World News 01/05/14

Colorado River Drought Forces a Painful Reckoning for States

Click here to read this story by Michael Wines of the New York Times

Click here to go directly to nytimes.com

Click here to read this AP story called "Downstream States Eye Flaming Gorge Water."

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Click here to read a similar story published in The Economist (February 26, 2014).

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Old Facilities, Older Rivers, and Arizona Water Legislation Pending At The State Capitol Supports Bringing The Yuma Desalting Project Back Online, But The Federal Government Says That's Not The Answer

By Chris Braswell

Modern Times Magazine

Feb. 17, 2014 — In the high deserts of Arizona and throughout the Southwestern United States, access to water resources seems far closer to mind at a policy level than any wetter or non-landlocked states.

The Colorado River Basin Water Supply and Demand Study released by the U.S. Bureau of Reclamation in December 2012 predicts a future imbalance between the supply and demand for Colorado River water, which, by way of the Central Arizona Project, is where most Arizonans get their water.

The Yuma Desalting Plant is in the southwest corner of Arizona, which today approximates the southernmost extent of the Colorado River flow. The Colorado River Basin Salinity Control Act of 1974 provided for the YDP's construction in order to treat saline agricultural return flows from the Wellton-Mohawk Irrigation and Drainage District in the Yuma area.

During the implementation of the project, a separate canal or "bypass string" was built that takes the salty groundwater and delivers it to the Cienaga Santa Clara wetlands, where it serves as a recharge catalyst for the ecological water mixture in the area.

Since the YPD was built, water has been delivered to Mexico from the Colorado River instead of treated flow delivery from the YPD, but that still satisfies the U.S. obligation to the saline-mitigated flow to Mexico, said Rose Davis, a spokeswoman for the Bureau of

Reclamation’s Lower Colorado Region. Meanwhile, the bypass string has been used over the years to continue feeding the growing Cienaga Santa Clara ecosystem.

Proposed during the current second session of the 51st Arizona Legislature, Senate Concurrent Memorial 1001 spearheaded by Arizona Senator Gail Griffin, district 14, urges the U.S. Department of the Interior to “immediately take all necessary measures to operate the Yuma Desalting Plant.”

The legislation criticizes the DOI for using 100,000 acre-feet of water from Lake Mead to fulfill the treaty's water quality obligations to Mexico rather than conserving an equivalent amount of water through the operation of the Yuma Desalting Plant, and it also notes an ongoing 14-year drought that has led to DOI projections of a shortage of Colorado River water to exceed 50 percent in 2017.

“By abdicating its obligation to operate the Yuma Desalting Plant, the federal government has caused the loss of more than 1,300,000 acre-feet from Lake Mead, placing the state of Arizona at increased risk of water shortage,” according to SCM 1001. “If the federal government were to operate the Yuma Desalting Plant, it would conserve 100,000 acre-feet per year, equivalent to the water needed to supply more than 250,000 Arizona residents with water annually.”

The USBR holds a different view about the wisdom of bringing YDP back into full operation.

When the complex was built in the 1980s, “it was a low-water period so it made some sense, and we were flushed with the government money at the time,” Davis said.

In 1992, the region went into surplus flooding conditions, and the YDP was put into maintenance mode by the USBR. In 2007, the USBR did a 90-day demo run of the facility at one-tenth capacity, to see if it was still being maintained correctly.

“It was still working OK, but we did not really have a call from any of the water stakeholders, the water customers, to use it on a consistent basis,” Davis said.

In 2010, as the current drought continued, the Southern Nevada Water Authority and the Central Arizona Project asked the USBR to go ahead with another demo run. Other organizations involved with these recent demonstration and pilot tests at the YDP include University of Arizona Department of Geosciences, as well as some Mexican partners such as the non-governmental agency Podnatura, and the state agency which is responsible for the biosphere preserve status that exists in the northern half of the Gulf of California.

“(In 2010) we looked at the expenditures needed for operations, the chemicals involved, updating the designs, the solid contact reactor, the reverse osmosis pumps, the membranes, the high pressure piping, media filtration, and the instrumentation required to bring the electronic operations up,” Davis said. “The initial investment at running it at one-third capacity, would be over $23 million to fix it up. And if you wanted to operate it at two-thirds capacity, that would be another $20 million per year. At one-third capacity

you would get 31,361 acre feet, so I don't want to say it is a “drop in the bucket,” but that is not a lot of water.

Today, that kind of money is not available in the USBR's budget.

