

12/20/22

Scoping Letter by Living Rivers and allies to Reclamation for Supplemental EIS about modifying the missteps of 2007 Interim Guidelines

[Click here](#) to read our statements and recommendations to Reclamation and the seven states.

ADDITIONAL INFORMATION

Information about the Supplemental Environmental Impact Statement can be found at On The Colorado, [HERE](#)

Archive of SEIS comment letters

- [Living Rivers et al.](#)
 - [Major NGOs](#)
 - [Save The Colorado](#)
 - [Southern Nevada Water Authority](#)
 - [Grand Canyon Trust](#)
 - [Wyoming](#)
 - [Upper Colorado River Commission](#)
 - [New Mexico](#)
 - [Colorado](#)
-

11/17/2022

Reclamation announces process for Supplemental Environmental Impact Statement (SEIS) for operations at Glen Canyon Dam and Hoover Dam

FROM THE FEDERAL REGISTER NOTICE: Bureau of Reclamation Proposed SEIS for 2007 Interim Guidelines

Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead.

Federal Register Notice:<https://www.federalregister.gov/documents/2022/11/17/2022-25004/notice-of-intent-to-prepare-a-supplemental-environmental-impact-statement-for-december-2007-record>

Reclamation requests that the public submit comments concerning the scope of the analysis, potential alternatives, and identification of relevant information, and studies on or before December 20, 2022.

Reclamation anticipates utilizing the work of this SEIS to also inform operating guidelines for the 2025-26 period, which will also undergo NEPA analysis in the near future.

NEWS

- December 1, 2022 - [Drought threatens Colorado River with complete 'doomsday scenario' officials say](#). Joshua Partlow for Washington Post.
- December 3, 2022 - [Arizona Thinks Desalination Will Offer The Water It Needs. It won't](#). Robert Glennon OpEd for *The Arizona Republic*.
- December 4, 2022 - [Colorado River Reckoning: Not Enough Water](#). Tony Davis for *The Arizona Daily Star*.

Special Feature by Tony Davis for *Arizona Daily Star* on December 5, 2022

- All 7 Articles combined - [Colorado River Special Series](#). By Tony Davis for *Az Daily Star*.
- [01- USA West's water management system on edge of collapse, expert Says](#).
- [02 - At Glen Canyon receding waters reveal cathedral and shift debate](#)
- [03 - Lake Powell's record low levels confound tourists businesses Park Service](#)
- [04 - Plunging water levels flip activists goal for Glen Canyon Dam](#)
- [05 - The Colorado River we rely on is likely to get even drier](#)
- [06 - Our water future we will pay more and use much less here's how](#)
- [07 - Feds announce plan for massive cuts in Colorado River deliveries](#)

For more information regarding the proposed SEIS and the virtual meetings, please go to:

<https://www.usbr.gov/ColoradoRiverBasin/SEIS.html>

Questions can be directed to:

Ms. Dedina Williams
Bureau of Reclamation
Lower Colorado Basin Region
(702) 293-8010
email: dfwilliams@usbr.gov

Ms. Marcie Bainson
Bureau of Reclamation
Upper Colorado Basin Region
(801) 524-3604
email: mbainson@usbr.gov

Send written comments and/or questions to Reclamation:

SEIS Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, Utah 84138
eMail: CRinterimops@usbr.gov

The draft supplemental EIS is anticipated to be available for public review in Spring 2023 and the final supplemental EIS is anticipated to be available for with a Record of Decision, as appropriate, in late Summer 2023. This schedule will allow decisions to become effective for 2023-2024 operations.

The Secretary is directing this action because the existing operating guidelines are insufficient given current hydrology and reservoir conditions and in light of plausible low runoff conditions in the Colorado River Basin over the next four years. Through this Federal Register notice, Reclamation is providing an overview of the purpose and need for the SEIS, as well as its anticipated approach and timeframe for decisions on revised operating guidelines for Lake Powell and Lake Mead.

WEBINARS FOR THE PUBLIC

Official Reclamation Webpage is [HERE](#)

Tuesday, November 29, 2022, 10 a.m. – 12 p.m. MT

Join on your computer, mobile app or room device:

[Click here](#) to join the meeting

Meeting ID: 245 351 605 478

Passcode: VKkNQN

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

+1 202-640-1187,,456269621#

Phone Conference ID: 456 269 621#

Friday, Dec. 2, 2022, 11 a.m. – 1 p.m. MT

Join on your computer, mobile app or room device:

[Click here](#) to join the meeting

Meeting ID: 271 049 383 108

Passcode: KzjuZQ

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

+1 202-640-1187,,949017531#

Phone Conference ID: 949 017 531#

BACKGROUND

NOTE: At the end of this federal narrative, On The Colorado (OTC) will provide additional background materials for our readers; essentially a recommended reading list to help you prepare your SEIS comments to the Bureau of Reclamation.

