MEMORANDUM

TO: Members, Colorado Water Conservation Board.

FROM: L. R. Kuiper, Acting Director.

SUBJECT: Draft Copy of Proposed Water and Water Development Program Policy of the State Department of Game and Fish.

Enclosed herewith is the subject document, together with comments proposed by the Acting Director of the Colorado Water Conservation Board.

Your reaction to the proposed Policy Statement and the proposed comments submitted herein would be appreciated. Please note the request for comments are due August 10th.

L. R. KUIPER
Acting Director

LRK: lk
Enclosures
Dear Len:

Enclosed is a draft copy of a policy in regard to water and water development programs that has been approved by our Commission upon first reading.

Under our procedure, this policy must have two more readings before being final, and it is subject to revisions in the meantime.

I should like to have your official comments and suggestions in regard to this policy. I hope that you will find that it is coordinate with other uses, and I shall respect your opinion if you have ideas in regard to areas which may have been omitted from this policy. I would appreciate your comments before August 10.

Sincerely,

/s/ HARRY R. WOODWARD
Harry R. Woodward
Director

Copied: CWCB:lk 7/27/62
It is hereby declared that the following statement shall constitute the policy of the Colorado Game and Fish Commission with respect to water and water development programs:

1. The Commission recognizes its moral and legal responsibility to protect, develop and enhance the game and fish resources of this State. Moreover, the Commission recognizes the urgent necessity of thoughtful and orderly development of this State's water resources in a manner most beneficial to the people of Colorado even though such development may upon occasion adversely affect Colorado's game and fish resources.

2. The Commission places particular emphasis on the urgency of protecting, enhancing, and providing access to the stream fishery resources of this State.

3. The Commission strongly urges all public and private agencies to provide opportunities for public fishing on all waters under their control.

4. The Commission will insist that a conservation pool adequate for protection of the fish population be provided for in all future impoundments subject to the provision of the Federal
Coordination Act. Further, the Commission will attempt to provide for conservation pools in reservoirs now in existence where conservation pools are lacking and where fishery surveys show such conservation pools to be advantageous, provided permanent public access for fishing is assured.

5. The Commission strongly supports the provisions of the Federal Coordination Act (Public Law 732, 79th Congress, as amended). Whenever any water development project is proposed which involves Federal lands in Colorado, the Game and Fish Department is hereby directed to make the necessary surveys and investigations, in cooperation with the Bureau of Sport Fisheries and Wildlife, U.S. Department of Interior, to determine the effect of such project upon game and fish resources; and to recommend for Commission consideration the means and measures which should be adopted by the construction agency to enhance or to prevent loss of and damage to the game and fish resources. The Commission will recommend to the Secretary of Interior through the Bureau of Sport Fisheries and Wildlife those stipulations and conditions which the Commission feels are necessary for the protection of game and fish resources and which should be specified in any use permits, rights-of-way, or similar instruments which are issued covering the use of the Federal lands.

6. The Game and Fish Department is further directed to investigate all other proposed water development projects, and
to make recommendations to the Commission for protecting any 
game, fish and migratory bird resources which may be affected 
by such projects.

7. The Commission believes that pollution and siltation 
are destructive to the waters of the State and that both must be 
reduced to the absolute minimum through such appropriate action 
as may be necessary and legal. The Game and Fish Department is 
hereby directed to investigate and report to the Commission any 
known deleterious condition in the public waters of the State 
which appears to be a result of pollution or siltation.

The Commission further believes that an improvement of 
pollution laws regarding fish and game is essential for adequate 
protection of this State's fish and game resources and will en­
courage strengthened legislation.

8. The Commission supports an immediate and continuing 
program by the Department for the acquisition and/or construction 
of water impoundments for fish production, public fishing, and 
other consistent purposes. In the implementation of this pro­
gram, local communities are urged to participate by assisting the 
Department to obtain the necessary land, easements, water rights, 
etc. In addition other agencies and governmental units are en­
couraged to assume responsibility for the development and admin­
istration of all types of recreation other than hunting and fishing.
9. The Department with the assistance of legal counsel is directed to obtain water rights as provided under the laws of Colorado for all impoundments, streams, fish hatcheries, and all other appropriate projects which fall under the jurisdiction of the Commission.

10. The Commission will recommend and actively support legislation or other action which will:

   (a) Recognize sport fishing and other recreational uses of water to be beneficial uses for which water may be appropriated and water rights adjudicated.

   (b) Give permanent legal status to those streams which have a high fishery value by providing a statutory or otherwise permanent maximum or minimum stream flow.

   (c) Give permanent legal status to the natural lakes of the State by providing a statutory or otherwise permanent water level elevation which can be neither lowered nor raised without the express consent of the Game and Fish Commission.

   (d) Provide for a State Coordination Act comparable to the Federal Coordination Act which will provide for consideration of game and fish resources in water development projects.
Mr. Harry R. Woodward, Director
Department of Game and Fish
1530 Sherman Street
Denver 1, Colorado

Dear Harry:

Thank you for the draft copy of Policy in regard to Water and Water Development Programs that has been approved by your Commission upon first reading. In general I feel that the draft is constructive and certainly a step in the right direction toward resolving some past conflicts in water development programs.

In your Article 4 may I suggest that wording be added to the effect that conservation pools be provided in future impoundments where "in the opinion of the Department of Game and Fish such conservation pool is desirable". This, of course, applying to future impoundments. The provisions for existing impoundments "where fishery surveys show such conservation pools to be advantageous", I think is good but there's a question in my mind as to whether or not this would be applicable to the sentence regarding future impoundments. I particularly like the last clause in Article 4 relating to public access.

I do have some general comments relating to Articles 9 and 10. The comments relate to a "State Coordination Act" as suggested in Article 10(d) or to any other administrative procedures act which would accomplish, in general, the following objectives:

The Federal Coordination Act provides that in all federally financed projects involving development of water resources that these projects be examined to "determine the effect of such project on game and fish
resources; and to recommend the means and measures which should be adopted by the construction agency to enhance or prevent loss of and damage to game and fish resources".

I do not know of any place where the converse of this statement exists. I feel that the provisions in the Coordination Act have been proper and have been effective. I further feel that single-purpose projects, whether they relate to streams or impoundments, for the enhancement or the provision of fishery resources, should be examined to determine their effect upon the traditionally conventional uses of water. I do not feel that your Statement of Policy intentionally excludes such an examination; however, I do not feel that it is sufficiently specific. In short, it is my feeling that the use of water resources in the State of Colorado for recreation, fish and wildlife purposes, is a proper use. I further feel that we should be extremely careful in the formulation of policy to insure that this use is integrated with the multiple-use concept which the Colorado Water Conservation Board has traditionally followed.

It is my feeling that the Colorado Water Conservation Board could accept this Statement of Policy subject to a proper Coordination Act or Administrative Procedures Act which would insure that all uses of water be integrated and examined with a regard to the effect of each upon the others, particularly where construction by a state agency is concerned.

Sincerely,

/s/ L. R. KUIPER
Acting Director

LRK: lk