

THE CRYSTAL RIVER • WILD • SCENIC • HOME

Hello Neighbor,

We want to ensure you are aware of a major community initiative that affects all of us in the Crystal River Valley. Crystal River Wild and Scenic is a volunteer effort put forth by a group of Crystal Valley citizens who are dedicated to protecting the Crystal River as we know it for generations to come. Since 2011, our citizens group has been reaching out to Crystal Valley residents to gauge support for a Wild and Scenic designation along the main stem of the Crystal River. Wild and Scenic designation would protect the river from the threat of dams and out-of-basin diversion projects. That is our goal. We've drafted a Crystal River Act that is tailored to fit the values and objectives we've heard from our community. We are seeking both feedback and support for the initiative.

What follows is a factual explanation of the threat our valley faces, our citizens group's proposed solution (Wild & Scenic Designation), and answers to questions we are most commonly asked. Our community engagement is ongoing and we'd love to hear from you. Thank you for your time and consideration.

Sincerely,

Bill Jochems, Dorothea Farris, Chuck Ogilby

www.crystalriverwildandscenic.com

What is the threat to the Crystal River Valley?

Colorado's rapid population growth is well documented. Growth projections estimate our state's population will roughly double between now and the year 2050. The Colorado Water Plan indicates that water storage infrastructure will need to increase in capacity by roughly 45% to meet the increasing demand. That math puts every watershed in the state on notice. As one of the few remaining undammed rivers in Colorado, an unprotected Crystal River presents a huge target for water developers. As water demand increases in the coming years, the threat may manifest in many forms. We may face renewed proposals for full scale dams and/or out-of-basin diversions that would capture and siphon off the Crystal's flows. The threat could come from the east or the west and bring deep pockets and political clout behind it. Will we have the resources to beat it again?

Isn't the Crystal River's water already over-allocated? What water could they take?

According to the 2016 Crystal River Management Plan, the Crystal River has 433 cfs of existing adjudicated water rights that allow consumptive diversion of water between the months of May and October each year. In an average year, the Crystal's flows exceeds 433 cfs from early-May to mid-July with a median peak flow of ~1400 cfs occurring in early-June (as gauged by the USGS above Avalanche Creek near Redstone). All flows above 433 cfs are at risk for future water storage development. This is the unprotected water that a future dam or out-of-basin diversion is likely to target. These seasonal peak flows are critical to the overall health of the Crystal River. Impounding or sending them out of the basin would have a wide array of impacts on our river and lifestyles.

Not only can unappropriated water be grabbed by a new water right, but water is for sale in the state of Colorado. Existing irrigation water rights can be bought up by water developers, agricultural lands dried up, and the water transferred to storage in a reservoir. No one can honestly say that any of the Crystal River's water is truly off the table when it comes to future dam and out-of-basin diversion projects.

Who has an interest in developing the water supply of the Crystal River?

We have heard from residents and property owners along the Crystal River that no one wants to see its waters dammed or diverted out of the basin. Our community is unified in opposition to dams and trans-basin diversions. However, the State of Colorado's current Water Plan calls for the development of 400,000 acre-feet of additional water storage. That's 45% more water storage than the state currently has. The Governor and many Front Range water managers have stated support for adding water storage. Most concerning is that the Colorado River District has indicated ongoing interest in developing impoundments within the Crystal River watershed. Recall that it was the Colorado River District that maintained their rights to 160,000 acre feet of storage in the Crystal River Valley (as recently as 2010). The threat of a state or river district level water grab to satisfy any number of Front Range, or Western Slope, water demands is very real.

Who can stop a dam or out-of-basin diversion on the Crystal River?

Pitkin County? Gunnison County? Garfield County? Marble, Redstone, or Carbondale? Private landowners? Community coalitions? NONE of the above have a mechanism to stop a well-funded dam or trans-basin diversion project that comes at us with overwhelming political backing at the state and river basin level. We could holler and spend a lot of our local tax dollars fighting it, but in a west facing water starved future, this is not a fight we can keep winning. The tax base and political pulling power of our opponents is much larger than that of any of our local counties, cities, and towns. Wild and Scenic designation through the Crystal River Act would protect the river from ever facing this threat again.

What would the Crystal River Act do?

The Crystal River Act would protect the upper 39 miles of the main stem of the Crystal River from future dam and out-of-basin diversion projects. This reach runs from the existing Federal lands above the Town of Marble to the Sweet Jessup irrigation canal below the confluence of Avalanche Creek. A map showing the river segments eligible for Wild and Scenic designation is available on our website: www.crystalriverwildandscenic.com.

Who would benefit from Wild & Scenic designation of the Crystal River?

