the needed lands in the 1960s. These lands were the minimum required for the primary purposes of the project, with little or no consideration given to potential opportunities for land-based recreation that might be associated with an emerging NRA.

Today, pursuant to applicable laws, regulations, and agreements, Reclamation, Western Area Power Administration (Western), and NPS each have jurisdictional roles and responsibilities within and adjacent to the NRA. Reclamation manages two projects and their dams, reservoirs, power plants, access roads and related facilities. Western manages electrical transmission lines, a substation, various communication sites, and access roads to these facilities. (Note: these facilities are shown on the “Existing Conditions Map” on page 3 of the Final RPS/EIS.) NPS, pursuant to a 1965 Memorandum of Agreement (MOA) with Reclamation, manages the natural and cultural resources, opportunities for public recreation and resource understanding, and associated facilities. It should be noted, however, that the NRA has never been legislatively established as a unit of the national park system, and has no legislated boundary.



PURPOSE OF THE STUDY

This study was conducted in response to a request by Congress (Public Law 106-76). NPS, with Reclamation as a cooperating agency, has conducted the study to identify methods and tools that could be used to ensure the long-term conservation of surrounding natural, cultural, recreational, and scenic resources; continued and expanded visitor use, enjoyment, and understanding; and continued and/or expanded recreational opportunities. The study also evaluated whether or not to recommend to Congress that the NRA be formally established with a legislated boundary, and what agency or agencies should be responsible for managing the NRA.



Curecanti National Recreation Area offers a variety of recreational opportunities in a spectacular geological setting.

PRIMARY EMPHASIS OF THE STUDY

This study identified ways in which NPS could work in partnership with agencies and local governments, and other entities and landowners, to more effectively conserve the natural, cultural, recreational, and scenic resources and character of the land within and surrounding Curecanti NRA. It evaluated whether or not NPS should seek formal establishment of Curecanti as a congressionally legislated NRA for permanence of resource conservation and public recreation.

This study excluded any considerations pertaining to water rights or operations of Reclamation projects; any recommendation that would infringe on the rights of landowners; and any recommendation that would use condemnation or other tools not in partnership and cooperation with private landowners.

Also, study recommendations sought to assure that Reclamation and Western would continue their administrative jurisdiction and responsibilities within and adjacent to the national recreation area. These include construction, operation, maintenance, replacements, and additions; and the agencies and their assigns would continue to have unrestricted access to their lands and land interests, water and water interests, and facilities, consistent with Reclamation law and other applicable laws and regulations.

PUBLIC AND AGENCY INVOLVEMENT

In developing the Proposed Action, and to receive input from all interested parties, NPS conducted more than 60 meetings throughout the project with local, state, and federal elected officials and/or their staffs; neighboring state and federal land management agencies; American Indian tribes; adjacent private landowners; other stakeholders; and the general public. This process began in 2000 by gathering information through public and agency scoping meetings, included three newsletters and use of the NRA and NPS planning websites, and culminated in the release of the Draft RPS/EIS in July 2007 for review and comment. A summary of those comments appears on page 8 of this Report.

The Final RPS/EIS was released to the public in September 2008, and the Environmental Protection Agency's (EPA's) Notice of Availability appeared in the Federal Register on October 3. The Final RPS/EIS was available for public inspection on the NPS planning website, at NRA headquarters, and at local libraries; and local and regional media announced the availability of the document upon its release. By the end of the inspection period on November 3, NPS had received no public comments on the Final RPS/EIS.

The Record of Decision was signed on December 4, 2008, and the Notice of Availability for the Record of Decision appeared in the Federal Register on April 13, 2009. Alternative 2, "The Proposed Action," was chosen as the selected action.



In the preferred alternative, the National Park Service continues to manage the natural, cultural, and recreational resources; and the Bureau of Reclamation continues to manage their projects at Curecanti National Recreation Area.

