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BRIEFING PAPER

Prepared for: Secretary Babbitt
Submitted: April 11, 1995

States: AZ/CO/NM/UT/WY/NV/CA
Bureau: WBR

TITLE: Glen Canyon Dam Environmental Impact Statement (GCDEIS)
Proposed Beach/Habitat Building Flow

EVENT:

ISSUE: Researchers working in the Grand Canyon have proposed a test of a high spring peak release from Glen Canyon Dam. The requested flow is 52,000 cfs for a period of 1 week. Such a flow exceeds the powerplant capacity by about 19,000 cfs and will require the use of the spillways. The test will allow the observation and measurement of resource responses to the flow, including the building of riverside beaches and the scouring and reworking of backwater habitats. The test would also help validate the long-term effects of beach building and habitat maintenance flows.

BACKGROUND

- p The test is strongly supported by the researchers and environmental groups. It is viewed as an important management tool for sustaining the desired post-dam ecology in the Grand Canyon and is part of the preferred alternative for the GCDEIS and of the FWS Biological Opinion on the operation of Glen Canyon Dam..
- p The test is strongly opposed by the Colorado River Basin States, claiming that such a release violates the 1968 Colorado River Basin Project Act (CRBPA) provision of avoiding anticipated spills from Glen Canyon Dam. While they have indicated in the past some willingness to discuss and negotiate the issue, strong statements by the Solicitor's Phoenix office regarding the Secretary's authority to conduct the test have alienated the States.
- p The test was originally scheduled for 1994, but was delayed due to inadequate NEPA compliance. The Record of Decision of the GCDEIS is expected to serve as this compliance. While the FWS Biological Opinion includes such test flows as part of the reasonable and prudent alternative, it also notes that such flows would negatively affect the endangered Kanab ambersnail. Conflicting needs of endangered species thus cloud the spring spike issue.
- p The required magnitude of the test flow is still uncertain. Originally proposed at the powerplant capacity of 33,200 cfs, the researchers have increased the request in steps up to the current 52,000 cfs. The effects of the higher releases would be easier to measure. Long term spill management will be determined in the adaptive management process by observing the effects of this test.
- p In response to a request by AS-WS Reike, Reclamation has initiated discussions with the Basin States to conduct the test within the framework of the "Law of the River". This solution would therefore recognize both the 1992 Grand Canyon Protection Act directive to protect and enhance the environment of the Grand Canyon and the 1968 CRBPA directive to avoid anticipated spills from Lake Powell. This could be accomplished by allowing Glen Canyon Dam to spill only due to hydrologically-caused conditions when the reservoir was full. This strategy could be fine tuned to allow spills during environmentally appropriate times and seek to eliminate them during environmentally high risk periods. If a long term agreement is reached between the States, Department and researchers, a one-time test of the impacts of spills will be a much less contentious issue. This issue will be a key topic of discussion during the development of the 1996 annual operating plan for the Colorado River reservoirs.

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Plan for Resolving the Glen Canyon Spike Flow Issue

This writeup builds on the Proposed Beach/Habitat Building Flow briefing paper. Please refer to the issue paper for background material.

The key issue at stake is the precedence given to the various statutes controlling Glen Canyon operation. The States hold that the 1992 Grand Canyon Protection Act does not overrule the operational provisions of the earlier statute (1968 Act), even with the additional purposes included in the 1992 Act. The Department believes that the 1992 Act gives the Secretary broad authority to change Glen Canyon Dam operations to have a positive environmental impact on the Grand Canyon. Many of the individual parts of the "Law of the River" seem to be contradictory, and compliance with all of them requires some balancing of priorities and operational practices. We believe this is the case with the spike flow.

The 1968 Act directs the Secretary to avoid anticipated spills from Lake Powell; the Operating Criteria delays equalization of Lakes and Powell and Mead if the releases cannot be made through the Glen Canyon powerplant. The importance of avoiding powerplant bypasses has been clearly understood by Reclamation and the States for the last 30 years and historic operation have reflected this understanding. The Department's position is that the 1992 Act changed the definition of spills by explicitly including other project purposes in Glen Canyon's operation. Use of releases above powerplant capacity for environmental purposes is therefore not a spill.

We believe that resolution lies in trying to accommodate both of these Acts, specifically, protecting the Grand Canyon by allowing reservoir spills to occur only due to hydrologic causes. If such an operation strategy could be crafted, both the environmental needs of the Canyon and the basic operations philosophy of the States could be satisfied.

By allowing the Canyon to store sediment during periods when Lake Powell is less than full, greater effect could be made during spill events that would occur when Lake Powell refills. Such spills could be encouraged through operational practices when environmental conditions in the Canyon were appropriate and discouraged when inappropriate. The long-term frequency of spill events could be further adjusted to enhance downstream resources. The only change from current environmental expectations is the concept of allowing spills only when the reservoir is full rather than the purposeful release of spills during reservoir drawdowns when not required hydrologically.

An agreement such as this requires mutual desire for resolution. The States do not view their position as a weak one, and a solution that does not adhere to their concept of the "Law of the River" would be rejected. Jim Lockhead believes that he has obtained concurrence from AS-WS Betsy Reike that the solution will be framed within the sideboards of the States' understanding of the law. However, the States do not unanimously desire legal action, and a prerequisite for resolution is the withdrawal of legal positions. Therefore, the Solicitor's formal opinion stating the Department's position should not be issued unless a technical solution cannot be found and a legal confrontation is unavoidable.

The exploration of such a solution commenced in early April, with discussions between the UC regional office and the States. This was followed by discussions with sediment and biologic experts associated with the GCDEIS. To date, our proposal has been positively received. To obtain wide concurrence with the proposal, technical presentations and discussions will occur in special public meetings of interested parties and as part of the development of the 1996 Annual Operating Plan (AOP). We believe that such concurrence will come only with complete, deliberate scientific evaluation of options in a public process.

The AOP development will commence on April 21, 1995, and will also include meetings on May 16th and July 18th. As in the 1995 AOP, "with spike" and "without spike" scenarios will likely be presented in the AOP document. The AOP will include a description of the proposed spike test release and adjusted monthly release volumes that account for the water impacts of the release. The implementation of the test release in 1996 is contingent on an agreement for the long-term management of Glen Canyon powerplant bypasses. Such an agreement will not be ironclad, however, since the purpose of the test in 1996 is an initial evaluation of the effectiveness of high releases in beach building and backwater maintenance. New scientific information may cause adjustments to any long-term strategy. Great trust in an equitable solution must be exhibited by both the States and the Department in order to carry out the test release.