On August 16, 2022, the Department of the Interior announced: “Prolonged drought and low runoff conditions accelerated by climate change have led to historically low water levels in Lakes Powell and Mead. Over the last two decades, Department leaders have engaged with Colorado River Basin partners on various drought response operations. However, given that water levels continue to decline, additional action is needed to protect the System.” Recognizing that the Colorado River Basin is facing unprecedented risks, the development of revised operating guidelines for Lake Powell and Lake Mead represents one of many Departmental efforts underway to respond to the rapidly changing conditions in the Basin in order to better protect the System.

Available at: <https://www.doi.gov/pressreleases/interior-department-announces-actions-protect-colorado-river-system-sets-2023>

In a Federal Register notice published on June 24, 2022 (87 FR 37884), the Bureau of Reclamation noted the dire circumstances facing the Colorado River Basin: “The Colorado River Basin provides essential water supplies to approximately 40 million people, nearly 5.5 million acres of agricultural lands, and habitat for ecological resources across the Southwestern United States and Northwestern Mexico. The limited water supplies of the Colorado River are declining, and the Colorado River Basin is currently experiencing a prolonged period of drought and record-low runoff conditions resulting in historically low reservoir levels at Lake Powell and Lake Mead. The period from 2000 through 2022 is the driest 23-year period in more than a century and one of the driest periods in the last 1,200 years. Absent a change in hydrologic conditions, water use patterns, or both, Colorado River reservoirs will continue to decline to critically low elevations threatening essential water supplies across nine states in the United States and the Republic of Mexico (Mexico). It is foreseeable that without appropriate responsive actions and under a continuation of recent hydrologic trends, major Colorado River reservoirs could continue to decline to ‘dead pool’—elevations at which water cannot be regularly released from a reservoir—in coming years.” The June 24, 2022, Federal Register notice requested public input prior to initiating a scoping process on the proposed development of post-2026 Colorado River Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions. The SEIS announced in today’s Federal Register notice does not interfere with, supplant, or supersede that separate post-2026 guidelines development process. Rather, this SEIS will inform and complement the development of post-2026 guidelines. Further, the dire hydrologic and climate conditions described in the June 2022 Federal Register notice also inform the need for the SEIS efforts announced in today’s Federal Register notice.

In the June 2022 Federal Register notice, the Department anticipated the potential for the process initiated in this document: “While previous actions, especially the DCP [in 2019], were intended to preserve Reclamation's ability to undertake post-2026 planning with a stable system and avoid crisis planning, very dry hydrology since the adoption of the DCP has resulted in Lake Powell and Lake Mead nearing critically low elevations. Should the conditions continue or worsen, we recognize that in addition to post-2026 planning under the anticipated NEPA process(es), Reclamation may likely need to also prioritize implementation of near-term actions to stabilize the decline in reservoir storage and prevent system collapse. Reclamation has not yet determined what additional actions or processes may be required to address these near-term operational risks. It is anticipated that near-term response actions and development of post-2026 operations will need to proceed on parallel timelines.” [87 FR 37888 \(June 24, 2022\)](#).

Over the past two years, the Department has undertaken a number of unprecedented actions to respond to the historic drought and low-runoff conditions in the basin that are being exacerbated by higher temperatures and the impacts of climate change. In particular, in both 2021 and 2022, additional releases from upstream reservoirs have

been implemented to enhance water elevations at Lake Powell. In 2022, Reclamation implemented modifications to monthly releases from Glen Canyon Dam, and also reduced downstream annual volume releases by 480,000 acre-feet.

Furthermore, on October 20, 2022, the National Oceanic and Atmospheric Administration's Climate Prediction Center issued its U.S. Winter Outlook for the December 2022-February 2023 period finding: "The greatest chances for drier-than-average conditions are forecast in portions of California, the Southwest, the southern Rockies," and "[w]idespread extreme drought continues to persist across much of the West, the Great Basin, and central-to-southern Great Plains."

Available at <https://www.noaa.gov/news-release/us-winter-outlook-warmer-drier-south-with-ongoing-la-nina>.

The Department currently lacks analyzed alternatives and measures that may be necessary to address such projected conditions. Recognizing the risks facing the Colorado River Basin, the Department has concluded that immediate development of additional operational alternatives and measures for Lake Powell and Lake Mead are necessary to ensure continued "operations that are prudent or necessary for safety of dams, public health and safety, other emergency situations ... 2007 Interim Guidelines at Section 7.D," published at [73 FR 19892 \(April 11, 2008\)](#).

Through this Federal Register notice, Reclamation is initiating efforts to revise operating guidelines for the operation of Glen Canyon and Hoover Dams in 2023 and 2024 operating years in order to address the potential for continued low-runoff conditions in the Colorado River Basin. Reclamation has concluded that the potential impacts of low runoff conditions in the coming winter (2022-23) pose unacceptable risks to routine operations of Glen Canyon and Hoover Dams during the interim period (prior to Jan. 1, 2027) and, accordingly, modified operating guidelines need to be expeditiously developed. Development of modified operating guidelines will also inform potential operations in the 2025 and 2026 operating years; however, due to the critically low current reservoir conditions, and the potential for worsening drought, the Department recognizes that operational strategies for 2023-2024 may need to be further revisited for subsequent operating years. Given the potential risks to infrastructure and public health and safety, the Department will promptly identify and analyze modified operating guidelines to address current and foreseeable hydrologic conditions.