“What would we have to sacrifice to take out $30 million, out of all of our programs, our conservation programs, our safety of dams programs, our upgrades to our electronic systems and security? The money definitely is an issue,” Davis said. “This would be a huge investment. But if things got really worse and worse, then there might be great minds that come together to say, how do we fund bringing it up to this century's standards, and make it work.”

There are a couple of plants in California that the USBR has helped get off the ground with some funding through our Water Smart Program, and the technology has improved greatly since the 1980s and the time of the YDP’s construction, Davis said.

Bringing the YDP online would also affect the saline water from its bypass stream that currently goes to the Cienaga Santa Clara, according to the USBR. Before the YDP bypass flows began, the Cienaga Santa Clara was “about 10,000 acres or less of pretty poor-quality tidal infill,” said Tom McCann, assistant general manager of operations, planning, and engineering for the Central Arizona Project. “Now it’s about 40,000 acres, of which about 14,000 is dense, marshy vegetation areas. The remaining acreage is open-water habitat.”

Each year, 1.5 million acre feet of water from the Colorado River go into Mexico, McCann said, which satisfies the U.S. treaty obligations. The water crosses the Southwestern border in two places, at its “Northerly International Boundary” near the Morales Dam immediately west of Yuma (at a rate of about 1.35 million acre-feet per year), and at the “Southern International Boundary” near the border at San Luis. The SIB is a far more limited amount of flow of about 150,000 to 160,000 acre-feet per year.

None of the NIB flow continues downstream since it is entirely redirected by Mexico, primarily to irrigated farmland in the Mexicali Valley Irrigation District in Baja State. About 1 or 2 percent of the NIB flow goes to Tijuana by pipeline. The SIB flow goes to San Luis, Sonora.

Weather Patterns

“People may realize that it is a finite resource, you know we have studies out there that are looking out 50 years and looking back 1,200 years, and recognizing the cycles of water. But now we are adding in climate change effects,” Davis said.

Ken Waters, Phoenix-based warning coordination meteorologist for the National Oceanic and Atmospheric Administration, consented that the desert Southwest has been under drought conditions for 14 to 15 years, but that the Yuma area itself only typically gets rain about two or three times per year anyway. Rain is rare in greater Yuma, southern Arizona and northern Sonora, and when it does come, it comes fast, resulting in far more groundwater runoff than basin recharge. The seasonal monsoon

precipitation phenomenon in the region is sporadic and does not go as far north into Arizona as it used to.

The headwaters of the Colorado River are fed by snowpack in western Colorado, “and that's been at a deficit for a number of years,” Waters said. “Lake Powell and Lake Mead are also going down again. Las Vegas is very concerned because the Lake Mead levels are going down. It all goes downhill, so to speak, and it's going to eventually get down to Yuma. In the next couple of years, we don't see it turning around.”

Agricultural concerns are a large portion of the water appropriation of the Colorado River and its constituent Central Arizona Project. California’s Imperial Valley is a very robust agricultural community, and is largely irrigated from the Colorado River up north all the way to Palm Springs and the Coachella Valley. Still, a significant portion of the Arizona agricultural efforts are irrigated via the Gila River, which eventually merges with the Colorado.

“It’s still a desert, but it’s irrigated,” Water said. “Four years ago, the decision was made to reduce the Lake Powell release, which even more reduced the supply along the Colorado.”

The climate models are highly variable. It is not simply a matter of how much precipitation may come, but also that the type of precipitation could change from snow to rain for example, or the pattern of precipitation could change to different times in the year.

“There are a number of global climate models out there, and they disagree on what will happen in the Colorado River basin, ranging from zero to 33 percent reduction in river flow,” McCann said. “But, a 10 percent reduction in river flow due to climate change is probably a likely, reasonable, middle-of-the-road expectation for the next 50 years in this basin.”

On Thursday, delegates from the White House Council on Environmental Quality, the Intergovernmental Affairs Office, the U.S. Environmental Protection Agency, and the Department of Energy met with California Governor Jerry Brown, Los Angeles Mayor Eric Garcetti, and state, local, and tribal leaders from across the country at Los Angeles City Hall following the second meeting of President Barack Obama’s Task Force on Climate Preparedness and Resilience. The Task Force was established in November to advise the administration of how to respond to needs of communities throughout the nation through the White House’s Climate Action Plan. The task force meeting focused on improving the resilience and longevity of our nation’s transportation, water, and energy infrastructure in the face of extreme weather, sea level rise, extreme temperatures, drought, and other various effects of global climate change.