THE ALTERNATIVES

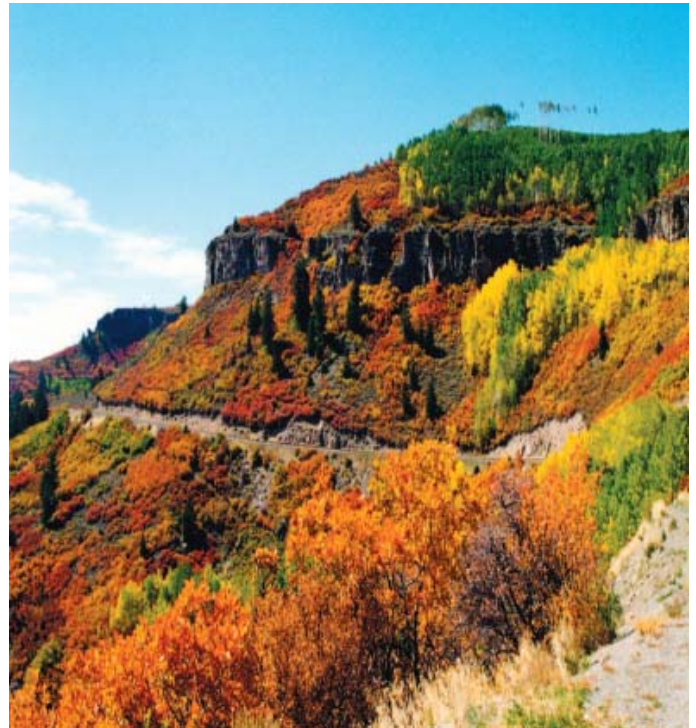
Numerous alternatives for management were considered during the course of the study. However, only two were deemed necessary and appropriate for detailed assessment. Other alternatives that were considered, and the reasons for not analyzing them in detail, are described in the Final RPS/EIS.

The primary differences between the alternatives are summarized in the table on the following page. The impacts of the alternatives are described in detail in the Final RPS/EIS. A map of the preferred alternative, or proposed action, appears on the centerfold of this Report.

Under both alternatives, operational responsibilities of both Reclamation and NPS would remain essentially unchanged from how the NRA is now being managed. However, it is anticipated that under Alternative 2, the 1965 Memorandum of Agreement between Reclamation and NPS would need to be revised to reflect new legislative requirements.

Alternative 1 (No Action): Under the No Action alternative, the NRA would consist of essentially the same area without a legislated boundary. Many of the tools that could be applied under the Proposed Action towards long-term conservation of important resources on lands surrounding the NRA would not be authorized under No Action. This would result in a greater expectation that some important resources, especially scenic resources, would deteriorate over the long term.

Alternative 2 (Proposed Action): This alternative recommends that the NRA be legislatively established by Congress. The legislation would designate NPS to be responsible for managing the natural, cultural, and recreational resources, visitor use and education, and associated facilities. A net total of approximately 10,040 acres of mutually agreed upon adjacent federal and state agency lands would be added to the NRA within a legislated boundary; and some acres would be transferred from the NRA to the U.S. Forest Service. Potential future transfers to the Bureau of Land Management are also recommended. The purpose of additions to and transfers from the NRA are for improved management efficiencies and expanded recreational opportunities within the NRA.