PURPOSE AND NEED

The purpose of the SEIS is to supplement the EIS completed in 2007 for the 2007 Interim Guidelines in order to modify operating guidelines for the operation of Glen Canyon and Hoover Dam to address historic drought and low runoff conditions in the Colorado River Basin. The need for the revised operating guidelines is based on the potential that continued low runoff conditions in the Colorado River Basin could lead Glen Canyon Dam to decline to critically low elevations impacting both water delivery and hydropower operations in 2023 and 2024. In order to ensure that Glen Canyon Dam continues to operate under its intended design, Reclamation may need to modify

current operations and reduce Glen Canyon Dam downstream releases, thereby impacting downstream riparian areas and reservoir elevations at Lake Mead. Accordingly, in order to protect Hoover Dam operations, system integrity, and public health and safety, Reclamation also may need to modify current operations and reduce Hoover Dam downstream releases. Such revised Hoover Dam operations would, among other issues, address Section 7.B.4 of the 2007 Interim Guidelines as well as the commitments set forth in Section V.B.2 of Exhibit 1 to the Lower Basin Drought Contingency Plan Agreement (2019). Both the 2007 Interim Guidelines and the 2019 DCP contemplate the need for additional measures to protect Lake Mead elevations, with the DCP adding the commitment of participating Lower Basin DCP parties to “individual and collective action in the Lower Basin to avoid and protect against the potential for the elevation of Lake Mead to decline to elevations below 1,020 feet.” As noted above, Section 7.D of the 2007 Interim Guidelines contemplates that modified operating provisions may be required if “extraordinary circumstances arise. Such circumstances could include operations that are prudent or necessary for safety of dams, public health and safety, other emergency situations, or other unanticipated or unforeseen activities arising from actual operating experience.” The Department finds that such circumstances exist at this time. Preliminary Proposed Action – Overview Reclamation anticipates proposing modifications for the 2023 and 2024 period, and potentially for subsequent years, to the following sections of the 2007 Interim Guidelines published at [73 FR 19881 \(April 11, 2008\)](#):

Section 2. Determination of Lake Mead Operation During the Interim Period Reclamation anticipates revising Section 2.D (“Shortage Conditions”), including potential modifications to Sections 2.D.1.b and 2.D.1.c to decrease the quantity of water that shall be apportioned for consumptive use in the Lower Division States (Arizona, California, and Nevada). Any modifications to these sections would be based on current and anticipated reservoir and hydrologic conditions in the Colorado River Basin, including any potential modifications to Glen Canyon Dam operations pursuant to this SEIS.

Section 6. Coordinated Operation of Lake Powell and Lake Mead During the Interim Period Reclamation anticipates revising Sections 6.C (“Mid-Elevation Release Tier”) and 6.D (“Lower Elevation Balancing Tier”) to modify and/or reduce the quantity of water released from Glen Canyon Dam. Any modifications to these sections would be based on current and anticipated reservoir and hydrologic conditions in the Colorado River Basin, including any potential modifications to Hoover Dam operations pursuant to this SEIS. Section 7. Implementation of Guidelines Reclamation anticipates revising Section 7.C (“Mid-Year Review”) to allow for potential determinations in a mid-year review that would allow for reduced deliveries from Lake Mead pursuant to Section 2 of the 2007 Interim Guidelines.

The foregoing potential modifications to the 2007 Interim Guidelines are presented in this Federal Register notice only as a preliminary overview of the Proposed Action. Reclamation will carefully review the 2007 Interim Guidelines and will formally publish a

Proposed Action in its forthcoming Draft SEIS, which is anticipated to be published in Spring 2023.

PRELIMINARY ALTERNATIVES

Overview

For purposes of the NEPA process for the SEIS, Reclamation anticipates three primary alternatives will be considered:

No Action – The No Action Alternative will describe the continued implementation of existing agreements that control operations of Glen Canyon and Hoover Dams. These include the 2007 Interim Guidelines and agreements adopted pursuant to the 2019 Colorado River Drought Contingency Plan Authorization Act (Pub. L. 116-14) (the 2019 Drought Contingency Plan (DCP) Act). Reclamation notes that intensive efforts are underway to facilitate water conservation actions in the Basin under a number of programs, including the recent Congressional prioritization of funding through 2026 for drought mitigation in western states, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought. Pub. L. 117- 169, at § 50233 (Aug. 16, 2022). The ongoing implementation and effectiveness of these efforts will inform the assessment of existing operations and agreements.

Framework Agreement Alternative – This alternative would be developed as an additional consensus-based set of actions that would build on the existing framework for Colorado River Operations. This Alternative would likely build on commitments and obligations developed by the Basin States, Basin Tribes, and non-governmental organizations that were included in the 2019 DCP. This alternative would facilitate implementation of Section 7.B.2 of the 2007 Interim Guidelines.

