

CACHE LA POUDBRE RIVER

By Rose Laffin and Brian Werner

The Cache la Poudre River means different things to different people, and their perceptions have changed over time. The Cache la Poudre was once the engine for an agricultural society whose success lured settlers to Northern Colorado from all over the world. As this population diversified and urbanized, the river's value became more than just economic. Some residents wanted to protect and recognize the river corridor as a unique recreational and heritage area

In the late 20th century, intense negotiations led up to two special federal designations for the Cache la Poudre—as a Wild and Scenic River and a National Heritage Area. The discussions and compromises that led up to these designations revealed the changing values of those who care about this river, and the difficulties they face in finding a balance between its protection and use

The Cache la Poudre River is one of the finest examples of the development and evolution of a working river anywhere in the United States. The Poudre, as it is locally known, begins at the Continental Divide in Rocky Mountain National Park and flows through a canyon of its own making before dropping nearly a mile in elevation to the plains where it joins the South Platte River

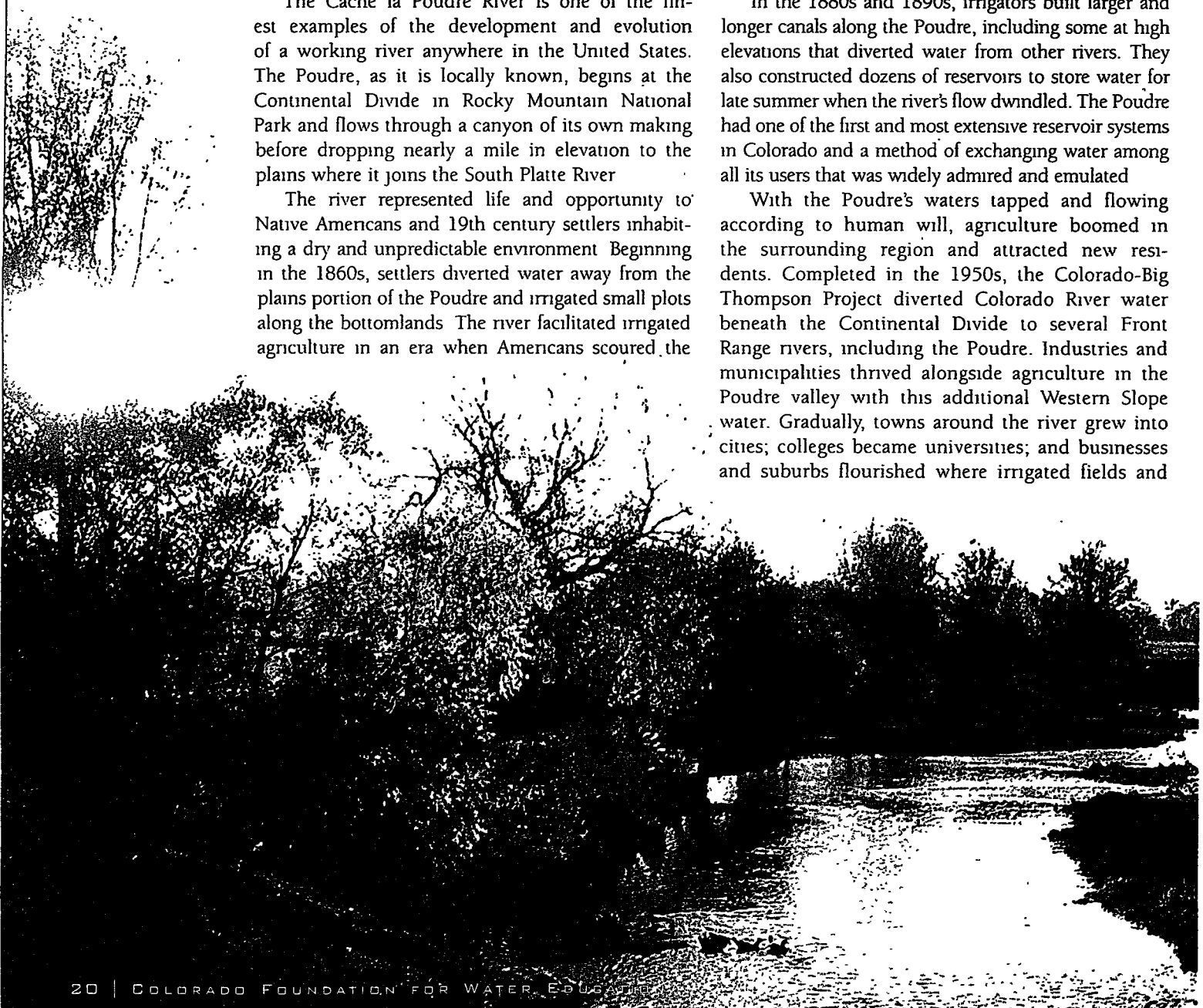
The river represented life and opportunity to Native Americans and 19th century settlers inhabiting a dry and unpredictable environment. Beginning in the 1860s, settlers diverted water away from the plains portion of the Poudre and irrigated small plots along the bottomlands. The river facilitated irrigated agriculture in an era when Americans scoured the