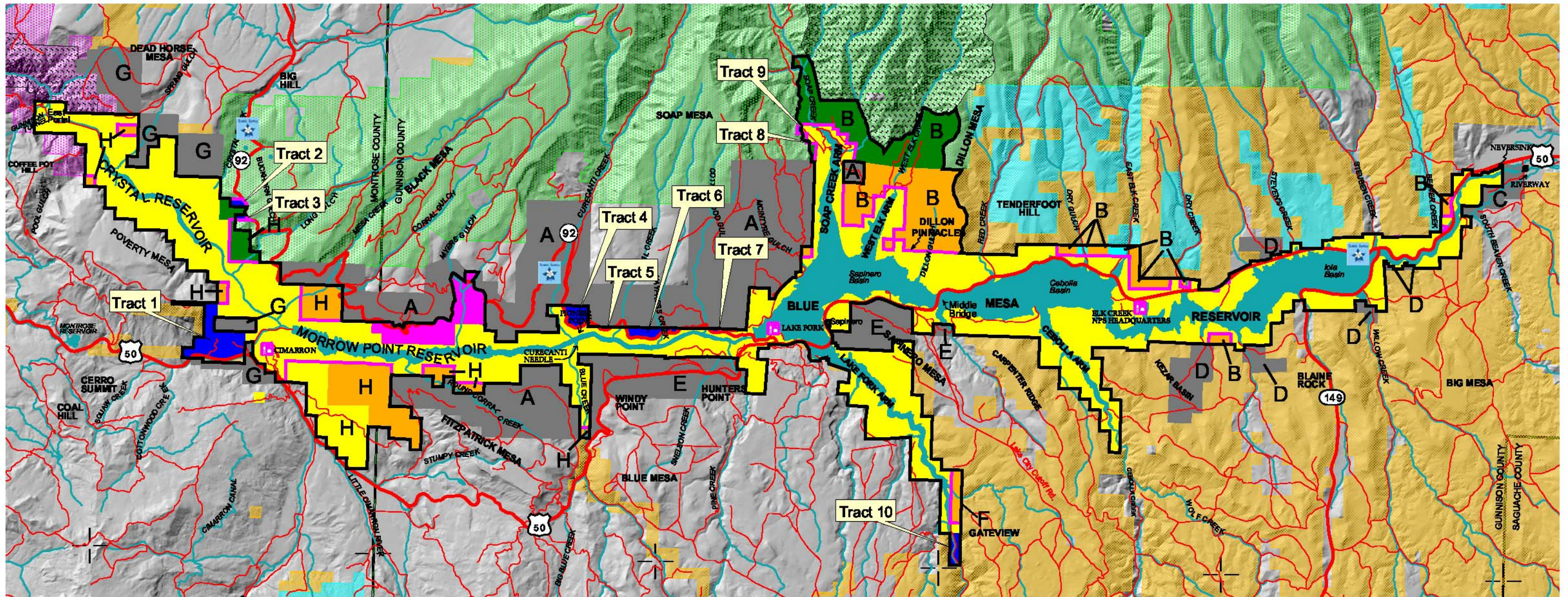


Autumn colors abound along Colorado Highway 92 above Morrow Point Reservoir

The Proposed Action also recommends that Congress establish a Conservation Opportunity Area (COA) outside of the legislated boundary. The COA would consist of 24,300 acres of private land where NPS would be authorized to implement and assist in implementing a variety of tools with cooperating landowners that would promote the long-term conservation of important resources. These tools would include, but not be limited to, acquiring interests in land from willing landowners, including conservation easements and fee simple ownership. Much of the COA would remain in private ownership; however, increased opportunities for working in partnership with landowners would create opportunities for resource conservation. Implementation would occur over many years, and would be dependent upon the willingness of neighboring landowners. The study recognizes that the availability of federal funds for acquiring interests in land may be limited. However, many of the goals and objectives of Alternative 2 would still be achievable through the application of other tools that could be used to provide incentives to willing landowners for conserving resources.