Reservoir Operations Modification Alternative – This alternative would be developed by Reclamation as a set of actions and measures adopted pursuant to Secretarial authority under applicable federal law. This alternative would likely be developed based on the Secretary's authority under federal law to manage Colorado River infrastructure, as necessary, and would consider any inadequacies or limitations of the consensus-based framework considered in the above alternative. This alternative would consider how the Secretary's authority could complement a consensus-based alternative that may not sufficiently mitigate current and projected risks to the Colorado River System reservoirs.

This Federal Register notice presents the foregoing potential alternatives only as a preliminary overview of the alternatives that will be analyzed in the DEIS. For planning purposes, Reclamation's analysis will assume that additional releases pursuant to the Drought Response Operating Agreement (DROA) will be administered according to the terms approved in the DCP Act, and that Reclamation will simultaneously pursue system conservation actions in the Upper and Lower Basins. Through the scoping process, Reclamation welcomes public input on how human health and safety considerations can be more expressly integrated into Colorado River operational decision-making, both in this SEIS and other future decision-making processes. Reclamation will carefully review the appropriate range of alternatives for review and will

include appropriate alternatives for consideration in its forthcoming Draft SEIS, which is anticipated to be published in Spring 2023.

SUMMARY OF EXPECTED IMPACTS

The SEIS will evaluate reasonably foreseeable impacts from proposed modifications to the 2007 Interim Guidelines. Impacts are not fully known at this time; impact analysis will build upon and utilize information described in the 2007 Final EIS and subsequent relevant analyses. The analysis in the SEIS may consider potential effects on wildlife, threatened and endangered species habitat, recreation, water supplies (agricultural, municipal, environmental), water resources, air quality, cultural resources, hydropower resources, social and economic conditions, and other resources and uses. Reclamation will use an interdisciplinary approach that incorporates the expertise of specialists in the relevant resource fields.

Schedule for the Decision-Making Process Reclamation will provide additional opportunities for public participation consistent with the NEPA process, including an anticipated 45-day comment period on the draft SEIS. The draft SEIS is anticipated to be available for public review in Spring 2023 and the final SEIS is anticipated to be available with a Record of Decision, as appropriate, in late Summer 2023. This schedule will allow decisions to become effective for 2023-24 operations. During this process, the Secretary retains all applicable authority to operate Colorado River facilities to respond to emergency or other unforeseen conditions.

LEAD AND COOPERATING AGENCIES

The Secretary is responsible for the operation of Glen Canyon Dam and Hoover Dam pursuant to applicable federal law. The Secretary is also vested with the responsibility of managing the mainstream waters of the lower Colorado River pursuant to federal law. This responsibility is carried out consistent with the body of compacts, treaties, statutes and other legal documents commonly referred to as “the Law of the River.” Reclamation, as the agency that is designated to act on the Secretary’s behalf with respect to these matters, is the lead federal agency for the purposes of NEPA compliance for the development and implementation of the proposed SEIS interim guidelines.

During the preparation of the 2007 Interim Guidelines, five federal agencies were cooperating agencies for purposes of assisting with environmental analysis and preparation of the Final EIS. These cooperating agencies were the Bureau of Indian Affairs (BIA), the United States Fish and Wildlife Service (FWS), the National Park Service (NPS), Western Area Power Administration (Western), and the United States Section of the International Boundary and Water Commission (USIBWC). Reclamation anticipates inviting these same five agencies to serve as cooperating agencies for the purpose of this SEIS. Reclamation is committed to continue to work with the USIBWC to ensure that efforts under this SEIS are communicated and coordinated with the Republic of Mexico with the goal of continued alignment of operations and responsive actions in both the U.S. and Mexico.

RESPONSIBLE OFFICIAL

Consistent with the process and final determinations reached for the 2007 Interim Guidelines, the Secretary of the Interior is the deciding official for this undertaking.

NATURE OF DECISION TO BE MADE

The Department anticipates the nature of the decision to be made will be revised reservoir operating guidelines, pursuant to appropriate revisions of the Record of Decision for the 2007 Interim Guidelines, for the operation of Glen Canyon and Hoover Dams in 2023 and 2024 operating years, and potentially subsequent years if necessary and appropriate, in order to address the likelihood for continued low-runoff conditions in the Colorado River Basin based on the best available scientific and technical information.

ADDITIONAL INFORMATION

As noted in the June 2022 Federal Register notice, Reclamation anticipates initiating a NEPA process to develop the post-2026 operational strategies through a Federal Register notice of intent to prepare an EIS in early 2023. Nothing in today's Federal Register notice supersedes or displaces Reclamation's efforts in that upcoming process.