On Feb. 4, the U.S. Department of Agriculture announced that it will make $20 million in assistance available for agricultural water conservation efforts throughout California for producers who are affected by the drought. Interested landowners and managers have until March 3 to apply for funds. The program is also part of the White House’s Climate Action Plan, and the funds are appropriated through the Natural Resources

Conservation Service's Environmental Quality Incentives Program. NRCS Service Center locations and more information about the drought initiative can be found at www.ca.nrcs.usda.gov.

Drought Policy

The Arizona Water Settlements Act of 2004 between Arizona and New Mexico gives New Mexico rights to about 14,000 acre-feet of water per year from the Gila River. The end of 2014 is the deadline for the Interstate Stream Commission to decide what to do with the water from the Gila and one of its tributaries, the San Francisco River. Federal funding is available to the state for diversion project construction, or if no decision is made, the water will continue flowing south into Arizona.

The Gila is a tributary of the Colorado that begins in the Gila National Forest in New Mexico. The proposed location for the diversion project is in a pristine roadless area of unblocked wild river. Farmers in the region want the diversion as backup water supply, while conservationists and sports enthusiasts argue that dams and diversions would the ecosystem. In the current New Mexico legislature, Senate Bills 89 and 90 attempt solutions to the issue.

And currently pending in the 51st Arizona Legislature is House Bill 2326 (http://www.azleg.gov/legtext/51leg/2r/bills/hb2326p.pdf) would amend the statute related to the Arizona Water Banking Authority in such a way as to make it more water storage/banking credits more fiscally commodifiable, adding language that reinforces water banking credits are purchasable by the authority, and providing for statutory basis for such accounting.

The Central Arizona Project provides water to about 80 percent of the Arizona population through a 336-mile long water delivery system that sources the Colorado River. Its construction was federally approved in 1968 for construction by the USBR, and in 1971, the Central Arizona Water Conservation District, which now manages the CAP, was formed to repay the federal government for certain construction costs once the system was complete. Construction began at Lake Havasu in 1973 and was completed 20 years later south of Tucson.

"We run 40 to 50 percent in the Phoenix area, and if you add in agricultural and the reservations that we also serve, about 80 percent of the population of the state takes CAP in some form or another," said Robert Barrett, a spokesman for the Central Arizona Project. "It goes to agricultural use which is also critical in this state as well, and that's generally Pinal County, which is that area between Phoenix and Tucson, a big agricultural area. And then finally, we also recharge water; we store water that is not being used underground to guard against future drought."

"You can't make up all that difference with conservation because right now in Arizona, we're one of the leading states in terms of conservation," Barrett said. "Our population doubled or tripled from 1960 to today but our total water use has gone down during that period. You can only squeeze that lemon so hard before you do not get any more juice out of it, and what we need to do is start looking forward for ways to augment the supply

in the Colorado River. They can do that by cloud seeding when possible, but that's not going to be enough, in and of itself. The CAP is looking at multiple ways to augment our water supply for the future, but for some of the ideas, all seven states are going to have to cooperate on the big picture."

The CAP is examining the possibility of desalination, for which there appears to be two primary options to choose from, Barrett said.

"We could probably partner with somebody in California; we pay for them to desalinate the water and then whatever the volume they get out of it creates a net volume left in the river, and we take it so it would be a trade off that way," he said. "The other thing we are talking about is working with Mexico, and there is a couple of locations in Mexico we are talking about. It is going to be some time before that happens, so right now most of the emphasis is going to be on conservation, you know, what more can people do, but that's a limited fix, you can only take that so far."

USBR is more optimistic.

"We are the water wholesaler, and Arizona, California, and Nevada are doing incredible things in the way of water reuse and recycling, in the way of conservation, in the way of Arizona storing a lot of water in groundwater areas," Davis said. "Some of the planning that Arizona has done, and some of the things that they have implemented over the last decade have truly shown that the water managers have been looking at the horizon."

An excellent model of municipal water management in the Southwest is Las Vegas, for example.

"Almost every drop of the water in Las Vegas is reclaimed water," Davis said. "Everything that you are not drinking, all the toilet water—everything that you are not drinking—is recycled water."

There are many great examples of progressive water use policy at the state and local levels in the Southwest, but when not all cities and agricultural operations are using the most cutting-edge civil engineering and technology, the USBR strongly cautions against resorting to industrial-scale desalination as an everyday solution.

"The states are the water managers, they are the retailers, so to speak, and are the managers of where the water is going within, how it is being used, how its being retreated, reclaimed, and recycled," Davis said. "We're really supportive of states' activities. And while the YDP is a piece of equipment that we are still maintaining, its just not high on the list of alternatives, considering the way the states are cooperating with each other, in augmenting water supplies and conserving water."