THE PRIMARY DIFFERENCES BETWEEN THE ALTERNATIVES

Alternative 1: No Action (Continuation of Existing Conditions)	Alternative 2: The Proposed Action
PERTAINING TO RECREATIONAL OPPORTUNITIES:	
Land within Curecanti National Recreation Area (NRA) would continue to be the minimum acquired by the Bureau of Reclamation for the Curecanti Unit, CRSP and Uncompahgre Project, and it would be less likely that access easements or additional land would be acquired, thus limiting recreational opportunities to the current land base. Hunting, fishing, and other existing recreational activities would continue, consistent with NPS policies and regulations.	Land within Curecanti National Recreation Area (NRA) would be expanded, as 10,040 acres of other agency lands would be added to NRA via transfers and exchanges, and there would be potential to acquire access easements and/or additional land from willing landowners, thus providing an expanded land base for recreational opportunities. Hunting, fishing, and other existing recreational activities would continue; however, there would be additional potential for expanded recreational activities in some areas, consistent with NPS policies and regulations.
PERTAINING TO CONSERVATION OF NATURAL, CULTURAL, AND SCENIC RESOURCES:	
The natural rural character of the land, intrinsic scenic values, and other related resource values, are less likely to be conserved, as the National Park Service (NPS) would have limited resources to work in partnership with neighbors to acquire land interests or provide technical assistance on private land surrounding the NRA.	Efforts to conserve the natural rural character of the land, intrinsic scenic values, and other resource values, would be enhanced through the cooperation of local governments and adjacent landowners, and the availability of tools, including acquisition of interests in land from willing landowners, that could be utilized within the proposed Conservation Opportunity Area (COA).
Conservation benefits, including acquisition of conservation easements and other conservation projects, are less likely to be achieved, and NPS would lack authority to expend funds on private lands surrounding the NRA.	There would be more opportunity to meet conservation goals, even if funding was not immediately available for federal acquisition of interests in land, as NPS would be authorized to use an expanded assortment of other cooperative conservation tools within the COA.
PERTAINING TO NATIONAL SIGNIFICANCE:	
National significance of the NRA would not be assured. Continued development of adjacent private property would likely change the scenic and rural character of the land and related resources, adversely affecting the visitor experience.	National significance of the NRA would be more assured through cooperative conservation efforts within the COA.
PERTAINING TO MANAGEMENT EFFICIENCIES AND ECONOMIC BENEFITS:	
Confusion of jurisdictional responsibilities would continue; management efficiencies would less likely be achieved; NPS would be cautious about investing its energy and resources in the NRA, since NPS serves the area per agreement with a different agency, and its long-term presence is not assured; and the potential loss of a NPS presence could adversely affect tourism, and consequentially, local economies.	Jurisdictional responsibilities would be clarified, providing enhanced management efficiencies for all agencies involved; NPS would be more inclined to invest energy and resources in the NRA; a permanent NPS presence would be assured; and the needs of local governments related to the economic benefits of tourism in the Curecanti area would more likely be met.
PERTAINING TO ADVERSE AND BENEFICIAL IMPACTS ON THE ENVIRONMENT:	
Due to the lack of conservation tools available to NPS for working cooperatively with landowners, more adverse impacts to the natural, cultural, recreational, and scenic resources would be expected on lands within and surrounding the NRA.	Due to the availability of additional conservation tools within the COA, fewer adverse impacts and more benefits to the natural, cultural, recreational, and scenic resources would be expected, making this the environmentally preferred alternative.
PERTAINING TO IMPLEMENTATION COSTS:	
With a determination that the administrative boundary is unlikely to change, one-time costs include completion of surveys, boundary posting and fencing. That cost is expected to be \$500,000. There would be no additional recurring annual costs.	One-time costs include acquiring interests in land, including conservation easements and fee simple ownership from willing landowners; associated plans and administrative costs related to lands and partnership programs; surveys, boundary posting and fencing. Due to various factors (explained in the Final RPS/EIS), a range of costs is estimated to be from \$3,690,000 to \$14,973,000. Recurring costs for two staff positions and related expenditures are estimated to be \$160,000 per year.



ALTERNATIVE 2: PROPOSED ACTION

This alternative would include 51,830 acres' inside a legislated National Recreation Area (NRA) boundary, and 24,300 acres outside the boundary in a Conservation Opportunity Area (COA)². The proposed boundary would include the lands and waters within the existing NRA, with the immediate addition of 10,120 acres of mutually agreed-upon federal and state agency lands, less 80 acres of lands to be immediately deleted from the NRA³. The 34,420 acres of COA and immediate additions are defined in this study as the "Proposed Lands." The National Park Service (NPS) would manage the natural, cultural and recreational resources of the NRA, and associated facilities, pursuant to Bureau of Reclamation (Reclamation) law, NPS law, including new legislation establishing the NRA, a revised Memorandum of Agreement between NPS and Reclamation (revised MOA), and other applicable laws and regulations. Reclamation would manage its project lands and land interests, water and water interests, and facilities, pursuant to Reclamation law, the revised MOA, and other applicable laws and regulations. The ability of NPS to work in partnership with adjacent private land owners in the service of resource conservation would be greatly enhanced, compared to Alternative 1.

1. All acreages are approximate.

2. COA Defined: An area of private land surrounding the NRA where NPS would be authorized by Congress to use various tools to partner with neighbors to conserve resources. One of the many tools would be acquisition of interests in land, including fee simple, conservation easements, and access rights-of-way from willing sellers. NPS would be authorized to amend the NRA boundary to include properties that lie within the COA, if and when they are acquired.