This SEIS addressing modified operating guidelines for the period prior to 2026 is necessary to address the unacceptably high risks facing the Colorado River Basin between now and the post-2026 period. Current conditions warrant the flexibility to modify operations before the post-2026 operational strategies are thoroughly identified, analyzed and ultimately adopted. In addressing operations for 2023-24, Reclamation is committed to using the best available information to develop near-term operating guidelines while longer-term approaches are developed. Reclamation anticipates using the work and analysis from this SEIS process to also inform operating guidelines for the 2025-26 period, which will also undergo any additional NEPA analysis as required. Lastly, separate from the development of the SEIS, Reclamation anticipates publishing an informational report in 2023 addressing potential methodologies to support assessments for evaporation, seepage and other system losses in the Colorado River Basin in future years. This information will assist in development of potential interim measures as well as the post-2026 operational strategies.

PUBLIC DISCLOSURES AND COMMENTS

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Tommy P. Beaudreau,

Deputy Secretary, Department of the Interior.

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RECOMENDED READING LIST AND PREPARED BY OTC

- [AZ v CA: Recommended Decree And Dissent](#). US Supreme Court; 1962.
- [General Operating Criteria for Glen Canyon Dam](#). Secretary Udall; 1962.
- [Prescoping Comment Letter](#). ASU Engineering; 2022.
- [DROA Comment Letter](#). Living Rivers and Center for Biological Diversity; 2022.
- [7D Report Comments](#). Living Rivers; 2020.
- **Drought Contingency Planning**: The public was never asked to participate.
- [Tribal Basin Study](#). Ten Tribe Partnership; 2018.
- [Basin Study Comment Letter](#). Living Rivers; 2011.
- [Basin Study Comment Letter](#). Living Rivers and Center for Biological Diversity; 2013.
- [Shortage DEIS](#). Living Rivers and Center for Biological Diversity; 2007.
- [Shortage EIS Scoping Comment Letter](#). Living Rivers; 2005.

QUOTES FROM CALENDAR YEAR 2018

Brent Gardner-Smith for Vail Daily ([Link](#))

• “After experiencing the fourth driest year on record last year, Lake Powell and Mead’s combined storage sits today at 46 percent (33% as of October 1, 2022). That is the lowest level since 1966, when Lake Powell was initially filling and cutting off water supplies down south. To put it in more personal terms, these are the lowest reservoir levels in my lifetime.” — Brenda Burman, commissioner of the U.S. Bureau of Reclamation, on Dec. 13, at the annual meeting of the Colorado River Water Users Association (CRWUA) at Caesars Palace in Las Vegas.

• “If we were to have a repeat of the 2000-to-2005 drought, with current demands and current levels of operations, we would essentially drain Lake Powell. It would go down to nothing.” — Eric Kuhn, former general manager of the Colorado River District, on Sept. 14, at the district’s annual seminar in Grand Junction.

• “It does not look good. It is a real and present danger for us to be facing the hydrology that we have today, and the 24-month outlook for that.” — Peter Nelson, chairman of the Colorado River Board of California, on Dec. 13 at a CRWUA meeting.

• “Today’s level of risk is unacceptable, and the chance for crisis is far too high.” — Burman, on Dec. 13 at a CRWUA meeting.

• “We’ll be in crisis mode if DCP isn’t completed.” — Pat Tyrrell, state engineer for Wyoming and commissioner on the Upper Colorado River Commission, on Dec. 13, at a CRWUA meeting.

“It’s not a drought-contingency plan, it’s a survival plan due to current conditions.”— Bill Hasencamp, manager of Colorado River resources for the Metropolitan Water District of Southern California, on Aug. 22, at the summer meeting of the Colorado Water Congress in Vail.

- “It’s important to understand that we are looking at giving up a very large amount of Colorado River water in central Arizona, nearly half. That’s a painful conversation. And, of course, everyone thinks that their own water use is justified and no one else’s is.” — Kathryn Sorensen, director of City of Phoenix Water Services, on Dec. 13 at a CRWUA meeting.
 - “We are teetering on the brink of a shortage today, and we see real risk of rapid declines in reservoir elevations, particularly at Lake Mead in the very near future.” — Burman on Dec. 13 at a CRWUA meeting.
 - “If we have the worst-case hydrology, it is possible that our state may need to move to an involuntary (water-curtailment) system. But we want that done through a public process. We want the stakeholders at the table.” — Andy Mueller, general manager of the Colorado River District, on Sept. 14 at a district seminar.
 - “To me, the best way of conserving water is not to use it, is not to grow, is not to continue to drain the Colorado River. But realistically looking at it, that is not going to happen.” — Keith Moses, vice chairman of the Colorado River Indian Tribes, on Dec. 13 at a CRWUA meeting.
 - “As we get hot and dry, we just have less available water and we see more demand.” — Taryn Finnessey, senior climate change specialist for Colorado on Aug. 24, at a CWC meeting.
 - “(The water entities in Arizona) have grasped that concept — that we’re going to be in a drier future with less water.” — Thomas Buschatzke, director of the Arizona Department of Water Resources, on Dec. 13 at a CRWUA meeting.
 - “We see this train that’s coming at us at 5 miles an hour, and if it hits us, it’s our own damn fault, because you can just see that reservoir level going down.” — Jim Lochhead, CEO of Denver Water, on Aug. 23 at a CWC meeting.
 - “We will act, if needed, to protect this basin.” — Burman, on Dec. 13 at a CRWUA meeting.
 - “The law of the river isn’t carved on stone tablets.” — John Entsminger, general manager of the Southern Nevada Water Authority, on Dec. 13 at a CRWUA meeting.
 - “Someone’s going to have to use less water.” — Kuhn on Sept. 14 at a Colorado River District seminar.
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10/26/22

White Mesa Ute Concerned Community hosts a protest rally and spiritual walk to end uranium processing in San Juan County, Utah

[Click here](#) to read a collection of news clippings about this event and compiled by staff at the Grand Canyon Trust.