Chris G. Braswell is the managing editor of Modern Times Magazine. He can be reached at cgbraswell@moderntimesmagazine.com.

OpEd 01/10/14

Goldwater, Brower and the Disastrous Damming of the Colorado River

Click here to read this opinion piece by Paul VanDevelder as featured in the Los Angeles Times

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Regional News 01/15/14

British Company Jumps Into Utah Oil Shale

Click here to read this story by Brian Maffly of the Salt Lake Tribune

TomCo's Small Mining Permit Application

LR Press Release 01/22/14

Controversial Utah Oil Shale Project Challenged
Utah Oil Shale Mine Faces New Challenge

Click here to read this story by Brian Maffly of the Salt Lake Tribune

Fight Erupts Over Uintah Basin Oil Shale Mining Project's Protection of Water
Click here to read this story by Amy Joi O'Donoghue in Deseret News

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For Immediate Release, January 22, 2014
Contact: Rob Dubuc, Western Resource Advocate, (801) 487-9911
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Tim Wagner, Sierra Club, (801) 502-5450

Controversial Utah Oil Shale Project Challenged

38,000 Public Comments Opposed Plan Threatening Aquifers, Seeps and Springs
SALT LAKE CITY— Oil shale strip mining atop Utah's Book Cliffs is being challenged by conservation groups. The challenge is a "request for agency action" filed Tuesday, over the ground water discharge permit approved by the Utah Department of Water Quality. The permit, which authorizes Red Leaf Resources to test an oil shale mining facility, lacks measures to prevent or detect surface or groundwater pollution, in violation of state law. More than 38,000 public comments were sent to the Department opposing an earlier draft of the flawed plan.

“The scheme used by Red Leaf Resources is basically the same as it was for failed ventures a century ago: mine it, crush it, sort it, put it in an oven, heat it, gather the liquid into a sump, hope that it doesn’t burn the facility down, and get it to a refinery before it congeals,” said John Weisheit, conservation director with Living Rivers. “It makes far more sense for an energy company to come over to my house and install solar panels on my roof.”

The company plans to strip mine shale from a 385 by 695-foot long, 160-foot deep prototype “capsule,” line it with clay, and then crush, backfill, bury and bake (or “retort”) the shale in it at 725°F for three months in order to extract hydrocarbons. If the prototype proves economical, the company plans to strip mine vast acreages; it has approximately 17,000 acres of state land under lease.

“As light sweet crude becomes more rare, we can choose to develop better and cleaner ways to power our world, or we can turn to ever-dirtier fuels like oil shale,” said Taylor McKinnon director of energy with Grand Canyon Trust. “Regardless of whether this technology proves viable, oil shale is the wrong energy path in an era of drought, waning river flows and worsening climate change.”

Red Leaf plans to leave toxic post-production residues in its experimental capsules. The state permit lacks provisions to detect if or how the capsule would fracture during heating or prevent contaminants from leaching into groundwater, seeps and springs.

“State law requires protection of all waters of the state from contamination. Yet the state has approved a permit for Red Leaf to discharge potentially contaminated water from a first-of-its-kind facility,” said Shelley Silbert, executive director with Great Old Broads for Wilderness. “Amazingly, they are not even requiring monitoring of springs, seeps, or groundwater on site.”

The energy inputs and carbon emissions required by strip mining and retorting oil shale exceed those of conventional oil extraction. Given the size of oil shale deposits in the Colorado River Basin, commercial development, if it takes hold, is likely to result in vast strip mining and greenhouse gas emissions, contributing to climate change, regional droughts and Colorado River drying.

"It's clearly a misguided state energy policy that encourages heating rocks to find usable oil, especially after a century of similar ventures have failed," said Tim Wagner of the Sierra Club in Salt Lake City. "It's this lack of visionary leadership that is putting Utah far behind the curve of other western states that are embracing the clean energy revolution of the 21st century."

The U.S. Geological Survey estimates that between 353 billion and 1.146 trillion barrels of oil in the Green River Formation “have a high potential for development.” But despite decades of attempts, oil shale’s low energy density and inherent inefficiencies have precluded industry from yielding a commercially viable shale-to-fuel sector. Attorney Rob Dubuc of Western Resource Advocates is representing Living Rivers, Grand Canyon Trust, Southern Utah Wilderness Alliance, Great Old Broads for Wilderness, and Sierra Club in today’s challenge.