West looking for fertile land of their own to farm. In 1870, Union Colonists settled on the river's eastern reaches and founded the town of Greeley. They constructed the first large canals off the river and gained national attention as much for their adventures with large-scale irrigation as for their experiment in communal living.

The dry summer of 1874 ignited a dispute over the Poudre's water between Union Colony residents and those upstream in Fort Collins. This friction prompted the codification of Colorado water law, based on the doctrine of prior appropriation. Prior appropriation meant that those who had a prior claim to water, or were first in time, had first right to the water. This differed from the system used in the more humid, eastern parts of the United States where only landowners next to a watercourse held the rights to its water

In the 1880s and 1890s, irrigators built larger and longer canals along the Poudre, including some at high elevations that diverted water from other rivers. They also constructed dozens of reservoirs to store water for late summer when the river's flow dwindled. The Poudre had one of the first and most extensive reservoir systems in Colorado and a method of exchanging water among all its users that was widely admired and emulated

With the Poudre's waters tapped and flowing according to human will, agriculture boomed in the surrounding region and attracted new residents. Completed in the 1950s, the Colorado-Big Thompson Project diverted Colorado River water beneath the Continental Divide to several Front Range rivers, including the Poudre. Industries and municipalities thrived alongside agriculture in the Poudre valley with this additional Western Slope water. Gradually, towns around the river grew into cities; colleges became universities; and businesses and suburbs flourished where irrigated fields and



COLORADO'S FIRST WILD AND SCENIC RIVER

farmhouses once stood. By the 1980s, much of the Poudre, both in the canyon and on the plains, was easily accessible by trails and paved roads. It was surrounded by a national park, national forests, private and municipal land. Its waters were scrupulously divided, extensively used and jealously guarded by farmers, municipalities, industries and, increasingly, recreators.

The Road to Wild and Scenic

Inevitably, the issue of protecting this important resource arose. Those who wanted to safeguard the Poudre from future development and overuse faced off

against those who had traditionally used the river's water and depended on it economically. Intense negotiations and compromises ensued over the status of the Cache la Poudre—as a working river and protected river.

The story of how the Poudre became Colorado's first and only Wild and Scenic River is a lesson in compromise. Cooperation between various water management agencies and environmental groups on Wild and Scenic legislation is a testament to all those involved, including one of Colorado's most remarkable public servants—Hank Brown.

The Wild and Scenic story began in 1968 when Congress passed the National Wild and Scenic Rivers System Act. This was one of many new environmental laws passed in the 1960s and 1970s as the United States entered an era of environmental consciousness and contention.

In 1977, the U.S. Forest Service (USFS) undertook a study to determine if the Poudre qualified for Wild and Scenic status. As the study evolved, water users, environmentalists, public officials and others became actively involved in the process.

The USFS released an environmental impact statement in April 1980 recommending



Congressman Hank Brown was instrumental in getting the Cache la Poudre Wild and Scenic River and National Heritage Area Act passed through Congress. Much of his success came through political persistence, and the cultivation of active local partnerships.

that 83 miles of the Poudre be designated as either wild or recreational. This included most of the mainstem of the river from its source in Rocky Mountain National Park to the canyon mouth along with the South Fork of the river near Fort Collins.

The report received a mixed reaction. Support came from the environmental community, opposition came from the water management community that wanted further study of potential reservoir sites. The Colorado Mountain Club, Audubon Society and a newly formed local group, Preserve Our Poudre, all wrote letters in support of the draft proposal. The water management community talked of possible court action. Its concerns centered on the potential for the Wild and Scenic designation to preclude any and all storage sites from future development.

