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Green River Action Network
Upper Green River Network
Las Vegas Water Defenders
Center for Biological Diversity

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August 3, 2018

BLM Arizona Strip Field Manager
Lorraine Christian
Arizona Strip Field Office
345 E. Riverside Dr.
St. George, Utah 84790

Sent Via eMail: blm_az_asfo_comments@blm.gov.

RE: Proposed Arizona Strip Resource Management Plan Amendment

Dear Ms. Christian

Thank you for the opportunity to provide input during this NEPA process on the proposal to amend the Bureau of Land Management's (BLM) Arizona Strip Resource Management Plan (RMP) as part of its evaluation of the proposed Lake Powell Pipeline route in the Kanab Creek Area of Critical Environmental Concern (ACEC).

INTRODUCTION

Living Rivers has approximately 1,200 members in Utah, Colorado, and other states. Since its inception, Living Rivers has been engaged in advocating for responsible management of the Colorado River system. We are based in Moab, Utah, which is located on the banks of the Colorado River 60 miles above Lake Powell. Living Rivers was designated as the Colorado Riverkeeper in 2002 by the Waterkeeper Alliance, comprised of 300 affiliate "Waterkeepers" on six continents. Living Rivers' trustees, partners, and members live, work, and recreate on stretches of the Green and Colorado Rivers that would be affected by the Lake Powell Pipeline, and in areas in and around the Kanab Creek Area of Critical Environmental Concern.

The Center for Biological Diversity ("Center") is a non-profit, public interest, conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places. Our mission is to

conserve imperiled native species and their threatened habitat and to fulfill the continuing educational goals of our membership and the general public in the process. Many of our members live, work, recreate, and care deeply about the Green and Colorado Rivers and the environs that will be affected negatively by the Lake Powell Pipeline which depends on easement from the Bureau of Land Management through the Kanab Creek Area of Critical Environmental Concern.

PURPOSE OF THE PROPOSED ACTION

The Utah Board of Water Resource (UBWR) is proposing a route for the proposed Lake Powell Pipeline (LPP) to traverse approximately 1.5 miles of the Kanab Creek Area of Critical Environmental Concern (ACEC). One mile of the pipeline would run within an existing utility corridor that overlaps the ACEC, and the remaining half mile would cross the ACEC outside the utility corridor.

Because this amendment is necessary for the proposed Lake Powell Pipeline to be completed, the entire scope of cumulative impacts for the Lake Powell Pipeline should be considered in this Environmental Impact Statement (EIS). The alternative routes identified for the proposed pipeline must be considered. Consultation with Kaibab Paiutes and US Fish and Wildlife Service must occur.

This route conflicts with the BLM approved 2008 Resource Management Plan (RMP) for the Arizona Strip Field Office (ASFO) Approved Resource Management Plan. The UBWR has selected this route for their convenience at the expense to critical habitat for living communities. This action speaks louder than words; UBWR has demonstrated to the public that they believe the proposed route should be approved because they are exceptional. This attitude of superiority over the commons is an opportunity for the public to take a higher ground position and respectfully ask the BLM to please deny any encroachment upon a designated ACEC. Lake Powell Pipeline is destructive and illogical; it is not in the public interest for the BLM to provide this amendment and easement to self-interested, pipeline promoters.

CLIMATE CHANGE AND THE COLORADO RIVER

The wildlife and people of the Colorado River Basin are in the unprecedented 19th year of drought; Arizona's drought has been reported to be 21-years in length. The aridification, or long-term drying, of the Colorado River Basin is predicted to continue through the century, impacting our water distribution and delivery systems.¹

“The Colorado River supplies water to 27 million users in 7 states and 2 countries and irrigates over 3 million acres of farmland. Global climate models almost unanimously project that human-induced climate change will reduce runoff in this

¹ Barnett, Tim and David Pierce. 2009. Sustainable water deliveries from the Colorado River in a changing climate. PNAS May 5, 2009. 106 (18) 7334-7338; <https://doi.org/10.1073/pnas.0812762106>.

region by 10–30%....If climate change reduces runoff by 10%, scheduled deliveries will be missed 58% of the time by 2050. If runoff reduces 20%, they will be missed 88% of the time.” (Barnett & Pierce 2009)

