

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

_____)
Utah Board of Water Resources,)
Lake Powell Pipeline) Project no. P-12966-000
_____)

**MOTION TO INTERVENE BY CITIZENS FOR DIXIE’S FUTURE, GLEN CANYON
INSTITUTE, SIERRA CLUB, LIVING RIVERS, AMERICAN RIVERS, AND TOWN OF
SPRINGDALE, UTAH**

Pursuant to 18 C.F.R. § 385.214, Citizens for Dixie’s Future, Glen Canyon Institute, Sierra Club, Living Rivers, American Rivers, and the Town of Springdale, Utah intervene in this proceeding in response to the “Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments” (Nov. 2, 2007).

**I.
INTERESTS OF INTERVENORS**

Pursuant to 18 C.F.R § 385.214(b), Intervenors describe below our respective legal status, purposes, and interests in the proposed pipeline.

Citizens for Dixie’s Future

Citizens for Dixie’s Future (CDF) is a non-profit corporation based in Hurricane, Utah. As a local grassroots conservation organization, CDF is dedicated to the protection of natural resources and quality of life in southwest Utah through smart-growth planning. More than 3,000 local residents have supported CDF’s mission through donations of money, time, phone calls, letter writing and other efforts.

Founded in May 2006, CDF initially focused on educating citizens about the proposed Washington County Growth and Conservation Act of 2006, which would have disposed of 25,000 federal land for growth and authorized the Lake Powell Pipeline corridors, including rights-of-way and reservoir and pump station sites without public participation. The legislation was tabled in November 2006, due, in part, to CDF’s successful education campaign. In 2007, CDF turned our attention to the proposed Lake Powell Pipeline. CDF has substantial interests in the outcome of this permitting proceeding, which is intended to “...secure and maintain priority in the licensing process, while undertaking activities to determine the feasibility of the project and support an application.” Cover letter from Utah Department of Natural Resources, Division of Water Resources (Aug. 21, 2007).

Many CDF members and supporters live near and recreate in areas across the Colorado Plateau and Great Basin that will be occupied or otherwise affected by the proposed pipeline, if

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licensed. These areas are particularly attractive due to their character as undisturbed and uninhabited wildlands. They include: Little Creek Mesa and the Little Creek Area of Critical Environmental Concern (ACEC), Kanab Creek ACEC, the Arizona Strip, the Cockscomb, and the Grand Staircase-Escalante National Monument. These areas provide unique opportunities for hiking, camping, trail running, geocaching, mountain biking, appreciation of archaeological resources and natural quiet, journaling, birdwatching, ecosystem research, photography and more. As stated in the Presidential Proclamation which established the Grand Staircase Escalante National Monument, this is a "...vast and austere landscape [that] embraces a spectacular array of scientific and historic resources...This unspoiled natural area remains a frontier, a quality that greatly enhances the Monument's value for scientific study." Presidential Proclamation 6920 September 18, 1996, "Establishment of the Grand Staircase-Escalante National Monument," *available at* <http://www.ut.blm.gov/monument/planning-proclamation.php>. We are concerned that the proposed pipeline would degrade the region's character as wildlands and may contribute to urban sprawl, resulting in traffic congestion, decreased air quality, and increased property taxes and cost of living. Further, many of our members and supporters own or are employed by businesses that depend on the continued protection of these wildlands. These businesses include: outdoor guiding, recreation hard goods, tourism hospitality, real estate, home construction, health and wellness spas, and retirement services (financial planning, and health maintenance).

The pipeline would increase the diversion from the Colorado River at a time when existing water supply diversions, as well as ecological needs, already result in a functional deficit during droughts and other periods. We are concerned that the pipeline would worsen water deficits for other beneficial uses of the Colorado River below Lake Powell and otherwise cause significant, unmitigable impacts on such uses.

We will actively participate in this permitting and any subsequent licensing proceeding to assure the protection and enhancement of such uses of these wildlands, the Colorado River below Lake Powell, and other public resources. Such participation is in the public interest pursuant 18 C.F.R. § 385.214(b)(iii).

Pursuant to 18 C.F.R. § 385.214(b)(ii), nearly all of our members are customers of federal power generated by the U.S. Bureau of Reclamation at Lake Powell. They live in cities and towns served by the Western Area Power Administration with such federal power. By diverting water from that lake, the pipeline would reduce the generation and supply of federal power, over a period when the annual flow of the Colorado River is already expected to decline due to climate change. Further, the estimated \$1.7 billion cost of the proposed pipeline, if licensed, would be financed through local fees, rates, or assessments. This may result in a significant economic burden on local communities.

Glen Canyon Institute

The Glen Canyon Institute is a non-profit membership corporation incorporated in Utah with offices in Salt Lake City, Utah and Durango, Colorado. We are dedicated to addressing water and natural resource management issues in the Colorado River Basin and particularly Glen Canyon. The Glen Canyon Institute and its members are concerned about impacts associated with water management and loss of ecological integrity in the Colorado River Basin. We are involved in multiple reviews of government actions in the seven-basin state watershed. We have over 2,000 paid members located throughout the United States and have a long history of involvement in environmental review of the Colorado River Basin.