3. Land adjustments with other agencies: Immediately upon passage of legislation, the following Proposed Lands would be added to the NRA — 5,840 acres of Bureau of Land Management (BLM) land; 2,640 acres of U.S. Forest Service (USFS) land; 1,500 acres of Reclamation withdrawn land; and 140 acres of Colorado Division of Wildlife (CDOW) land that would be managed by CDOW until such time that NPS can acquire it via exchange for federal lands. Ten "Tracts" have been identified for potential deletion from the NRA (refer to Alternatives Chapter for details). The immediate net addition to the NRA would be 10,040 acres.

- Proposed Curecanti National Recreation Area (NRA) Boundary (51,830 acres)
- Existing NRA (41,790 acres)
- Existing Wilderness Area
- Highway
- Road
- Stream
- West Elk Loop Scenic and Historic Byway
- NPS Visitor Center

LAND EXTERNAL TO PROPOSAL

- Bureau of Land Management
- Colorado Division of Wildlife
- National Park Service (Black Canyon of the Gunnison NP)
- U.S. Forest Service
- Private

"PROPOSED LANDS" DESCRIBED BY LAND UNIT

- A. Highway 92 COA (private lands)
- B. Blue Mesa Reservoir (agency lands)
- C. Gunnison River COA (private lands)
- D. Iola Basin COA (private lands)
- E. Sapinero/Blue Mesa COA (private lands)
- F. Gateview (agency lands)
- G. West-End COA (private lands)
- H. West-End (agency lands)

PROPOSED LAND STATUS

- Bureau of Land Management land to be transferred to NPS
- Bureau of Reclamation land, most of which remains within or is added to the NRA
- Colorado Division of Wildlife land to be acquired by NPS in exchange for mutually agreed-upon federal land
- National Park Service land remaining within the NRA
- U.S. Forest Service land to be transferred to NPS
- Ten "Tracts" of land proposed for deletion from NRA boundary subject to necessary approvals (see details for each Tract in Alternatives Chapter).
- Conservation Opportunity Area (private)

PREFERRED ALTERNATIVE (Alternative 2: Proposed Action)

RESOURCE PROTECTION STUDY CURECANTI NATIONAL RECREATION AREA

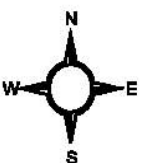
Gunnison and Montrose Counties, Colorado

National Park Service
U.S. Department of the Interior



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NPS Disclaimer information: Property boundaries shown on this map are intended for study purposes only, and are not intended to be definitive regarding land ownership. County and agency land records will be used to verify ownership and definitively locate property lines and boundaries.



COMMENTS ON DRAFT RPS/EIS

The *Draft Resource Protection Study/Environmental Impact Statement* was released in July 2007. It was posted to the NPS planning website at <http://parkplanning.nps.gov/cure>, and its availability was advertised in local newspapers, and in letters mailed to over 700 government entities, organizations, landowners, and other individuals. The 90-day public review period ran from July 20 to October 22. Of the 35 comments received, 63% supported Alternative 2 (Proposed Action), 26% were neutral, not specifying which alternative was favored, and 11% supported Alternative 1 (No Action). A brief summary of the comments on the Draft RPS/EIS appears below.

Bureau of Land Management, Colorado Division of Wildlife, and U.S. Forest Service are neighboring land management agencies. They have been briefed on numerous occasions throughout the study, have provided input into development of the Proposed Action, have provided written comments on the Draft RPS/EIS, and are all in support of Alternative 2, the Proposed Action.

Gunnison and Montrose County Commissioners and the City of Gunnison Council Members have expressed their support of the Proposed Action. The

Gunnison County Planner is considering incorporating RPS data and recommendations into the component of the county's comprehensive master plan that will deal with the portion of the county that includes the Curecanti area.

In general, landowners with whom the study team has met were interested in the concepts being proposed by the study. Some landowners expressed the sentiment that they appreciated the goals of the RPS, as many of those goals aligned with their own desires of being good caretakers of the land. However, some landowners would not want to open their property for public access (for example, to hikers), and many plan to remain on their property. Several landowners expressed the view that although they would be opposed to any plan that would infringe on private property rights, they would consider working cooperatively with NPS in order to meet mutually agreed upon conservation goals.