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The 2022 Rally and Spiritual Walk is co-sponsored by the Bears Ears Inter-Tribal Coalition, Ute Mountain Tribe, White Mesa Concerned Community, Greenaction for Health and Environmental Justice, Uranium Watch, Indigenous Environmental Network, Grand Canyon Trust, Multicultural Alliance for a Safe Environment, Southern Utah Wilderness Alliance, Living Rivers, HEAL Utah, SLC Air Protectors, Utah Chapter of the Sierra Club, Great Old Broads for Wilderness, National Parks Conservation Association, PANDOS.

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For more information about uranium mining in the Colorado Plateau, please visit the website of [Uranium Watch](#)

9/30/2022

Gross Reservoir Expansion (Moffatt Project): The 10th Circuit Appellate Court rules in favor of citizen activists defending the ecosystem integrity of the Colorado River

On Friday, September 30, the United States Court of Appeals for the Tenth Circuit handed conservation groups — Save the Colorado, The Environmental Group, WildEarth Guardians, Living Rivers, Waterkeeper Alliance, and Sierra Club — a significant victory in their appeal of a U.S. District Court’s dismissal of their challenge to a Clean Water Act permit that is required for the expansion of the Moffat Collection System and Gross Dam in Colorado.

The conservation groups allege in their lawsuit that a “dredge and fill” permit issued for the project by the Army Corps of Engineers was unlawful on several grounds, including violations of the federal Clean Water Act, Endangered Species Act, and National Environmental Policy Act. The District Court had dismissed the groups’ complaint on the grounds that a challenge to the Army Corps permit needed to be brought in the Court of Appeals in the first instance because Denver Water, the permit holder, also holds a FERC hydroelectric license for a portion of its Moffat Collection project. In its ruling on Friday, the Court of Appeals disagreed, concluding that based on the plain language of

the Federal Power Act, the groups correctly brought their case in the District Court. The Court of Appeals remanded the matter to the District Court for further proceedings.

The proposed Gross Reservoir Expansion Project would add an additional 900,000 cubic feet of concrete to the existing dam, effectively tripling the size of the reservoir. If completed, the Gross Dam would be the tallest in Colorado and the tallest roller-compacted concrete dam in the United States. The Colorado River Basin, the main water source for communities across Colorado, Wyoming, New Mexico, Arizona, California, Nevada, Utah and Mexico, is in a crisis of increased demand and reduced supply, magnifying shortfalls of an already over-allocated system and facing forecasts of worsening climate change driven water shortages. In the face of this crisis, putting the water supply for 40 million people at imminent risk of collapse, Denver Water continues to move forward with building the largest dam in Colorado history in order to further drain the Upper Colorado River at the expense of downstream users and ecosystems.

“This important victory will now allow us to prove in court that the Clean Water Act permit for this ill-advised and untenable water grab was unlawfully issued,” said Daniel E. Estrin, General Counsel and Advocacy Director for Waterkeeper Alliance. “The river, its communities, and its ecosystems are dying a proverbial ‘death by a thousand cuts’ as they face unsustainable demand, prolonged drought, and runaway climate change, and cannot afford to be further drained to fill another enormous reservoir. We look forward to presenting our legal challenge to this permit in federal court as soon as possible.”

“We will not stand by and silently watch our rivers be drained and our native fish and wildlife be pushed to extinction,” said Daniel Timmons, Wild Rivers Program Director for WildEarth Guardians. “We will keep fighting for living rivers and the human and non-human communities who depend on clean water and healthy flows.”

The conservation groups are represented by the Washington, DC public interest law firm Eubanks & Associates, PLLC. For more information about their successful track record of precedent-setting legal victories, please visit www.eubankslegal.com.

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Additional Information

- [Click here](#) to read this story by Michael Booth for *The Colorado Sun*
 - Read the decision of the 10th Circuit [Save The Colorado et al Vs Spellmon et al](#)
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9/15/2022

Utah advancing fantasy Lake Powell Pipeline despite lack of water

[Click here](#) to read this press release in your browser.