One of the Poudre's oldest and most well established irrigation companies, the Water Supply and Storage Company, responded to the USFS, "... the study seems superficial and the recommendations totally contrary to the best interests of the people of the state." The Northern Colorado Water Conservancy District (NCWCD) asked the USFS to defer a decision on 30 miles of the proposed designation until after a basin-wide water resource development study could be completed.

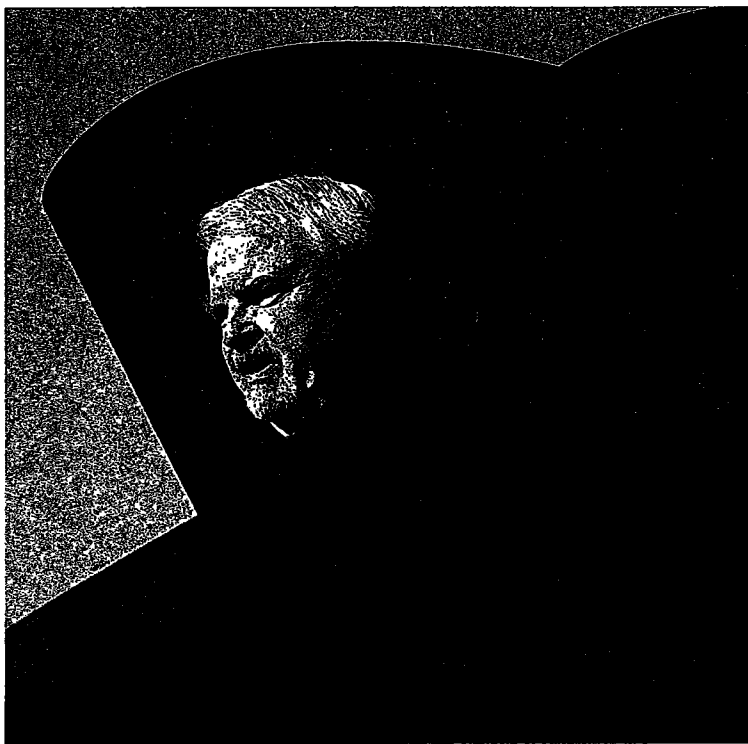
Taking these comments into consideration, the USFS studied five alternative designation combinations as it prepared to issue a final Environmental Impact Statement. Its final recommendation, issued in 1983, included 62 miles for designation, or 21 miles less than the draft report had proposed. The USFS had listened to water management input and excluded the proposed Idylwilde, Rockwell and Grey Mountain reservoir sites from its final recommendation.

Idylwilde was a mainstem reservoir to be located upstream of the confluence with the South Fork. Grey Mountain was a mainstem reservoir proposed in the lower 7.5 miles of the canyon. The Rockwell site on the South Fork was to be a joint effort between the cities of Greeley and Fort Collins.

After the USFS recommendation,

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With battle lines drawn, a Wild and Scenic designation was no sure thing. Into the fray stepped newly elected Congressman Hank Brown. A well-respected former state legislator from Greeley, Brown was familiar with the Poudre and knew most of the key interests on a personal basis. To those who he was a stranger, he soon made acquaintances.



Former Colorado Governor Dick Lamm surprised many when he came out in favor of designating the entire Upper Poudre as a Wild and Scenic River. This was some 12 miles more than the USFS recommendation.

Brown went to work immediately. He had a strong desire to see the Poudre become Colorado's first Wild and Scenic River, and he was willing to compromise. He was also in a position to bring the water management and environmental communities together. In November 1983, Brown invited 11 local and vocal members of key water management, environmental and governmental agencies to a meeting. From that meeting, he created a Citizen's Advisory Panel charged with reviewing the USFS recommendations and advising him on a course of action.

Brown sought a compromise that would allow for designation and still leave critical storage sites open for development. And he knew he needed broad local support. Public meetings in Fort Collins indicated that the majority of residents supported designation, yet a few key interests still

held out. Brown brought a smaller citizen's group together with the task of crafting a bill that would pass Congress. With Brown's guidance and forceful personality, the group eventually negotiated a compromise acceptable to all parties.

This compromise would have designated 70 miles of the river as Wild or Scenic and exempted from designation and permit review a couple of possible storage projects as long as fish bypasses were made. It also included protective language exempting

present water development from impacts associated with Wild or Scenic designation.