In 1963, the gates at Glen Canyon Dam on the Colorado River were closed and Lake Powell reservoir began to flood one of the world's most spectacular and unexplored environments. Located in southwest Utah, Glen Canyon is the biological heart of the Colorado River. Home to 189 species of birds and 34 species of mammals, Glen Canyon also has more than 3,000 documented ruins from ancient cultures. Many more cultural ruins were not documented before the waters of the reservoir began to flood them. The Colorado River basin is a continuum ranging from the high elevation mountains of the Colorado Rockies to the terminus at the Sea of Cortez. Glen Canyon exists within the middle of the landscape continuum and represented the ecological heart of the Colorado River system.

When full, the reservoir known as Lake Powell, floods 186 miles of the Colorado River, including all of Glen Canyon and many of its tributaries. Downstream, the fragile Grand Canyon ecosystem has been in steady decline, historically dependent upon spring floods to deposit millions of tons of vital sediment and nutrients in Grand Canyon. Native fish, which had evolved and flourished in the dynamic, pre-dam environment, have been unable to adapt, several have become endangered, and two are extirpated from the Grand Canyon. During the initial twenty years following construction of Glen Canyon Dam, the wetlands of the Colorado River Delta and its estuary rapidly declined due to an insufficient supply of water and supply of nutrients.

Future hydrologic predictions by the government and academic institutions forecast the virtual end to having enough water to utilize Lake Powell in the manner that it was originally authorized by Congress. Hydrologic models on the future flows of the Colorado River demonstrate that Lake Powell will remain nearly empty for most of the next century.

For the last ten years the Glen Canyon Institute has been addressing Federal, State and private issues related to the operations and management of the Colorado River and especially Lake Powell. We are concerned that the proposed pipeline, if licensed, would have significant, unmitigable impacts on the environmental quality of the Colorado River. We are also interested in the impacts of the proposed project on wildlands and local economic welfare, as described above. Finally, the proposed project may cross Native American lands. The Glen Canyon Institute has a long history of working with Tribes culturally and socially affiliated with the Grand and Glen Canyon. Issues related to potential impacts to their cultural and spiritual

properties must be addressed, and the Glen Canyon Institute stands ready to assist them in identification and resolution of those significant concerns.

Sierra Club

The Sierra Club is a national nonprofit organization of approximately 750,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's concerns encompass all federal lands in Utah. The Sierra Club has approximately 750,000 members across the United States. Sierra Club members enjoy the public lands in Utah. Many frequently travel to Utah and enjoy the landscapes of southern Utah. The Utah Chapter of the Sierra Club has approximately 4300 members in the state of Utah. The Sierra Club involves itself in multiple issues related to the quality of life for its members and the public. Such issues include uncontrolled growth of population centers that ignore local and ecological restraints on growth. We have a special interest in Glen Canyon Dam and the management of the reservoir behind it. The Sierra Club has been involved in planning the management of the dam and the flows of water through the Grand Canyon. We have members in the St. George area that are very concerned about the excessive growth in the arid lands of Washington County.

Living Rivers – Colorado Riverkeeper

Living Rivers is a Utah corporation based in the city of Moab and recognized by the Internal Revenue Service as a non-profit 501(c)(3) organization. We represent individual members and networks with many non-profit organizations. Living Rivers was designated as the Colorado Riverkeeper in 2002 by the Waterkeeper Alliance, a 501(c)(3) organization based in Irvington, New York.

Living Rivers has substantial interests in assuring that federal and state regulatory agencies study and consider potential environmental and financial impacts, as well as engineering feasibility, in the course of any preliminary permit granted for this proceeding. Since our inception in 2000 it has been active in matters concerning the management of the Colorado River and its tributary streams, and specifically in regards to the preservation and restoration of its ecosystem, and for the ecological services that it provides for human needs. The ecosystem of this area is sensitive to development due to its natural characteristic as a wild land, undisturbed and uninhabited.

Living River's trustees, partners and members live, work and recreate on the Colorado Plateau and the Colorado River. They further rely on the river for water supply. It is our current understanding that the demand for the resources of the Colorado River is presently over-allocated, and the supply has been declining naturally since the inception of the Colorado River Compact in 1922. We also believe that the supply of the Colorado River will continue to decline as a result of continued atmospheric warming, as already determined by the International Panel on Climate Change. Based on existing information we believe that diverting water from Lake

Powell through this pipeline is neither reasonable nor prudent under the present circumstances. Additionally, the estimated \$1.7 billion cost of the proposed pipeline may be financed through local property taxes, impact fees and/or water rates, resulting in an unprecedented local financial burden for a single infrastructure development.