Contact: Utah Rivers Council at 801-822-7990

Utah Advancing Fantasy Lake Powell Pipeline Despite Lack of Water

Water Agency Meets Thursday to advance Pipeline to Divert Water that Doesn't Exist & Utah Doesn't Have a Right to Use

In the face of the lowest Colorado River reservoir levels in history, Utah Governor Spencer Cox's water agency is moving forward with the controversial Lake Powell Pipeline in a meeting at 10:00 a.m., MDT on Thursday, September 15th. The Pipeline will exacerbate the epic megadrought and impair downstream water users. Utah's actions fly in the face of the Bureau of Reclamation's call to cut 2 - 4 million acre-feet of Colorado River water.

"The Lake Powell Pipeline is just one big con game on Utah taxpayers and water users across the Basin," said Zach Frankel, the Executive Director of the Utah Rivers Council. "Utah should be embarrassed for being so out of touch about climate change and the 100 years of agreements on sharing Colorado River water," said Frankel.

Utah's Governor continues to insist there is "surplus" water available for Utah to put in the Lake Powell Pipeline, even though published science demonstrates Utah is overusing its rights to Colorado River water. Lake Powell water levels have dropped so low that boat ramps have been closed and hydropower generation is nearing the end of its useful life. Yet the Utah Board of Water Resources, the official proponent of the Lake Powell Pipeline, will extend a contract with one of the Pipeline contractors. Utah has spent \$45 million on permitting for the destructive diversion.

"This bogus extension exemplifies what Lake Powell Pipeline is all about — making money for a select few interests," said Kyle Roerink, the Executive Director for the Great Basin Water Network. "The motives behind the contract are not in the public interest."

The Bureau of Reclamation has issued dire warnings on the Colorado River, mandating that the states cut 2–4 million-acre feet of Colorado River water to avoid a catastrophe, most notably a water delivery crisis in the lower basin states.

"With the entire Colorado River Basin in crisis mode, it's laughable that Utah would even think about moving forward with a new diversion from the river," said Eric Balken, the Executive Director of the Glen Canyon Institute.

Governor Cox's water agency, the Utah Board of Water Resources, is the official proponent of the Lake Powell Pipeline. Utah has spent \$45 million on permitting for the destructive diversion. While other states in the Colorado River Basin are scrambling to cut their water use, Utah state leaders are misleading the public into believing Utah has a surplus of Colorado River water for the Pipeline.

"In the most critical water year ever, the response from most of the water managers was a state of surrender. Utah, on the other hand, decided to charge into the battlefield of absurdity," said John Weisheit, the co-founder of Living Rivers and Colorado Riverkeeper.

If completed, the 140-mile Lake Powell Pipeline would divert 86,000 acre-feet of water out of Lake Powell and deliver it to Washington County, Utah. Washington County residents use 306 gallons of water per capita per day, which is over double what residents in Las Vegas use. At a cost to taxpayers of \$3 billion, the Pipeline is completely unnecessary since Washington County has enough water to provide for its projected growth without Pipeline water until at least 2060.

The other six states in the Colorado River Basin are widely opposed to the proposed Lake Powell Pipeline because of its impacts on their shrinking water supply. All six other states co-signed a letter to the Secretary of Interior in 2020 noting their opposition to the Pipeline and openly threatening litigation. The Bureau of Reclamation is preparing a Supplemental Draft Environmental Impact Statement for the Pipeline now, even while the same federal agency is asking states to cut their water use by 2 -4 million acre-feet of water because of infrastructure problems at Glen Canyon Dam.

Watch the meeting [at this link](#)

7/20/2022

Why Did Utah Oil Shale Developers Give Away Priceless Water Rights?

LATEST NEWS

- [Why Did Utah Oil Shale Developers Give Away Priceless Water Rights?](#) Brian Maffly for *Salt Lake Tribune*.
- [Could Dispute Over Water Rights Derail Utah Oil Shale Plant?](#) Jennifer Yachnin for *E&E News*.

SUBMITTED COMMENT LETTERS

Comments were due on July 9, 2018

- July 2 - Letter from Living Rivers, Colorado Riverkeeper, Green River Action Network, Upper Green River Network, and Canyon Country Rising Tide is [HERE](#).
- July 9 - Letter from NGO Coalition is [HERE](#)
- July 9 - Letter from river guides and outfitters [HERE](#)

LAWSUIT

- 2019 - [Enefit Complaint: Living Rivers v. Bureau of Land Management](#)
-

6/19/2022

Colorado River Crisis: Proposed next steps to begin on October 1, 2022

- [Reclamation Commissioner to testify on extreme drought](#). Jennifer Yachnin for *EE News*.
- [Testimony of Commissioner Touton for Senate Committee on Energy and Naural Resources](#).
- [Colorado River System Mid-term Projections as of June 16, 2022](#). Dr. James Prairie of Reclamation.
- [2022 - Scientists Have Long Warned Of Colorado River Crisis](#). Ian James for LA Times.
- [2005 to 2008 - Chronology of events for Shortage Criteria EIS \(2007 Interim Guidelines\)](#).
- [Major Water Cutbacks Ordered Amid Colorado River Shortages](#). Ian James for *LA Times*.
- [Big Colorado River Water Cuts Needed Next Year Top USA official](#). Tony Davis for *Arizona Daily Star*.