Current state and federal water management policies in the Colorado River Basin do not accurately reflect the world we now inhabit due to a changing climate. This water management predicament has the potential to eliminate the intended goal of securing food and water resiliency. In fact, the policies in place do not even reflect adaption to the climate regime that is accepted by compacts and treaties. For example, since the US Senate ratified a water treaty with Mexico in 1944, Colorado River and Rio Grande water managers have failed to adapt to the over-allocation problem. The Lake Powell Pipeline proposal clearly indicates that water managers will not be adapting to any climate regime. This disregard for reality is very disturbing.

The failure to acknowledge the consequences of a serious water scarcity problem leaves natural ecosystems and communities entirely vulnerable. This basin is at risk of both Lake Powell and Lake Mead dropping to critically low levels as seen by the graph entitled “Historical and Future Projected Lake Mead End-of-December Elevations” produced by the Bureau of Reclamation.² It is important to look at the “stress-test” hydrology based off flows from recent history (1988-2015) which many scientists think more accurately reflect our current state than “full hydrology” which includes an abnormally wet time early in the historical record. Notice that these predictions only go through 2026, about the time that the Lake Powell Pipeline would come online. It is extremely likely to continue to decline throughout the century, causing all states to be required to decrease water use.

In the 2012 executive summary of the Colorado River Basin Supply and Demand Study, the Bureau of Reclamation claims, “climate change may put water users and resources relying on the river at risk of prolonged water shortages in the future.”³ They go on to analyze current climate predictions and come up with a median expected decrease in Colorado River flow of about 9% by 2060.⁴ This number is very low compared to other studies that suggest a conservative estimate could be closer to 20%,⁵ but even at a 9% decrease in river flow, the Lake Powell Pipeline is in danger of shortages because their

² <http://www.riversimulator.org/Resources/States/ContingencyPlanning/Reclamation/MasterPresentationLBDCPandReclamationJune2018.pdf>

³ Reclamation. 2017. Colorado River Basin Water Supply and Demand Study Executive Summary. p 26. https://www.usbr.gov/watersmart//bsp/docs/finalreport/ColoradoRiver/CRBS_Executive_Summary_FINAL.pdf

⁴ Reclamation. 2017. Colorado River Basin Water Supply and Demand Study Executive Summary. p 7. https://www.usbr.gov/watersmart//bsp/docs/finalreport/ColoradoRiver/CRBS_Executive_Summary_FINAL.pdf

⁵ Udall, B. and J. Overpeck (2017), The twenty-first century Colorado River hot drought and implications for the future, *Water Resour. Res.*, 53, 2404– 2418, doi:10.1002/2016WR019638.