American Rivers

American Rivers (“AR”) is a non-profit corporation whose headquarters are at 1101 14th St. NW Ste. 1400, Washington, DC 20005. American Rivers is the national organization that stands up for healthy rivers so our communities can thrive. We believe rivers are vital to our health, safety and quality of life. AR pioneers and delivers locally- oriented solutions to protect natural habitats and build sustainable communities. AR also leads national campaigns to raise awareness of river issues and mobilizes an extensive network that includes more than 65,000 members and activists to help safeguard our rivers for today and tomorrow.

AR represents more than 500 members and activists in the state of Utah, many of whom recreate in areas that would be impacted by the proposed project. In addition to our members in the state of Utah, AR has many members that live and recreate within the Colorado River basin, and have a strong interest in protecting that river and its resources. AR also has broad organizational interests in the Commission's equal consideration of power and non-power values in hydropower licensing pursuant to FPA §§ 4(e) and 10(a). AR has intervened in a long list of hydropower proceedings before the Commission in order to assure that the Federal Power Act is administered in a manner that protects and restores natural resources impacted by hydropower projects. These organizational interests are consistent with the above-captioned proceeding.

Town of Springdale, Utah

The Town of Springdale is an incorporated town in Washington County, Utah, located at the mouth of Zion National Park. The town has nearly 550 residents. Springdale is a pioneer town with a rich and colorful heritage spanning over 100 years. Access to Springdale can only be made through Toquerville, Hurricane or Kanab, Utah, all of which may be directly affected by the proposed pipeline. The areas that must be crossed between these cities and Springdale are particularly attractive due to their character as largely undisturbed and uninhabited wildlands. Springdale is greatly interested in preserving the scenic corridors that provide access to it, including the corridor leading to Zion National Park. Many of our residents own or employed by businesses that provide services to tourists who use these corridors. Since Springdale is near the route of the proposed pipeline, its residents may in the future be customers of its water, and may pay taxes for its installation. Springdale is interested in the impacts of the proposed project on local economic welfare, as described above.

II. POSITION ON PRELIMINARY PERMIT

We support the Utah Board of Water Resources’ “Description of Proposed Studies” to be undertaken if the preliminary permit is granted. Application, pp. 11-12. Intervenors request that

the Board encourage and permit active participation of parties and other stakeholders in the design and conduct of such studies. Such participation will assist in converting general topics, such as “Land Use,” into specific issues for study and analysis. We request that the studies address the following issues, among others.

1. By management unit, which public or tribal wildlands would be occupied by the 60-foot right of way for the buried pipeline (Application, p. 7), project powerhouses, and transmission lines?
2. By management unit, how would such occupancy affect public access, recreational use, scenic quality, and cultural resources of such wildlands?
3. Would such occupancy be consistent with the specific management direction, standards, or requirements for each applicable management unit?
4. What would be the estimated maximum and annual diversion of water from Lake Powell?
5. What would be the legal basis for such diversion? Would such diversion comply with requirements of the Endangered Species Act, Clean Water Act, and the Colorado Compact for the management of the Colorado River below Lake Powell?
6. How would such diversion affect the actual and reliable storage of Lake Powell?
7. How would global warming affect the availability of water for such diversion?
8. How would the pipeline, including its construction and subsequent supplies of water and power, affect the rate and nature of growth of towns and cities in the region? Please include a range of foreseeable scenarios.
9. What alternatives exist for the power and water supplies which the pipeline would provide?
10. What would be the estimated charge for repayment of project costs, in any assessments, fees, or rates? What approvals would be necessary for such charges?
11. How would such diversions affect existing power users and senior water right holders, including, but not limited to, the Navajo Generating Station, the City of Page, Utah; California; Arizona; Nevada; and Mexico?

III. **SERVICE**

We request that the following representatives be added to the service list for this proceeding:

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Dated: January 2, 2008

Respectfully submitted,

Duane L. Ostler
TOWN OF SPRINGDALE, UTAH

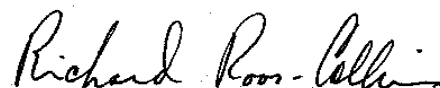
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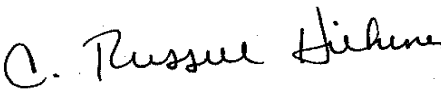
Attorneys for CITIZENS FOR DIXIE'S FUTURE

DECLARATION OF SERVICE

Utah Board of Water Resources, Lake Powell Pipeline (Project no. P-12966-000)

I, C. Russell Hilkene, declare that I today served the “MOTION TO INTERVENE BY CITIZENS FOR DIXIE’S FUTURE, GLEN CANYON INSTITUTE, SIERRA CLUB, LIVING RIVERS, AMERICAN RIVERS, and TOWN OF SPRINGDALE, UTAH,” by electronic mail, or if no electronic mail address is provided, by first-class mail, to each person on the official service list complied by the Secretary in this proceeding.

Dated: January 2, 2008

By: 

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