- [Under federal pressure Colorado River water managers face unprecedented call for conservation](#). Alex Hager for KUNC.
- ['The system is at a tipping point' Feds say unprecedented cuts needed to balance Colorado River water](#). Zak Podmore for Salt Lake Tribune.
- [OpED: Time for realism on Lakes Powell and Mead](#). Commissioner Segerblom for Las Vegas Review Journal.

ADDITIONAL INFORMATION FROM NGOs

Presentations and Comment Letters

- [2021 - A Future On Borrowed Time: Colorado River Shortages & the New Normal of Climate Change](#). Utah Rivers Council.
 - [DROA comment letter](#) by Save The Colorado.
 - [DROA comment letter 01](#) by Living Rivers and Center for Biological Diversity
 - [DROA comment letter 02](#) by Living Rivers, Center for Biological Diversity, WildEarth Guardians, Utah Rivers Council and Great Basin Water Network.
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5/4/2022

Lake Powell and Glen Canyon Dam in a Crisis

DROA News and Additional Information (The Fix)

[Letter](#) from Interior to the seven states

- [Ailing Lake Powell to get short-term fix, but warnings continue](#). Tony Davis for *Arizona Daily Star*.
- [City assures residents in Page that their water supply is not compromised](#). Douglas Long for *Lake Powell Chronicle*.
- Opinion: [Were still in the dark as western water framework unravels](#). David Schaller for *Tucson Sentinel*.
- Opinion: [Lake Powell will get water: It's not enough!](#) Joanna Allhands for *Arizona Republic*.
- [New Plan Lays Out Ways to Protect Lake Powell from Drought](#). Lexi Peery for *KUER*.
- [Feds, 4 Colorado River states, unveil DROA as 2022 forecast shifts](#). Allen Best for *Water Education Colorado*.

Additional information at:

[On The Colorado River: 2022 - Year of Decision?](#)

[On The Colorado River: Science at Glen Canyon National Recreation Area \(GCNRA\)](#)

3/6/2022

Utah rail line could bring 10 crude oil trains through Denver daily, drawing concern across Colorado

The proposed 85-mile project would worsen climate change, pose risks to Colorado communities and ecosystems, critics say.

By Stephanie Mencimer of Mother Jones Magazine

[An oil train is set to destroy pristine Utah mountains \(plateaus\): Why won't Biden stop t?](#)

###

By Conrad Swanson for *The Denver Post*

- [March 5, 2022 - Utah rail line could bring 10 crude oil trains through Denver daily, drawing concern across Colorado.](#) By Conrad Swanson for The Denver Post.

Additional Press

- [January 2021 - OpEd by Deeda Seed and John Weisheit](#)
 - [December, 2020 - Fossil Fuel Fund Set Aside To Help Utahns Being Returned To Industry, Lawsuit Says.](#) *The Guardian.*
 - [A New Freight Train Route For Utah? Uinta Basin Hopes So.](#) *Deseret News*
 - [Feds Looking For Public Input On Uinta Basin Railway Proposed Route Through Moffat County.](#) *Craig Daily Press.*
 - [Panel Shifts Gears On Best Rail Route To Move Oil From Eastern Utah.](#) *Salt Lake Tribune.*
-

2/7/2022

It's Time to Drain Lake Powell: The West is in severe drought and this is the moment to bypass one of the region's biggest dams and rewild Glen Canyon

[Click here](#) to read this story by Petter Deneen for *Gizmodo*

[Click here](#) to read this story by Dave Marston for *Writers on the Range*

[Interview with Rural Utah Project and Living Rivers](#) . Molly Marcello for *KZMU Public Radio*.

Check our website called [Rewilding the Colorado River](#)

02/05/22

Special to the Guardian: A Third of Americans are already facing above-average warming

By Oliver Milland (Graphics) and Andrew Witherspoon

[Click here](#) to read this special story in *The Guardian*

Ventura County, CA is 1st
Grand County, UT is 2nd
Roseau County, MN is 3rd
Kittson County, MN is 4th
Montrose County, CO is 5th
Mesa County, CO is 6th
Santa Barbara County, CA is 7th
Rio Blanco County, CO is 8th
Benzie County, MI is 9th
Ouray County, CO is 10th

01/21/22

Our comment letter for Upper Basin Drought Response Operations Agreement (DROA)

[DROA comment letter 01](#) to Reclamation from Living Rivers and Center for Biological Diversity

[DROA comment letter 02](#) by Living Rivers, Center for Biological Diversity, WildEarth Guardians, Utah Rivers Council and Great Basin Water Network.

[Reclamation's DROA Upper Basin Website](#)

Comments will be accepted through Thursday, **Feb. 17**, 2022, and can be submitted by:

Email to: Droa@usbr.gov

Or by mail to:

Bureau of Reclamation

Mr. Robert Henrie

125 South State Street, Rm 8100

Salt Lake City, Ut 84138

Additional information:

[Upper Basin DROA documents combined](#). pdf.