Utah's Upper Colorado River Entitlement & Current Depletions

Utah's Apportionment (23%) 1,369,000 AF

Current Depletion 1,007,500 AF

Remaining Depletion 361,500 AF

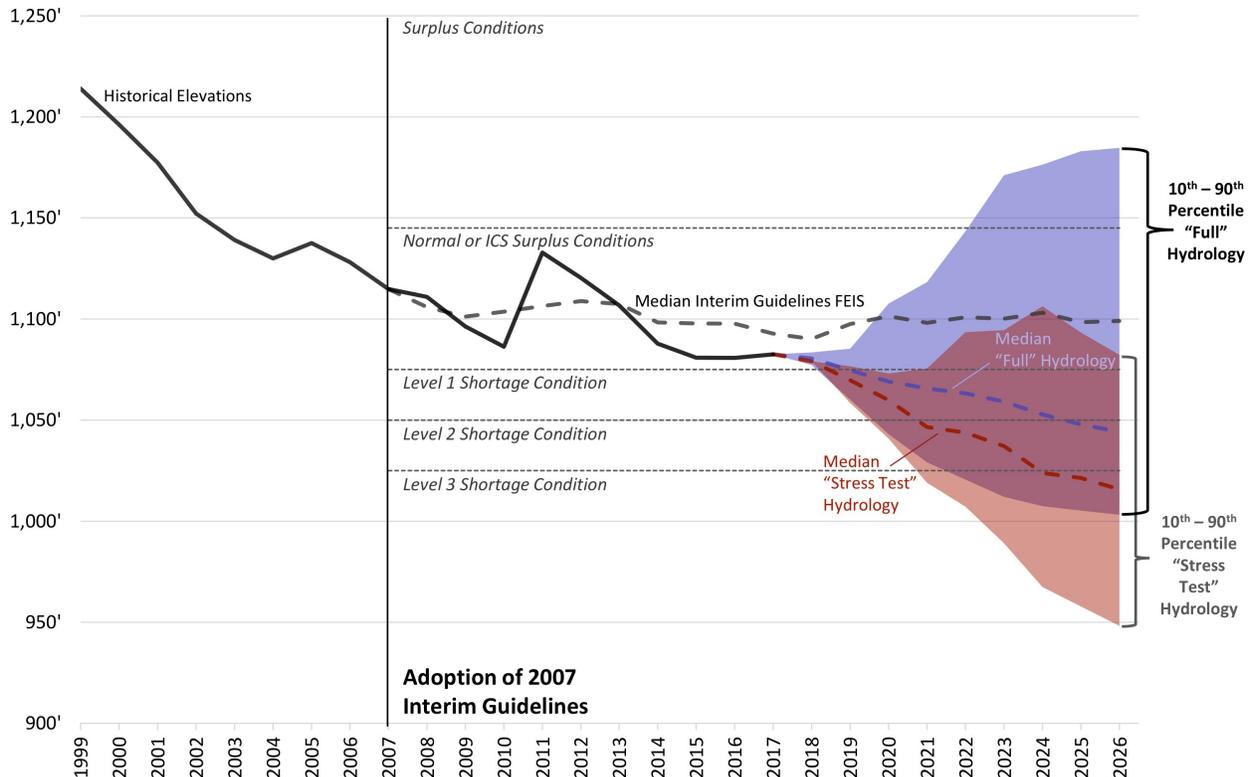
Potential Depletion

Approved Applications (Undeveloped)

<u>Applicant</u>	<u>Quantity (Ac Ft)</u>
San Juan County WCD	30,000
Central Utah WCD	29,500
Board of W R (et al)	158,000*
Wayne County WCD	50,000*
Kane County WCD	30,000
Sanpete WCD	5,600
Uintah County WCD	5,000
Navajo Nation ?	80,000
Ute Tribe ?	105,000
TOTAL	493,100

water rights are junior to the Central Utah Project.

Historical and Future Projected Lake Mead End-of-December Elevations^{1,2,3}



¹ Median Interim Guidelines FEIS from June 2007 CRSS projections using 100 hydrologic inflow sequences based on resampling of the observed natural flow record from 1906-2005.

² "Full" Hydrology from April 2018 CRSS projections modeled using 110 hydrologic inflow sequences based on resampling of the observed natural flow record from 1906-2015.

³ "Stress Test" Hydrology from April 2018 CRSS projections modeled using 28 hydrologic inflow sequences based on resampling of the observed natural flow record from 1988-2015.



UTAH'S OVER-ALLOCATION OF WATER FROM THE COLORADO RIVER

What does a 9% decrease in total river flow look like for Utahns? Well, for context, the entire state of Utah gets about 9% of the Colorado right now. The way in which the loss of water will get distributed among basin states is complicated, and a new drought management plan is sure to unfold in the next few years, but what we know now is that the loss of flow will require that Upper Basin States (Utah included) to decrease water depletions.

This is a problem because right now, the State of Utah is busy trying to develop every last drop of our allocation based on flows that we'll likely rarely see again. These major new water users include the Northern Ute Tribe (105,000 acre feet per year (afy)), the Utah Navajo (81,500 afy), the Green River Block for Uintah County (72,600 afy), and the Lake Powell Pipeline (86,000 afy), among others (the Green River Block and the

Lake Powell Pipeline are seen together on the slide as “Board of W R (et al.)”⁶ These new developments increase Utah’s depletions to above the current maximum depletion levels allowed to Utah.⁷ The Lake Powell Pipeline has the youngest priority date for the water rights mentioned. In the law of western water the most recently dated water rights get cut first. So, if a shortage comes, which is looking quite likely, the Lake Powell Pipeline will be the first of these to lose out.