Download a copy of today's "request for agency action" here.

Learn more about Red Leaf's oil shale plans at the Western Values Project here.

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LR in the News 01/29/14

Lots for Tots: How One Agency (SITLA) Is Selling Off Utah In The Name Of The Children

Click here to read this story by Colby Frazier of the Salt Lake City Weekly

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OpEd 02/09/14

Retirement: Pat Mulroy of the Southern Nevada Water Authority

Click here to read an Interview with Pat Mulroy in the Las Vegas Review Journal by Henry Brean.
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From the editorial board of the Las Vegas Sun

Whatever it takes to bring water to the valley

Sunday, Feb. 9, 2014 | 2 a.m.

Pat Mulroy retired Feb. 6, leaving a long legacy as head of the Southern Nevada Water Authority. Mulroy helped create the authority in 1991, and then found ways to provide the water that fueled Las Vegas' explosive growth.

A tireless advocate for Southern Nevada, Mulroy negotiated creative deals to maximize Las Vegas' water supply from the Colorado River, which is the source of about 90 percent of the region's water. And that wasn't an easy task.

The laws that regulate the Colorado River are stacked against Nevada; they were written nearly 100 years ago when Southern Nevada's population was counted by the hundreds, not the hundreds of thousands. But Mulroy and her staff found ways to maximize water from the Colorado through conservation efforts and smart agreements that continued to keep the water flowing.

Mulroy not only has provided water but also has provided a strong vision for years to come. There are still serious challenges ahead for her successor, John Entsminger.

Entsminger, who served as Mulroy's top deputy for several years, is well prepared and versed on what lies ahead. The drought on the Colorado River continues to take its toll, leaving a precarious future for Southern Nevada. With water levels continuing to drop at

Lake Mead, there is a very real concern that the region's main water supply could dry up.

Entsminger will have to press ahead on a plan put together by Mulroy that has attracted significant opposition. Mulroy proposed building a 300-mile pipeline to carry water from rural eastern Nevada to Las Vegas.

The plan recently suffered a setback when a judge in White Pine County overruled state approval that gave the authority permission to pump some water. The case is on appeal, and hopefully, the state Supreme Court will see the folly in that ruling. Clark County accounts for nearly three-quarters of the state's population, and it drives the economy. Anything that harms Clark County harms the state itself.

And there aren't many real alternatives to the pipeline.

The state could cap growth in Clark County, but that would effectively cap the state's economic growth as well.

But critics of the pipeline plan say it is unnecessary. They maintain that the water authority could increase conservation efforts, and while that certainly could help, it won't provide enough water, especially if Southern Nevada's take from the Colorado River is limited.

Pipeline opponents also have suggested that the water authority pursue a proposal to build desalination plants along the Pacific Ocean in California. Under such a plan, the water authority would give California the water from the desalination plants in exchange for keeping the same amount of water, which otherwise would go to California, in Lake Mead for our use. Although that might be an idea worth exploring, it's not one to go all in on. If California agreed to the deal, it would be expensive to build and operate the plants. There also are significant environmental issues that go along with a desalination plant that would need to be worked out.

But more importantly, the desalination proposal would further tie Southern Nevada's future to the Colorado River. With the continued drought, and California Gov. Jerry Brown declaring a drought emergency, don't expect Nevada to get more water from the Colorado; California certainly will be flexing its muscle for it.

The answer for the state is simple: a pipeline to rural Nevada. That will have to be more than Mulroy's legacy; it will have to be Entsminger's top priority.

LR in the News 02/13/14

New Oil Shale, Tar Sands Films Focus on the Colorado River Basin

Posted on February 13, 2014 Tar Sands and Oil Shale strip mining in Utah’s Book Cliffs.

Click here to see this post by Taylor McKinnon, Energy Director for the Grand Canyon Trust

The Colorado River Basin is ground zero for high-carbon fuels. The U.S. Geological Survey estimates that its oil shale and tar sands could eventually yield over a trillion equivalent barrels of oil—as much as we've burned since the dawn of the industrial revolution.

Spurred by Alberta's tar sands boom, pressure to develop the Colorado River Basin's deposits is growing. Over a million federal and state acres are allocated for leasing with industry targeting the shallow deposits in Utah's Uinta Basin.

Turning rocks into fuel involves energy inputs and greenhouse emissions far beyond conventional oil. The prudence of committing land, water and society to high-carbon fuels in the face of climate change is hotly debated.

Two new movies explore that debate.