However, Brown's first attempt failed after national environmental groups objected. The bill never made it out of committee. Yet Brown persevered, once again asking a small local group to help write the legislation. After months of negotiations, the group forwarded its compromise bill to Congressman Brown. It proposed designating 75 miles of the Poudre as Wild or Scenic, leaving undesignated the lower 7.5 miles above the canyon mouth.

Water managers gave up reservoir sites upstream at Idylwilde and Indian Meadows, rendering those projects unbuildable. Environmentalists agreed that a reservoir site below Poudre Park and the

Rockwell site on the South Fork would be left undesignated and open to possible future development.

Brown spoke eloquently before the House Subcommittee on Interior and Insular Affairs about the Poudre's treasures and that it stood to become Colorado's first Wild and Scenic River. He added that the bill reflected the joint recommendations of the region's conservation and water supply interests.

Brown must have been convincing. President Ronald Reagan signed Public Law 99-590 making the Cache la Poudre Colorado's first Wild and Scenic River in October 1986. Northern Colorado water management interests and environmentalists had supported and helped pass legislation protecting 90 percent of one of Colorado's most beautiful river canyons for all time, while leaving a small stretch open for potential future development.

Carefully crafted language in the new agreement also helped resolve a long-standing issue of contention for the Poudre—federal reserved water rights. Filed in the Greeley water court, resolution came in the form of an agreed-upon decree for an express federal reserved water right with a priority date of October 30, 1986, for “all of the native water arising upon or flowing through the designated segments of the Cache la Poudre River, subject to valid prior appropriations under Colorado law.” This agreement also protected use of the Poudre for importation and carriage of trans-mountain imported water. Because water management interests had long fought against federal reserved water right claims, the agreement to recognize such a right for the Poudre speaks volumes about the compromise.

Christopher Brown of the American Rivers Conservation Council held up the compromise as a new precedent for national action, calling it “a major breakthrough in the Wild and Scenic River Act.”

Next Steps: A Heritage Area

Brown next turned his attention toward implementation of a National Recreation Area Study on the Poudre River, also authorized under the Wild and Scenic Act. The three-year study investigated the potential federal recreation designation of an 18.5-mile section through the Fort Collins urban growth area

Brown viewed a National Recreation Area as a means of improving recreational opportunities in the corridor between Greeley and Fort Collins where a bike trail was under construction to ultimately connect the two cities. He stressed that water and private property rights would be preserved.

By the time the study was finalized in September 1989, it had evolved and expanded into creation of a “National Heritage Corridor” with emphasis on environmental and historic education within the entire Poudre basin.

Brown introduced the “Cache la Poudre National Heritage Corridor Act” in June 1990. Surrounded by political infighting, the bill died in committee. However, Brown remembered his early defeats with the Wild and Scenic designation and kept pursuing a bill. He also increased his leverage with a move from the United States House of Representatives to the United States Senate. Elected in 1990, he vowed to get another Poudre bill passed before he left office. Little did he know

how close he would cut it.

Brown asked again for local help. The City of Fort Collins, Larimer County and the Northern Colorado Water Conservancy District responded by funding a study to determine how to proceed. The theme “History of Water Development in the Westward Expansion of the United States” emerged as the basis for legislation. The National Park Service prepared a study assessing the Poudre’s national significance. It determined that the Poudre had national significance relating to water law and water development.

Brown introduced two more bills in 1991 and 1993 seeking Heritage Area designation for the Poudre; both failed. In February 1995, after nearly two years of rewriting, Brown introduced Senate Bill 342, the “Cache la Poudre River National Water Heritage Act.” On the last day of the legislative session—and Brown’s last official day as a senator—the 104th Congress passed the bill giving the Poudre status as Colorado’s first National Water Heritage Area. The bill authorized a commission to coordinate and develop a plan to interpret the history of water law and water development on the Poudre.

Brown prepared to leave Congress after 16 years. He had spent a good deal of his energy promoting the Poudre River and he deserved much of the credit for the two bills passed by Congress nearly 10 years apart. Brown facilitated negotiations between very diverse groups, including environmentalists, concerned citizens and water managers, all of whom viewed the Poudre as an essential resource in their community, albeit for different reasons.

By the 21st century, the citizens of northern Colorado had two national designations for the Cache la Poudre River that they could all take pride in. The Poudre is Colorado’s only Wild and Scenic River and it is also a National Heritage Area. But more than that, the Poudre is a unique river born of compromise—a working resource and a protected treasure. □

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