

SUMMARY

BACKGROUND AND PURPOSE OF THE STUDY

This *Final Resource Protection Study/ Environmental Impact Statement* (RPS/EIS) describes two alternatives and analyzes in detail their impacts, and makes recommendations for the conservation of natural, cultural, recreational, and scenic resources on land within and surrounding the area traditionally known as the Curecanti National Recreation Area (NRA). The two alternatives are briefly described in this Summary chapter, and their primary differences are compared in the table at the end of this Summary.

The study recommends Alternative 2 as the Proposed Action, or preferred alternative. Numerous other alternatives were considered, but eliminated from detailed assessment. They are identified in Chapter 2: Alternatives Including the Proposed Action, under the heading Alternatives Considered but Eliminated from Detailed Assessment.

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

Although not officially designated as such by Congress, the term “National Recreation Area” has been applied to the area immediately surrounding and including the three reservoirs of the Aspinall Unit of the Colorado River Storage Project Act of 1956 – Blue Mesa, Morrow Point, and Crystal. Congress has recognized the term “National Recreation Area” in legislation pertaining thereto, such as the act which authorized this study, and annual appropriations.

Since Curecanti has not been officially designated by Congress as an NRA, it does

not have a legislated boundary. However, the area which comprises the NRA is shown on the Existing Conditions map in Chapter 1, Purpose of and Need for Action.

The NRA is managed by the Bureau of Reclamation (Reclamation) and the National Park Service (NPS) pursuant to Reclamation law, including the Colorado River Storage Project Act of 1956, and a 1965 Memorandum of Agreement (MOA) between the Bureau of Reclamation and the National Park Service. The Bureau of Reclamation manages two Reclamation projects (including dams, reservoirs, power plants, access roads, and other related facilities); while the National Park Service manages the natural and cultural resources, opportunities for visitor recreation and understanding, and associated facilities.

This study is being conducted 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), key sections of which appear in Appendix A. As stated in that legislation, the purpose of this study is to:

- Assess the natural, cultural, recreational, and scenic resource value and character of the land within and surrounding Curecanti NRA (including open vistas, wildlife habitat, and other public benefits);
- Identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti NRA;
- Recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and
- Estimate the costs of implementing the approaches recommended by the study.

This RPS/EIS is being prepared by the National Park Service, with the Bureau of Reclamation as a cooperating agency. The EIS process will conclude with the release of a Record of Decision (ROD) that documents

the National Park Service's selected alternative. The ROD will be released no sooner than 30 days following the release date of this Final RPS/EIS, which is the date that the Environmental Protection Agency's Notice of Availability appears in the Federal Register. Upon completion of the EIS process, a Report to Congress will be jointly prepared by NPS and Reclamation. The National Park Service, as lead agency on the study, will then submit the report to the Secretary of the Interior, who will in turn submit it to Congress. The report will do the following:

- Contain the findings of the study required by Section 11(a) of Public Law 106-76;
- Make recommendations to Congress with respect to the findings of the study; and
- Make recommendations to Congress regarding action that may be taken with respect to the land described in the report.
- Implementation of those recommendations will then depend on congressional action. The Final RPS/EIS and the Record of Decision will accompany the Report to Congress. If the Record of Decision finds that Congress should pass new legislation for the NRA, the report will identify issues to be addressed in that new legislation. In other words, the Secretary of the Interior will make the recommendation to Congress, based on recommendations developed by the National Park Service and the Bureau of Reclamation.

PRIMARY EMPHASIS OF THE STUDY

This study is about identifying ways that will allow the National Park Service to work in partnership with private landowners and others to more effectively conserve the natural, cultural, recreational, and scenic resources and character of the land within and surrounding Curecanti NRA. As the study evolved, it became clear that it should evaluate whether or not to recommend to Congress that the NRA be formally established with a legislated boundary, what changes should be made to the boundary, and what agency or agencies should be responsible for managing the NRA.

This study is not about making recommendations pertaining to water rights or operations of Reclamation projects; infringing on the rights of landowners; or making any recommendation that would use condemnation or other tools not in partnership and cooperation with private landowners.