The first, titled Uinta Basin, An Unconventional Future, is a series of issue vignettes that gives voice to industry, advocates, agency officials and communities that would be affected by commercial development in the Uinta Basin.

An Unconventional Future dives deep. It's long, but its careful portrayal of the people, places and issues at hand warrants attention from those concerned about the Colorado River Basin's energy, climate and water future.

Watch An Unconventional Future here.

The other, titled Last Rush for the Wild West – Tar Sands, Oil Shale and the American Frontier, moves from Alberta's tar sands to the Uinta Basin. It's an advocacy piece that interviews some of the region's leading advocates and, with an eye toward Alberta's tar sands experience, chronicles the problems and places at the heart of the Colorado River Basin controversy.

Watch Last Rush here.

LR Press Release 02/21/14

Utah Supreme Court: Living Rivers v US Oil Sands

FOR IMMEDIATE RELEASE
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Supreme Court to hear legal challenge over tar sands strip mine on Tuesday

Landmark case in Utah's Supreme Court will determine the state's obligation to protect groundwater

SALT LAKE CITY - The Supreme Court of Utah is scheduled to hear Living Rivers vs Division of Water Quality at 9:00 AM on Tuesday, March 4th. The location of the hearing is: 450 South State Street in Salt Lake City, UT 84114.

The applicant US Oil Sands, based in Alberta, is poised to begin mining operations on 213 acres near PR Spring, Utah. The PR Spring area is perched at the watershed divides of three major rivers: the Colorado River, the White River and the Green River.

PR Spring is a drinking water source in the White River watershed. Water in the area of the proposed mining site flows toward the Green River, potentially entering the water supply for those who depend upon the Colorado River.

John Weisheit, conservation director of Living Rivers says, "I am very worried this water pollution will in-debt both local communities and larger communities downstream with extensive clean-up costs, as well as making people sick.

"This project is a time bomb. The plume of contaminated water will leach into the Colorado, White and Green Rivers long after the mining companies pack-up and disappear."

Living Rivers is concerned that the untested, experimental mining operation will pollute precious groundwater sources that will one day enter the drinking water supply for Las Vegas, Phoenix, Tucson, Los Angeles, San Diego, and other western communities.

The Division of Water Quality claims the groundwater at the mine site is an insignificant amount of water and harm to water resources will not occur.

Living Rivers understands that wildlife, ranchers, and recreational visitors depend on these freshwater springs, and many are concerned that mining pollution will migrate into drinking and irrigation water for 35 million downstream users of the Colorado River.

US Oil Sands has leased a total of 32,000 acres from the School and Institutional Trust Lands Administration and millions of gallons of accumulated waste water and waste solvents will be absorbed and dispersed into the groundwater systems of the Tavaputs Plateau.

Representing Living Rivers are attorneys Joro Walker and Rob DuBuc of Western Resource Advocates.

Click here to read the brief prepared by Western Resource Advocates.

Click here to visit the administrative record of tar sands mining in eastern Utah.

Attorneys for Division of Water Quality
Bridget K. Romano (Utah Solicitor General)

Paul McConkie (Assistant Attorney General)
Kimberlee Sellers McEwan (Assistant Attorney General)

Attorneys for US Oil Sands Inc.
A. John Davis III (Holland & Hart)
Christopher R. Hogle (Holland & Hart)

HIGHLIGHTS OF THE BRIEF

The threshold issue in this matter is whether the State's Water Quality Board and the Executive Secretary used a consistent regulatory definition of groundwater to decide that, in the area of US Oil Sand's proposed strip mining operation for bituminous sand, no groundwater exists above 1,500 to 2,000 feet below the surface. Living Rivers shows that the Executive Secretary did not and, as a result, that the Executive Secretary failed to properly weigh and consider clear record evidence pointing to the presence of groundwater, as defined by the Utah Ground Water Quality Protection regulations (Regulations) and in keeping with the Water Quality Act.

Arguments

1. The Utah Water Quality Act requires the Board to protect from pollution all Waters of the State.

2. For the purposes of groundwater protection, Waters of the State is defined as “all accumulations” of subsurface water.

3. In its Ground Water Quality Protection Regulations, the State's Water Quality Board has narrowed that definition, stating that groundwater is “subsurface water in the zone of saturation including perched ground water.”

4. Water in a zone of saturation must be equated with a subsurface accumulation of water and the Act must be understood to require the Executive Secretary to protect any accumulation of subsurface water located within a zone of saturation.