The entire Crystal River Community would benefit from the permanent protection of our home river and its value to our way of life. Designation means we would never again need to fight the threat of dams or out-of-basin diversions on the main stem of the Crystal. Fighting off the last dam projects on the Crystal River took over 50 years and enormous local taxpayer dollars. Wild and Scenic designation saves us the costs of similar battles (which we may not win) in the coming years. Benefits to private landowners along the river are huge. In the long term, Wild and Scenic designation allows us to keep the river we know and love, and our homes, private property, and livelihoods along its banks. Designation means our land won't be flooded for future dams and the Crystal's seasonal flows can never be reduced to a trickle by an out-of-basin diversion.

Let it flow free forever

How would Wild and Scenic affect private lands?

The Crystal River Act confers NO federal authority over private land-use or local zoning of private lands. Private landowners along the designated segments of the Crystal River will not be allowed to build a dam or an out-of-basin diversion on their property. All landowners GAIN PROTECTION from other land and water rights owners who may seek to build a dam or out-of-basin diversion on the Crystal.

How does Wild and Scenic Designation affect public lands?

The US Forest Service is currently managing the public land within the proposed designation area as if it is already designated as Wild and Scenic (but WITHOUT PROTECTION from dams and out-of-basin diversions). If the Crystal River Act goes through, very little is likely to change in the way the Forest Service manages these properties. The Forest Service would develop a management plan specific to Wild and Scenic. It is anticipated that most, if not all, current public uses would be allowed to continue WITH PROTECTION from dams and out-of-basin diversions.

Does Wild & Scenic designation affect existing water rights?

No. Wild and Scenic designation has no impact on existing water rights or jurisdiction over water rights. All existing water rights remain unchanged.

I've heard that Wild and Scenic will give the Federal government control of a 1/4 mile buffer (or more) of my private property. Is this true?

This is false. The ¼ mile buffer applies only to management of public lands. It does not apply to privately owned property. The only restriction to private property is that a landowner cannot build a dam or out-of-basin diversion.

Does private land that has been designated Wild and Scenic remain private land?

Yes. The Crystal River Act gives the Federal Government NO specific authority to condemn private lands along the Crystal River. In fact, the Crystal River Act will PROTECT private land from being condemned for future dam and out-of-basin diversion projects by removing the current existing right of Front Range water suppliers to condemn in our valley.

What is the difference between the 1968 National Wild & Scenic Rivers Act and the Crystal River Act?

The original 1968 Act was passed to balance our nation's existing policy of building dams with protecting free flowing rivers that have outstanding natural and cultural values. A number of rivers were formally designated as Wild and Scenic in the original Act. The 1968 Act also enabled a way for additional river communities to propose Wild and Scenic Designation Acts tailored to the specific needs and values of their river community. That is exactly what the Crystal River Act is. It is critical to understand that there are many provisions of the 1968 Act that do not apply to the Crystal River designation. We have tailored the Crystal River Act to meet the values and objectives identified by our community. The Crystal River Act limits the application of Wild and Scenic designation to two key features. 1) No dams. 2) No out-of-basin diversions.

Where are we at in the designation process?

There are three major steps we must take to gain Wild and Scenic designation for the Crystal River. In short they are Eligibility, Suitability, and Legislation (in that order). The Crystal River has been found eligible and is part way through the Suitability stage. The Suitability stage involves measuring community support for protecting the river, determining specific community needs related to the river, and preparing a locally customized proposal for the river's protection. This is the stage in which the volunteer citizens group is currently engaged. If the community supports the initiative, the next step would be a formal suitability study. If the Crystal River is found to be suitable for Wild and Scenic designation, the community generated Crystal River Act would be brought before the US Congress in the Legislation stage.

Could the US Congress alter the community proposed Crystal River Act during the Legislation stage?

While this is possible, our coalition supports only the version of the Crystal River Act that is drafted and put forth by our local community. We would not support an altered version of the Crystal River Act that is not in keeping with our community's values and objectives. Furthermore, it is highly unlikely that an altered version of the Act, one that is not supported by the local community, would be carried forward by anyone, or gain any traction in Congress. Our local community has initiated Wild and Scenic designation. No one is pushing it upon us. Designation only goes forward if the Crystal River Valley community actively seeks and supports it.

Where can I find out more about the Crystal River Wild and Scenic effort and how can I contact you?

You can find out more, share your thoughts, and contact us at: www.crystalriverwildandscenic.com

Please show your support!

The Town of Marble and Gunnison County are in the process of determining whether or not they support the Wild and Scenic Designation. If you support the initiative, it is critical you communicate that to the Marble Town Council and the Gunnison County Board of County Commissioners as soon as possible. Options:

- **Email:** Town of Marble: leach@townofmarble.com / Gunnison County: bocc@gunnisoncounty.org
 - **US Mail:** Town of Marble, 322 West Park St., Marble, CO 81623 / Gunnison County Commissioners, 200 E. Virginia Ave., Gunnison, CO 81230
 - **In Person:** There is a working session between the Marble Town Council and the Gunnison County Commissioners on Tuesday August 9th, 2016, 7pm at the Marble Community Church. The meeting is open to the public. Please attend and voice your support.
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