PUBLIC AND AGENCY INVOLVEMENT AND PRIMARY CONCERNS

Throughout the study, from its beginning in 2000, the National Park Service has communicated and consulted with other federal, state, and county agencies, American Indian Tribes, elected officials, private landowners and other stakeholders, and the general public to gather information, identify opportunities and concerns, and develop recommendations for the conservation of resources within and surrounding Curecanti NRA. These efforts included initial public and agency scoping meetings, three newsletters, use of the NRA's website, and many meetings and workshops throughout the project. The major meetings and list of consultants are presented in Chapter 5, Consultation and Coordination.

There were two primary concerns expressed throughout the project. One was that the Bureau of Reclamation wanted to be sure that implementation of any actions resulting from the study would have no adverse impacts on their operations, or those of their partnering agencies, such as Western Area Power Administration (Western). Therefore, it is important to emphasize the following:

For both alternatives in the Resource Protection Study, the Bureau of Reclamation and Western Area Power Administration would continue their administrative jurisdiction and responsibilities within and adjacent to the national recreation area, including construction, operation, maintenance, replacements, and additions; and they 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. Formal establishment of the area as an NRA under Alternative 2 would not amend or supplement existing Reclamation law applicable to the Aspinall Unit or the Uncompahgre Project. The Bureau of Reclamation, Western Area Power Administration, and the National Park Service would consult with each other, as necessary and appropriate. Thus, there would be no adverse impacts to Reclamation and Western responsibilities under either alternative.

The other primary concern was that the National Park Service should not propose anything in the study that would be forced upon private landowners against their will or desires, or that would intrude upon their property rights. Furthermore, some landowners opposed any boundary being drawn around their property to include them within a future NRA, even though they would be able to retain their property rights. These concerns strongly influenced the selection of

the Proposed Action, and the dismissal from detailed analysis of some alternatives that had initially been considered.

Elected officials expressed a desire to be kept informed of the ongoing local reaction to the project as it progressed; and county officials wanted to be involved in the study process. Gunnison County worked especially closely with the National Park Service on the project, because they were developing a county-wide comprehensive plan that might integrate some of the study's recommendations. Neighboring land managing agencies expressed increased interest in working with the National Park Service on resource management issues of mutual concern through the Joint Agency Management Effort that was instituted as part of the study. In response to all these desires, the National Park Service has maintained communication with federal, state, and county elected and government officials throughout the project.

ALTERNATIVE 1: NO ACTION (CONTINUATION OF EXISTING CONDITIONS)

Under Alternative 1, the Bureau of Reclamation, pursuant to its authority under Reclamation law, and in accordance with the 1965 MOA with the National Park Service, and other applicable laws and regulations, would continue to operate, maintain, replace, and expand (as necessary) dams, reservoirs, power plants, access roads, and other related facilities associated with two Reclamation projects; and they and their assigns would continue to have unrestricted access to their lands and land interests, water and water interests, and facilities. The National Park Service, pursuant to Reclamation law, NPS law, the 1965 MOA, and other applicable laws and regulations, would continue to manage the natural and cultural resources, recreational opportunities, and associated facilities within the existing NRA. However, the permanence of the National Park Service as the manager of said resources would not be assured.

The National Park Service would continue to operate with an emphasis on conserving the natural, cultural, recreational, and scenic resources within the NRA. Regarding land outside the NRA, the National Park Service would continue to work with neighboring land management agencies to resolve resource and visitor use issues of mutual concern, and to cooperate with private landowners surrounding the NRA to address matters of resource conservation, as staff time and funding permits. However, opportunities to partner with neighboring landowners in the service of resource conservation would be limited, and would consist primarily of providing some technical assistance and suggestions.

There would be no change in the amount of land included within the NRA, other than occasional additions that might occur because of future specific legislative authority. Thus, the NRA would continue to encompass approximately 41,790 acres of land.