The Northern Ute and Navajo have federally reserved water rights under the Winter’s Doctrine (that have yet to be agreed upon or developed) dating back to the creation of the reservations and thus much stronger rights to the water in Utah than most users, including the Lake Powell Pipeline. These federally reserved tribal rights, and the much anticipated new Drought Contingency Plan for the Colorado River Basin should be settled before going forth with the Lake Powell Pipeline.

Given the likelihood of continued aridification, water shortages, and the junior priority dates of the water rights held by the State of Utah for the Lake Powell Pipeline, it is not in the interest of the public for the BLM to amend the Arizona Strip RMP to facilitate a ROW through the Kanab Creek Area of Critical Environmental Concern for the Lake Powell Pipeline. It would be a shame to alter the existing RMP, destroy valuable habitat for the Southwestern Willow Flycatcher, and then find out that the pipe doesn’t have access to the water in the first place.

A NEED FOR THE LAKE POWELL PIPELINE HAS NEVER BEEN FULLY IDENTIFIED

Water conservation and development of local water sources can fulfill the water needs of the growing Washington and Kane Counties. Former Utah Division of Water Resources Director Dennis Strong has stated that St. George can meet their water needs and continue to grow if they simply use their zoning laws to limit and control water use. According to Director Strong, if St. George does so, they will “eliminate” the need for the Lake Powell Pipeline Project. Specifically, on February 9, 2016, Director Strong said,

“...Community by community, people should make their positions clear and move to have their zoning laws limit use and define landscapes...If this is what you choose,

⁶Division of Water Resources. Upper Colorado River Basin, Current Policy and Issues Powerpoint Presentation. 2009. Slide 5. Accessed at https://www.waterrights.utah.gov/meetinfo/m20090930/upper_colorado.ppt.

⁷Division of Water Resources. Upper Colorado River Basin, Current Policy and Issues Powerpoint Presentation. 2009. Slide 4 & 5. Accessed at https://www.waterrights.utah.gov/meetinfo/m20090930/upper_colorado.ppt.

then local community leaders will not need water for growth. They will not need water for future needs. Their water needs will be met by present supplies. And that will mean that they will not purchase water from the water district and the Lake Powell Pipeline Project will be delayed or eliminated.”⁸

A *High Country News* article examining a State audit on water use in Utah says,

“On May 5 [2015], Utah’s Legislative Auditor General released a damning report revealing that the water agency’s forecasts are based on unreliable data and failed to adequately account for the possible contributions of conservation and irrigation water freed up as new homes consume farmland. “By excluding this added water supply,” the auditors write, “the projections accelerate the timeframes for developing costly, large-scale water projects.”⁹

St. George residents use 294 gallons of water per person per day. This number is roughly twice what people in Phoenix and Denver use. With adequate conservation and zoning measures, the Lake Powell Pipeline becomes unnecessary.

THE PROPOSED LAKE POWELL PIPELINE ROUTE THROUGH THE ACEC ALSO THREATENS SACRED SITES AND CULTURAL PROPERTIES

The BLM must consult with the Kaibab Paiute Tribe because their their aboriginal culture and heritage extended way beyond the sovereign boundaries of their reservation. The state of Utah has identified three pipeline routes in the Arizona Strip. For example, alternative pipeline routes include following highway corridors rather than pristine lands. Consultation with the Tribe is necessary for the reason of identify a route that would not impair sacred sites, burials and other cultural values. The BLM must evaluate all three pipeline alternatives in this NEPA process.¹⁰

THE LAKE POWELL PIPELINE FURTHER ENDANGERS RIVER HEALTH AND THREATENS ENDANGERED SPECIES

The Colorado River is already a strained ecosystem. This fact is demonstrated by the many endangered species found along its stretch. These species include, Humpback Chub, Razorback Chub, Bonytail Chub, Colorado River Pikeminnow, Southwestern Willow Flycatcher and Yuma Clapper Rail. The status of the Colorado River and the fate of its dependent endangered species must be examined and included by the BLM in this EIS.