A more comprehensive listing of the comments and NPS responses to them are located in Chapter 5: Consultation and Coordination of the Final RPS/EIS. Also included in Chapter 5 are all the letters received from agencies and organizations in their entirety.



Cooperative efforts will serve to conserve the resources and to enhance recreational opportunities at Curecanti National Recreation Area.

FINDINGS AND RECOMMENDATIONS

“The Secretary shall submit a report . . . that makes recommendations to Congress with respect to the findings of the study . . . and . . . regarding action that may be taken with respect to the land described in the report.”

(Section 11, Public Law 106-76, October 21, 1999)

Although the study was requested within three years of passage of the Act, additional time was needed to resolve issues brought up at many of the 60 meetings conducted throughout the project. More time was also needed to coordinate study activities with the development of a master plan for Gunnison County.

Section 11 asked the Secretary of the Interior, through the Director of the National Park Service, to perform the following four tasks:

- (1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);
- (2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;
- (3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and
- (4) estimate the costs of implementing the approaches recommended by the study.

The findings and recommendations from the above four tasks are summarized in this report, and are described in detail in the *Final Resource Protection Study/Environmental Impact Statement* (Final RPS/EIS), which is available on the compact disc included with this Report.

Findings of Area Significance

- The Uncompahgre Project and the Aspinall Unit of the Colorado River Storage Project provide significant benefits within and adjacent to the NRA through their associated facilities, lands, water, and other resources. The three dams of the Aspinall Unit were built between 1962 and 1976 to provide water storage, flood control, hydroelectric power, and other purposes. Their associated reservoirs provide a variety of water-based recreational opportunities.
- The highest reservoir, Blue Mesa, is the largest in Colorado, and is one of the largest high-altitude bodies of water in the United States. It provides water-based recreation in a spectacular geological setting. The lower two reservoirs, Morrow Point and Crystal, which are in the upper reaches of the Black Canyon of the Gunnison, one of the world's premier steepwalled canyons, provide wilderness-type experiences for the adventurous visitor.
- The remarkably clear water of the three reservoirs provides one of the best cold-water fisheries in Colorado, attracting anglers from throughout the nation. Blue Mesa Reservoir contains the largest kokanee salmon fishery in the United States.
- The scenic resources of the canyons, the needles, the pinnacles, the cliffs, the mesas, and the reservoirs provide dramatic contrast, offering visitors an opportunity to pause and reflect on the diversity of the landscape and its spaciousness.
- Curecanti contains important geological and paleontological resources, including fossil evidence of the Mesozoic Era.
- The NRA protects existing and potential breeding habitat for numerous sensitive species, such as the bald eagle and peregrine falcon, and critical winter range for elk, deer, and bighorn.
- The stories of human culture in the Curecanti area are recorded in the traces left by American Indians, miners, railroaders, ranchers, and dam builders. Archeological finds date back to some of the oldest villages found in North America. From 1881 to 1949, the Denver and Rio Grande Railroad operated its iconic “Scenic Line of the World” through the canyons, with a station at Cimarron.

Reclamation Project Requirements

- The majority of the lands currently within the NRA, and some currently outside of it, were withdrawn or acquired for Bureau of Reclamation (Reclamation) purposes, including the Uncompahgre Project, and the Aspinall Unit of the Colorado River Storage Project.
- Reclamation and its assigns have administrative jurisdiction and responsibilities for construction, operation, maintenance, replacement, and additions, consistent with Reclamation law and other applicable laws and regulations. Western Area Power Administration (Western) has similar responsibilities for the electric transmission system for the Aspinall Unit.
- The current management of resources and recreation by NPS is subject to Section 8 of the Colorado River Storage Project Act, and is provided for in a 1965 Memorandum of Agreement (MOA) between Reclamation and NPS. In an agreement dated August 30, 1979, Reclamation and NPS recognized the need for legislation for final establishment of Curecanti National Recreation Area.
- NPS administration of the NRA must be consistent and compatible with the primary purposes of the Aspinall Unit and the Uncompahgre Project, and with Reclamation law, as amended and supplemented.
- Reclamation has existing legal rights within and adjacent to the NRA that predate and take precedence over NPS's rights or uses within the NRA.
- There are numerous and varied existing legal rights on lands that must be recognized and honored. These rights include, but are not limited to, reserved mineral rights, electrical transmission rights-of-way, and access rights.
- All lands within the NRA that have been withdrawn or acquired by the United States for Reclamation purposes should remain subject to primary use for Reclamation or power purposes so long as they are withdrawn or needed for such purposes.