For direct comparison to the estimated costs of Alternative 2, the Proposed Action, the estimated cost of Alternative 1 is \$500,000. This money would need to be spent on missing and corrective surveys, posting, and fencing along the existing administrative NRA boundary, even if the Proposed Action is not implemented. Under Alternative 1, there would be no additional recurring annual costs.

One of the major impacts of Alternative 1 would be the continuation of the current pattern of land use changes on private property surrounding the NRA. This would increase the possibility of adverse impacts on resources such as animal and raptor habitat, water quality, and the spectacular natural scenery that surrounds the NRA. In turn, this would be more likely to adversely affect the enjoyment of NRA visitors, and the quality of life for local residents.

Other resources that could be directly or indirectly adversely affected by development and land use that is insensitive to resource conservation include geological and paleontological resources; displacement of native vegetation, including riparian and wetland communities, by the spread of

noxious weeds; fisheries; natural light-scape and night sky; natural soundscape; and archeological resources.

ALTERNATIVE 2: THE PROPOSED ACTION

Under Alternative 2, it is recommended that Congress legislatively establish Curecanti as a National Recreation Area with a new legislated boundary, and that the 1965 MOA between the Bureau of Reclamation and the National Park Service be revised accordingly. The Bureau of Reclamation, pursuant to Reclamation law, the revised MOA, and other applicable laws and regulations, would operate, maintain, replace, and expand (as necessary) dams, reservoirs, power plants, access roads, and other related facilities associated with two Reclamation projects; and they and their assigns would have unrestricted access to their lands and land interests, water and water interests, and facilities. The legislation would designate the National Park Service to be responsible for managing the natural, cultural, and recreational resources, visitor use and education, and associated facilities. Such management would be pursuant to Reclamation law, NPS law, including the new legislation establishing the NRA, the revised MOA, and other applicable laws and regulations. Under this alternative, the permanence of the National Park Service as the manager of these resources would be assured.

Under Alternative 2, the National Park Service would expand its efforts to influence the conservation of the natural, cultural, recreational, and scenic resources on lands, both within and surrounding the NRA. In addition, it is recommended that Congress authorize the National Park Service to work in partnership with private landowners in a designated Conservation Opportunity Area (COA) surrounding the NRA to implement a variety of tools that would enhance the long-term conservation of natural, cultural, recreational, and scenic resources.

These tools would include technical assistance and environmental information provided by the National Park Service to landowners;

general agreements that could set the stage for short-term and long-term commitments to cooperative assistance; incentive payments related to resource conservation through a variety of government grant programs; acquisition of conservation easements; purchase and retained use and occupancy, such as 25-year leases, or life estates; and fee simple acquisition of property via purchase, land exchange, or donation. All tools would be subject to the cooperation and willingness of the landowner involved. The availability of some of these tools would be subject to congressional authorization and the NPS budget process, in light of competing demands from other NPS units.

This study recognizes that the availability of federal funds for acquiring interests in land may be limited. However, some 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 newly legislated NRA boundary would encompass 51,830 acres, which would include approximately 10,040 acres of additional adjacent lands that are currently managed by other federal and state agencies. The COA would consist of 24,300 acres of private property outside the NRA boundary. The National Park Service would be authorized by Congress to acquire interests in private property in the COA from willing landowners. Lands in which the National Park Service would want to acquire an interest would be identified by a future land protection plan. However, current thinking is that approximately 2,400 acres of land would be identified for acquisition in fee simple; and conservation easements would be placed on approximately 8,100 acres of land—all of which would be subject to agreement by respective landowners. A landowner may also choose to work with a regional or national land trust or other conservation organization rather than the National Park Service. Land protected through such partners, including conservation easements held by land trusts, would generally meet the needs of resource protection, as envisioned by this study.

The one-time cost of implementing Alternative 2 is estimated to range from \$3,690,000 to \$14,973,000, including acquiring interests in land, such as through conservation easements and fee simple ownership. 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.

In addition to the one-time costs shown above, as Alternative 2 becomes fully implemented, 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 Proposed Action; 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.