LR Event 02/26/14

Remembering Abbey, 25 Years Gone

For More Information: Call Bob Lippman at 435-259-1182 John Weisheit at 435-259-1063
Sponsors: Abbey's friends, Utah Film Commission, Back of Beyond Books, Center for Biological Diversity, and Living Rivers.

POSTER: click here

MONDAY, MARCH 10 5:00 pm. Radio program on KZMU's This Week in Moab, about Abbey, and the upcoming events. Feature selected eulogies from the Arches memorial in 1989.

LISTEN click here

FRIDAY, MARCH 14 5:00 pm. Radio panel on KZMU 7:00 pm. Private gathering of Abbey's clan @ Pack Creek Ranch.

LISTEN click here

SATURDAY, MARCH 15 7:00 pm. Film and panel at Star Hall 1.Film screening by ML Lincoln: “Wrenched” 2. Panel Discussion with Ken Sanders, Sarah Stock, Lauren Wood, ML Lincoln, Ken Sleight and John Weisheit. 3. Tabling: Back of Beyond Books, Uranium Watch, Southern Utah Wilderness Alliance.

Regional News 02/26/14

Enefit American Oil Shale Project On Hold

Click here to read this story by Mary Bernard of the Vernal Express
Energy-independent but dirty, Estonia makes "big shift" to renewables

Click here to read this story by Arthur Max of Energy Wire

A New Use for Orange Peels: Squeezing Oil From the Utah Desert
Click here to read this story by Chester Dawson of the Wall Street Journal

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Regional News 03/03/14

California Will Tap Its Water Bank, Even As Mead Shrinks

Click here to read this story by Henry Brean in the Las Vegas Review Journal

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LR in the News 03/05/14

Utah Supreme Court Hears Challenge to Tar Sands Permit

Click here to read this story by Brian Maffly of the Salt Lake Tribune

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LR in the News 03/20/14

Harpers - Razing Arizona: Will drought destroy the Southwest?

Click here to read this story by Chistopher Ketcham in Harpers Magazine

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LR Testimony 04/01/14

Utah Watershed At Risk! Tar Sands Strip Mining in the USA

Click here to read this color booklet created by Living Rivers and the Colorado Riverkeeper

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LR in the News 04/13/14

Moab's Dilemma Can Recreation Coexist With Energy

Click here to read this story by Amy Joi O'Donoghue of Deseret News

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LR in the News 04/15/14

Will Utah Oil Sands Project and Water, If There is Any, Mix?

Click here to read this story by Dave Hasemyer of Inside Climate News

Click here to read this story by staff from Moab Sun News

Click here to read this story from DeSmog Blog called "Permanent Protest Set Up at US Oil Sands Project in Utah."

Click here to read this article from the Calgary Herald called "US Oil Sands Gears Up For Utah Project."

Regional News 04/16/14

Jolted by Reality Colorado River Water Managers Plan for Persistent Drought

Click here to read this story by Brett Walton in Circle of Blue

Click here to view Reclamation's graphic of Trace 96, a potential scenario of Lake Powell elevation if the current drought prevails for the rest of the decade

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LR Press Release 05/14/14

Refinery, Approved Without Permit, Would Be Utah's First in 30 Years

For Immediate Release, May 14, 2014

Contact:
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Utah OKs Oil Refinery Construction Before Examining Impacts on Public Health, Pollution, Iconic National Parks

Refinery, Approved Without Permit, Would Be Utah's First in 30 Years

SALT LAKE CITY— Disregarding laws meant to protect public health, the environment and national parks, the Utah Division of Air Quality has given Emery Refining permission to build Utah's first new oil refinery in 30 years. Approval was given even though the project has not been given a permit, public and environmental reviews have not been conducted, and the agency has not determined whether the refinery complies with pollution laws. The refinery in eastern Utah would be within miles of Canyonlands and Arches national parks, two of the state's most popular tourist destinations.

Conservation groups today called on state officials to prohibit construction pending final permitting.

"State and federal law are clear: Construction must follow permitting, and permitting must follow public and environmental review," said Anne Mariah Tapp with Grand Canyon Trust. "Turning that scheme on its head reveals the deeper problem of Utah heeding oil interests over public and environmental health."

Utah is allowing Emery to proceed with construction under a 2013 permit originally issued for a now-abandoned refinery proposal. After conservation groups challenged that permit over unlawful pollution, Emery proposed a new refinery design. Under Utah law the company should have to wait for a new permit for the new design. Instead the state gave Emery approval to build its new refinery under the inapplicable 2013 permit. The groups' legal challenge to the original permit is still pending before an administrative law judge.