⁸ https://www.youtube.com/watch?reload=9&v=oY_KXDS6hbQ&feature=youtu.be

⁹ Sarah Gilman. 2015, May 7. “Utah vastly overstating future water shortages.” *High Country News*. Accessed at <https://www.hcn.org/articles/utah-may-be-overstating-future-water-shortages>.

¹⁰ See comments to FERC by the Kaibab Paiute Tribe, 2008. <http://www.riversimulator.org/Resources/Pipelines/PaiuteCommentsLakePowellPipelineOpt.pdf>

The Final EIS for the Arizona Strip Field Office RMP states “Designating the Kanab Creek ACEC and following strict management prescriptions associated with that designation would help maintain, possibly improve, water quality in the Kanab Creek area.”¹¹ The EPA commended the BLM for the designation of the ACEC because of this¹².

Studies have shown that humpback chub and razorback sucker have been documented at the mouth of Kanab Creek in the Grand Canyon.¹³ Impacts of construction and disturbance in the upstream riparian area may affect the sediment and water quality conditions in lower Kanab Creek and should be included in the analysis. Long-term water shortages in the Colorado River System caused by further withdrawals would effect the endangered species listed above.

THE KANAB CREEK ACEC IS A SENSITIVE RIPARIAN AREA AND SHOULD BE PROTECTED

We support the BLM in upholding the original intent of the Kanab Creek ACEC. The Kanab Creek ACEC was specifically designated “for the protection of endangered SW flycatcher habitat and riparian, scenic, and cultural resources,” according to the Arizona Strip Field Office RMP.¹⁴ The document also goes onto state, “No new corrals or water developments will be authorized or constructed within the ACEC boundaries.”¹⁵

The RMP goes on to elaborate about the Kanab Creek ACEC, “The riparian area is a natural system that includes rare, endemic plant communities and suitable unoccupied

¹¹ BLM. 2007. Proposed Resource Management Plan and Final Environmental Impact Statement for the Arizona Strip Field Office, the Vermilion Cliffs National Monument, and the BLM Portion of Grand Canyon-Parashant National Monument, and a Proposed General Management Plan/Final EIS for the NPS Portion of the Grand Canyon-Parashant National Monument. p. 4-24

¹² Letter from EPA to Arizona Field Office BLM. 2006, January 30. Accessed at <https://archive.epa.gov/region9/nepa/web/pdf/arizona-strip-deis.pdf>.

¹³ Argonne National Laboratory. (2009). Annotated bibliography of the Humpback Chub (*Gila cypha*) with emphasis on the Grand Canyon population. Environmental Science Division. [Accessed June 23, 2018]; p. 41. https://www.gcmrc.gov/library/reports/biological/Fish_studies/Goulet2009.pdf.

¹⁴ BLM. 2008. Arizona Strip Field Office Resource Management Plan and Record of Decision. Signed January 29, 2008. p 2-120. Accessed at https://eplanning.blm.gov/epl-front-office/projects/lup/95271/130322/158471/ApprovedPlan_Ch_2.pdf

¹⁵ Ibid., p 2-125.

habitat for endangered SW willow flycatcher. It has regional significance. The riparian area is fragile, irreplaceable, and unique and is vulnerable to adverse change. Cause for concern is dewatering, loss of habitat due to development, flooding, and alteration of the stream channel.”¹⁶

Because of all the reasons outlined in the RMP, an amendment to the Kanab Creek ACEC should not be made to allow further disturbance of this sensitive riparian environment.

Thank you for your close consideration of all the facts outlined above. The Lake Powell Pipeline is an irresponsible and unnecessary venture put forth by the State of Utah in a time when we should be investing in water conservation measures around the state rather than over-developing precarious Colorado River water rights . I encourage the BLM to hold to the original RMP which protects these valuable riparian resources and the endangered species they support.

Thank you for your work to administer our public lands.

Sincerely yours,

Sarah Stock
Program Director
Living Rivers
Moab, Utah

Dr. Robin Silver
Co-founder, Center for Biological Diversity
Flagstaff, AZ

John Weisheit
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Laramie, Wyoming

Richard “Tick” Sergerblom
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Las Vegas, Nevada

¹⁶Ibid., p H-2.