Recommendations for NRA Establishment

Based on the preferred alternative (Alternative 2: Proposed Action), Congress should consider enacting legislation establishing Curecanti as a National Recreation Area.

- Congress should designate the area identified in the Proposed Action as the "Curecanti National Recreation Area." The new NRA would initially include approximately 51,830 acres of land consisting of Federal land within the existing NRA and agreed-upon additional land to be transferred from neighboring federal and state agencies, within a new boundary that would need to be legislated.
- Legislation should provide purpose statements for the NRA, such as:
 - To conserve the scenic, natural, historic, archeological, wildlife, and fishery resources.
 - To manage the lands, waters, fish and wildlife, and recreational activities by means consistent with the purposes of the Colorado River Storage Project Act and the Uncompahgre Project.
 - To provide for public understanding, use, and enjoyment.
- NRA legislation must protect Reclamation's and Western's ability to meet their missions, including project operation, maintenance, replacement, and land addition or expansion; and to allow unrestricted access to their lands and land interests, water and water interests, and facilities. Legislation must protect the interests identified under the "Reclamation Project Requirements" section of this page.
- NRA legislation should identify NPS as the agency responsible for managing the natural, cultural, and recreational resources, visitor use and education, and associated facilities; and should provide NPS reasonable and appropriate authority and funding to meet its mission.
- Legislation should allow for future adjustments to the proposed NRA boundary that are mutually acceptable to Reclamation, NPS, and other affected Federal and State agencies.

Recommendations for Designation of a Conservation Opportunity Area

- Congress should designate a Conservation Opportunity Area (COA), which would consist of approximately 24,300 acres of privately owned land that lies outside and adjacent to the proposed new NRA boundary. (Ref: Final RPS/EIS, page 51.)
- Congress should authorize the National Park Service to use tools within the COA to conserve resources and values important to the NRA, ranging from technical assistance to conservation easements to fee-simple acquisition, subject to the willingness of the landowner to participate. (Ref: Final RPS/EIS, pages 51-54, and Appendix A.)
- The concept of the COA embraces the Department of Interior's initiative of cooperative conservation, and the NPS Director's goal to increase the capacity of the national park system. It is consistent with NPS policy to use cooperative conservation beyond park boundaries. (Ref: Final RPS/EIS, pages 25 and 271.)
- The Secretary should be given the authority to amend the new NRA boundary to include land within the COA at such time as it is acquired, and funding should be made available for such acquisition. (Ref: Final RPS/EIS, page 52.)

Specific Considerations for Legislation

- Providing for coordination of administration and management. Legislation should provide for coordinated administration and management of the NRA. It should be relatively broad and not overly specific on how the NRA is to be managed. It is anticipated that the 1965 MOA between Reclamation and NPS would need to be revised. Such a revision would be an administrative process to follow legislation. The revised MOA would identify the differing missions, respective roles, and responsibilities for each agency. (Ref: Final RPS/EIS, page 54.)
- Other agency lands to be transferred to the NRA for NPS administration. The preferred alternative recommends that other agency land be transferred to the NRA for NPS administration. This would include 5,840 acres of Bureau of Land Management land, 2,640 acres of U.S. Forest Service land, and 1,500 acres of Reclamation land (acreages are approximate). (Ref: Final RPS/EIS, pages 49, 203-207.)

