

**COLORADO RIVER RECOVERY PROGRAM  
FY-2020-2021 PROPOSED SCOPE OF WORK**

Project No.: C-6-EM

Easement management

Reclamation Agreement number: TBA  
Reclamation Agreement term: new agreement pending

Lead Agency: U.S. Fish and Wildlife Service  
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Category:

- Ongoing project  
 Ongoing-revised project  
 Requested new project  
 Unsolicited proposal

Expected Funding Source:

- Annual funds  
 Capital funds  
 Other (explain) FWS

**I. Title of Proposal:** Management of easements acquired for the Recovery Program

**II. Relationship to RIPRAP:**

-GREEN RIVER ACTION PLAN: MAINSTEM

II.A.2. Acquire interest in high-priority flooded bottomland habitats between Ouray NWR and Jensen to benefit endangered fish.

-COLORADO RIVER ACTION PLAN: MAINSTEM

II.A.5. Acquire interest in high-priority flooded bottomland habitats.

-COLORADO RIVER ACTION PLAN: GUNNISON RIVER

II.A.3. Acquire interest in high-priority flooded bottomland habitats.

**III. Study Background:** Easements have been acquired on 17 properties totaling 1,347.12 acres. The last easement was acquired on the Colorado River (Hoaglund property) in April 2006. Easements acquired by the Recovery Program were transferred to the U.S. Fish and Wildlife Service, Division of Refuges for management as part of the Colorado River Wildlife Management Area established in July 1999. All easements are managed in accordance with an easement management manual (“Administrative and Enforcement Guidelines and Procedures for Management of Perpetual Floodplain Easements, Colorado River Wildlife Management Area” dated April 3, 2000). Management primarily consists of monitoring easements to ensure that landowners comply with easement terms and special use conditions. The Refuge Manager and/or staff visit with landowners once annually to ensure that they understand the terms of the easement. Enforcement and penalty procedures are identified in the Easement Enforcement Manual in the event of a violation.

#### **IV. Study Goals, Objectives, End Product:**

Goal: Monitor and manage easements acquired by the Recovery Program for the purpose of supporting and sustaining recovery of the endangered fishes.

Objectives:

1. To restore, enhance, and/or protect floodplain habitats to benefit endangered fishes.
2. To maintain positive working relationships with Colorado River Wildlife Management Area landowners.

End Product: Compliance with easement terms and maintenance of easement habitats. Annual report submitted to the Recovery Program.

- V. Study Area:** Easements are located within priority geographic areas which include the Green River floodplain between Pariette Draw (RM 238) and Dinosaur National Monument (RM 318); the Gunnison River floodplain between Escalante SWA (RM 50) and the North Fork (RM 75) and the Whitewater area; and the Colorado River floodplain between Westwater (RM 127) and Rifle (RM 240).

#### **VI. Study Methods/Approach**

After an easement is acquired by the Recovery Program and transferred to the U.S. Fish and Wildlife Service, Division of Refuges, contact is established between the Refuge Manager and the landowner as soon as possible. A letter is sent by the Refuge Manager to the landowner that introduces the easement Manager and describes what the landowner can expect during easement administration. Attached to the letter are maps, photos, and legal descriptions that delineate easement boundaries; and lists of activities that are allowed, not allowed, or allowed only with a permit. Floodability enhancement plans accompany the letter where applicable. The landowner needs to be notified prior to any construction activities, and a pre-construction meeting will be held with the landowner in attendance.

The Refuge Manager will conduct an annual on-site meeting with the landowner and/or operator. At such a meeting, the Refuge Manager will review the terms and conditions of the easement contract, reaffirm the landowners and the operators understanding of the terms and conditions, visually inspect all dikes, dams, and levees, building sites and other improvements to assess whether any improvements or additions contrary to the easement or Service permits have been made, or that Service constructed inlets, outlets, gates, dikes, or levees are operating as designed and are in a good state of repair. Any management problems that the landowner or operator are experiencing will be discussed.

The annual meeting and inspection are also ways to reaffirm that the landowner, or possibly a new or second-generation landowner or operator, is aware and knowledgeable of the easement and its terms and conditions, and a way to establish more of a partnership or working relationship between the landowner/operator and the Service.

All easements will be checked for compliance using a variety of methods once each year during spring runoff (May/June). These methods could include a combination of remote sensing, aerial inspections, or site visits. If the easements are not aerially inspected they will be inspected on the ground. The objective is to detect all activities which may constitute a violation of the floodplain easement. Such violations would include alterations in floodplain topography or hydrology resulting from earth-moving, excavation, and/or construction or operation of flood-control features.

If violations are suspected as a result of the routine aerial flights, then follow-up ground inspections will be conducted as soon as possible. Once a violation is confirmed, it will be investigated and documented in detail.

If damage or harm to the floodplain easement can be demonstrated or articulated as a result of activities within the easement boundaries, an easement violation may have been committed. The findings will be documented and the landowner will be contacted in person. If the landowner does not repair the damage, the Refuge Manager or Special Agent may issue a notice of violation. Compliance contacts will be made until restoration or restitution has been made.

Global Positioning System (GPS) and GIS mapping may take place on all acquired easements. Easement boundary, access point and existing structures are recorded. Other points or areas of significance within or related to the easement will also be documented.

To address local concerns, easement management will include monitoring for noxious weeds. The monitoring may be conducted by refuge staff during annual ground inspections, or it may be contracted. The degree of noxious weed management depends on the severity of the infestation, plant species and the possible threat to the endangered fish.

## **VII. Task Description and Schedule**

1. Annual inspections and landowner coordination (March-June). Management actions to address habitat quality (May-September).
2. Write annual report.

## **VIII. FY-2020/21 Work**

-Description of Work

See study methods/approach and task descriptions, above.

-Deliverables

Annual report of activities

## **IX. Budget Summary**

FY2020: \$49,994

FY2021: \$49,994

FY2022: \$49,994

FY2023: \$49,994

FY2024: \$49,994

These amounts identify the total contribution from the Recovery Program. The Refuge

Program is contributing additional USFWS funds to support staff and management activities on easement properties, and these expenses are not reflected in the budget totals or cost estimating spreadsheet.

As per the 1999 agreement between the Recovery Program and the Refuge Program, the Recovery Program has committed to funding a minimum of \$50,000 per year throughout the life of the Recovery Program. This remains one of the terms under which the Refuge System continues to manage the floodplain easements.

**Note:** The above numbers are modest estimates of known costs of managing lands in accordance with National Wildlife Refuge System standards. The cost estimates include habitat management through invasive weed control (which is seriously needed on all easements) as well as all other aspects of refuge land management.