One of the major impacts of Alternative 2 is that neighboring private landowners, in partnership with the National Park Service, would have a greater opportunity, and would be more likely to use, a variety of tools to conserve resources on their property. With congressional authorization, and subject to competing demands from other NPS units, there would be more opportunity for funds to be available for the establishment of conservation easements, or the acquisition of land in fee title, from willing landowners in the COA.

Through the COA concept, landowners may develop a heightened awareness of how their activities might affect natural, cultural, recreational, and scenic resources. This would help to directly and indirectly preserve and improve resources, such as wildlife habitat and water quality throughout the area; would better ensure the preservation of the area's spectacular natural scenery, which contributes to the national significance of this special place; and would enhance the enjoyment and

recreational opportunities for residents and visitors alike.

Other resources that would directly or indirectly benefit from development and land use that is conducted with increased sensitivity to resource conservation include: geological and paleontological resources; native vegetation, including riparian and wetland communities, that would experience a reduced spread of noxious weeds; fisheries; natural lightscape and night sky; natural soundscape; and archeological resources.

Recreational opportunities and visitor enjoyment and experience could be enhanced through increased cooperation among private landowners, the National Park Service, and other land managing agencies in the area. This could be accomplished through means such as acquisition of easements for trails across private property.

In turn, private landowners could benefit from economic incentives afforded by various tools, including tax advantages, government grants, and payments for interests in land; from the potential increase in availability of funding to implement various tools of resource conservation; and through increased technical assistance from the National Park Service. Landowners would also benefit from knowing that they are making a greater contribution to the resource conservation ethic, to enhanced enjoyment of the spectacular Curecanti environment, and to a better quality of life for visitors and residents alike.

Land transfers and exchanges between the National Park Service and other federal and state agencies, and potential exchanges with adjacent private landowners, would simplify existing boundaries and provide for more efficient and cost-effective management of resources for all involved. In general, this would result in long-term beneficial impacts to the operations of the National Park Service and neighboring agencies.

New NRA legislation, a revised agreement between the Bureau of Reclamation and the National Park Service, and streamlining or potentially eliminating other agreements among various agencies, would provide a long-term

minor beneficial impact to agency operations by reducing associated personnel and costs for managing the lands and agreements.

There would be a long-term minor to moderate beneficial impact on NPS's ability to meet its mission, because of appropriately worded legislation for the NRA, improved wording in a new MOA with the Bureau of Reclamation, and increased consultation and cooperation between the National Park Service and other agencies, including the Bureau of Reclamation. This improvement in consultation and cooperation among the agencies is already happening, through the Joint Agency Management Effort, which is integral to the recommendations of this study.

ENVIRONMENTALLY PREFERRED ALTERNATIVE – ALTERNATIVE 2: THE PROPOSED ACTION

Alternative 2 is considered to be the Environmentally Preferred Alternative because it best fulfills NPS responsibilities as trustee of sensitive habitat; best ensures safe, healthful, productive, and aesthetically and culturally pleasing surroundings; and best achieves a balance between population and resource use that would permit high standards of living and a wide sharing of life's amenities.

FINDINGS AND GUIDING PRINCIPLES REGARDING THE STUDY'S RECOMMENDATIONS

In the course of conducting the Resource Protection Study, and in writing the Environmental Impact Statement, numerous findings and guiding principles were identified that need to be emphasized and carefully considered when implementing the study's recommendations, especially regarding new NRA legislation that might be enacted, and revised or new agreements among the Bureau of Reclamation, the National Park Service, and/or other agencies. Many of those findings and principles relate to laws, policies, regulations, and the missions of the two agencies, by which the Bureau of Reclamation and the National Park Service must operate.

Some of these apply equally to the Bureau of Reclamation and the National Park Service, as federal agencies within the Department of the Interior. However, some of these are unique to each agency, since they have different missions. These important findings and principles are summarized below.