- State Land to be included within the NRA. The preferred alternative recommends that 140 acres of Colorado Division of Wildlife land be transferred to the NRA. This land would be administered by the Division of Wildlife, or by NPS under agreement, until such time that NPS can acquire it via exchange for other federal lands. NPS agrees that the land so acquired would continue to be managed for wildlife purposes. (Ref: Final RPS/EIS, pages 49, 206.)
- U.S. Forest Service land to be excluded from the NRA. The preferred alternative recommends that 80 acres of national forest land, now being administered under agreement with the U.S. Forest Service, be excluded from the NRA. (Ref: Final RPS/EIS, pages 49-50.)
- Gunnison National Forest boundary adjustment. Legislation should include revision of the national forest boundary reflecting the changes brought about by the transfers referenced above. (Ref: Final RPS/EIS, page 207.)
- Potential land deletions. Potential, eventual deletions would include 800 acres to the Bureau of Land Management, and 363 acres that might be exchanged for private COA lands, on a willing landowner basis. These deletions are Reclamation lands, and would be subject to a finding by Reclamation that such lands are no longer needed for Reclamation project purposes. In the case of exchanging the 363 identified acres of NRA land for potential private COA land, the new NRA legislation should provide for such future exchanges, and others that may present themselves as NPS continues to work in partnership with its neighbors. It is recommended that Congress grant NPS some flexibility to make land adjustments and amendments to the boundary. (Ref: Final RPS/EIS, page 50.)
- Partnered acquisition of land interests, such as conservation easements and fee simple. It is anticipated that NPS will work with local or national land trusts to acquire conservation easements within the COA, which will serve to protect resource values consistent with the RPS objectives. NPS would encourage land trusts to hold the deed of conservation easement; thus such property would remain outside the NRA boundary. Similarly, it is anticipated that land trusts will assist NPS in acquiring fee simple interests in private property that, once acquired, would be included within an adjusted NRA boundary. It is essential that funding be made available to NPS to partner on such cooperative conservation projects within the COA. (Ref: Final RPS/EIS, pages 51-53.)

- **Withdrawal.** The lands within the boundary should be withdrawn, subject to valid existing rights, from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970. (Ref: Final RPS/EIS, pages 201-202.)
- **Grazing.** Valid existing leases and permits for grazing on NRA lands should be allowed to continue. However, the Secretary should be granted the authority to accept voluntary termination of a lease or permit, or in the case a lease or permit is vacated for a period of 3 years, to terminate said lease or permit. It is anticipated that NPS will develop agreements with the Bureau of Land Management and the U.S. Forest Service regarding administration of grazing permits whose allotments fall in more than one jurisdiction. (Ref: Final RPS/EIS, pages 204-205.)
- **Hunting and Fishing.** Hunting and fishing are currently allowed in the NRA—fishing by NPS policy, and hunting pursuant to §7.51 of Title 36, Code of Federal Regulations. Both are appropriate activities for the area, and are being cooperatively managed with the Colorado Division of Wildlife. It is recommended that legislation authorize the continuation of these activities within the NRA. (Ref: Final RPS/EIS, pages 106-107, 173.)
- **Water Rights.** Legislation should address the effect on water rights, perhaps with language similar to that used in Public Law 106-76: “Nothing in this Act shall constitute an express or implied reservation of water for any purpose; or affect any water rights in existence

prior to the date of the enactment of this Act, including any water rights held by the United States. Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.” (Ref: Final RPS/EIS, pages 7 & 53.)

Funding Requirements

- **One-Time Costs.** The one-time cost of implementing the preferred alternative is estimated to range from \$3,690,000 to \$14,973,000, including acquiring interests in land, and cooperative conservation costs. The relatively large range is because of the many variables pertaining to acquiring interests in land. These include the results of a required land protection plan, potential changes in fair market value of property, options relating to acquiring conservation easements, the availability of matching grants and similar cost-sharing opportunities, the participation of partners and third parties to help acquire interests in land, willingness of landowners to cooperate, and negotiations with landowners.
- **Ongoing Costs.** In addition to the one-time costs, there will be a recurring annual cost of \$160,000 for the equivalent of two full-time employees. The employees would be needed: (1) to completely implement and sustain the preferred alternative; and (2) for operational requirements pertaining to lands added to the NRA, including resource and visitor management and protection, interpretation, construction and maintenance, and administration. (Ref: Final RPS/EIS, pages 56-58.)



The Gunnison Diversion Dam at East Portal within Curecanti National Recreation Area, a feature of Reclamation’s Uncompahgre Project.

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The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resources conservation and outdoor recreation throughout this country and the world.

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The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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National Park Service
United States Department of the Interior