- The Uncompahgre Project and the Aspinall Unit of the Colorado River Storage Project, their associated facilities, lands, water and other resources, and their use by the public, are significant public benefits within and adjacent to the NRA.
- The majority of the lands currently within the NRA, and some currently outside of it, were withdrawn or acquired for Reclamation purposes, including the Uncompahgre Project and the Aspinall Unit of the Colorado River Storage Project.
- The current NPS presence within and administration of most of the NRA for recreation and other purposes is pursuant to and subject to Reclamation law, as amended and supplemented, which generally requires that such administration be consistent or compatible with the primary purposes of the Bureau of Reclamation's projects. Thus, the Bureau of Reclamation has existing legal rights within and adjacent to the NRA that predate and take precedence over NPS rights or uses.
- Reclamation operations along the three reservoirs under the Colorado River Storage Project Act continue to provide recreational and scenic values that support legislative designation of the area as the Curecanti NRA. Any legislation for the NRA should allow that situation to continue, without any additional limitations on the Bureau of Reclamation's operational capabilities.
- The prior intent of the Department of the Interior was that contiguous Reclamation lands along the Gunnison River, upstream of the Black Canyon of the Gunnison National Park, were to be administered by the National Park Service for recreational and other purposes pursuant to Reclamation law. The 1965 MOA between the Bureau of Reclamation and the National Park Service provided for such management on Aspinall Unit lands, pursuant to Section 8 of Colorado River Storage Project Act, and allowed for the future inclusion of additional acquired or withdrawn lands. For example, in 1978, Uncompahgre Project lands in the East Portal area were added to the MOA and the NRA. However, the 1965 MOA did not address future deletion of lands from the NRA, nor were there appropriate supplemental agreements to address the management of deleted lands by another federal agency. A revised MOA should address both the addition and deletion of lands to and from the NRA, as well as the management of deleted lands by another federal agency, or disposition thereof to private, state, or other ownership.
- The Bureau of Reclamation and the National Park Service have differing missions and management directives within and adjacent to the NRA. The current management agreement between the Bureau of Reclamation and the National Park Service should be updated to better reflect the roles and responsibilities of these respective agencies.
- There are numerous and varied existing legal rights on lands within the study area that may affect management of the NRA. These rights either need to be recognized and honored or they need to be acquired through appropriate means. Either way, these rights will affect management of the NRA. These rights include, but are not limited to, reserved mineral rights, transmission rights-of-way (Western, Gunnison County Electric Association, Qwest Communications, etc.) and access rights (Lake Fork Cove and Blue Mesa Village subdivisions, Sapinero, etc.).

IMPORTANT CONSIDERATIONS REGARDING RECOMMENDATIONS TO CONGRESS

This study's Proposed Action recommends that Congress enact legislation regarding the official designation of Curecanti NRA. The study team has identified the following considerations to be of paramount importance in drafting any such legislation.

- Congress should designate the area identified in the Proposed Action as the "Curecanti National Recreation Area."
- Any such NRA designation and associated legislation should protect Reclamation's ability to meet its mission, including project operation, maintenance, replacement, and land addition or expansion if and when necessary, on all of its lands and waters within and adjacent to the NRA. The Bureau of Reclamation's ability to meet its mission and to conduct project-related operations on any of its lands and waters should not be diminished or hindered as a result of the designation of the area as an NRA. Likewise, any such NRA designation and associated legislation should provide

the National Park Service reasonable and appropriate authority to meet its mission within and adjacent to the NRA, provided that Reclamation's prior authority to meet its mission on the same lands and waters is not diminished nor hindered in any way.

- Any such NRA designation and associated legislation should allow for future adjustments to the proposed NRA boundary that are mutually acceptable to the Bureau of Reclamation, the National Park Service, and other affected federal and state agencies.

Any legislation establishing the NRA should provide for coordinated management through an agreement between the Bureau of Reclamation and the National Park Service, which identifies their respective roles and responsibilities. This legislation should be relatively broad, and not overly specific on how the NRA is to be managed. Other documents would go into more detail describing how the NRA should be managed. These documents would include a new MOA between the Bureau of Reclamation and the National Park Service, and a revised NPS general management plan or implementation plan for the NRA.



Bighorn sheep inhabit rugged areas within and adjacent to Curecanti NRA

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.