"Air quality for the downwind communities of eastern Utah has been worsening, and it's just a short matter of time before the limits of pollution are exceeded. Energy companies need to invest in a clean-energy economy, because this business-as-usual approach to energy development is destined to damage our health, the water cycle of this important watershed, and the enjoyment of this landscape's superlative scenery," said John Weisheit of Living Rivers.

“Utahns should be outraged at the state fast-tracking Emery’s refinery plans,” said Stephen Bloch with the Southern Utah Wilderness Alliance. “The Division of Air Quality has its priorities backwards when it puts streamlining Emery’s permit ahead of its duty to protect the environment and human health.”

Conservation groups’ comments on Emery’s new design point out several major problems in the state’s draft permit for the new design. The state failed to perform mandatory dispersion modeling and impact analysis of hazardous air pollutants, including benzene, toluene, hexane and ethylbenzene; it sharply underestimated emissions from volatile organic compounds and greenhouse gas emissions; and it failed to analyze visibility impacts to Canyonlands and Arches national parks and impacts to endangered fish like Colorado pikeminnow in the Green River.

“Millions of people flock to Utah for the magnificent public lands, national parks and wildlife,” said Randi Spivak with the Center for Biological Diversity. “Putting a toxic oil refinery smack in the middle of some of America’s most stunning landscapes will pollute the air and endanger the health of park visitors and wildlife.”

Emery’s newest refinery plan comes as Grand County officials promote an oil transportation corridor connecting Green River to the oil, oil shale and tar sands deposits atop the Book Cliffs. Increasingly the refinery appears to be one part of a bigger scheme to industrialize Utah’s wildlands for high-carbon fossil fuel extraction.

“Utah’s biggest draw and economic engine, our majestic wildlands, is being transformed into a dirty energy wasteland before our very eyes,” said Tim Wagner of the Sierra Club. “In spite of recent double-digit growth in Utah’s outdoor recreation and tourism economies and the overwhelming evidence of the impacts to Utah from climate change, Utah’s leaders continually demonstrate their lack of regard for anyone or anything but short-term profits.”

Background Utah’s air-quality rules explicitly provide for a pre-construction public comment period and a public hearing and mandate that “the director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order” (R307-401-7(3)). The rules further require new sources of air pollution to obtain an approval order “prior to initiation of construction,” which is defined as “any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change of emissions” (R306-401-2).

The rules ensure that the Division of Air Quality will consider and mitigate environmental and public-health effects of emissions before the company commits resources to a project. See R307-401-7 (1), (2) – Public Notice (“prior to issuing an approval or disapproval order…the director’s analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.”); see also R307-401-7 (3) (“the director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the

proposal in response to comments before issuing an approval order or disapproval order").

Regional News 05/15/14

McPhee Reservoir Vulnerable to Crisis at Lake Powell

Click here to read this story by Jim Mimiaga of the Cortez Journal

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Regional News 05/19/14

Vexing Mussels: Officials Concede Defeat at Lake Powell

Click here to read this story by Emiley Morgan of the Desert News

Click here to read a story by Todd Glasenapp of the Arizona Daily Sun about quagga muscles detected below Glen Canyon Dam

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LR Press Release 05/23/14

Green River Oil Spill

Click here to read the press release

Click here to read this story in the Salt Lake Tribune by Brian Maffly

Click here to read this story by Kristen Moulton in the Salt Lake Tribune

Click here to read this story in EcoWatch

Click here to view a photo of the oil spill in the mainstem of the Green River approaching Canyonlands National Park

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Regional News 06/15/14

Arizona cities could be hit by CAP shortage much sooner than expected

Click here to read this story by Michael Wines of the New York Times

Click here to read this story by Tony Davis of the Arizona Daily Star

NOTE: According to the latest forecast by the Bureau of Reclamation, the elevation at Lake Mead will reach the first tier of declared shortages in April or May of 2015.

Click here to see the projection.

Click here for a more visual graphic from the folks at the Central Arizona Project.

Click here for a graphic of the shortages by percent to Arizona, Nevada and Mexico.

Documents from citizens sounding the warning of reservoirs going empty

April 2007 - read the letter from Living Rivers/Colorado Riverkeeper explaining that shortages were inevitable

February 2008 - read this press release from the Scripps Institute explaining that shortages were inevitable

Documents from upper basin water managers sounding the warning of reservoirs going empty

July 2013 - Eric Kuhn

February 2014 - John McClow

Regional News 06/19/14

Colorado River Researchers Find Signs of Ancient, Devastating Floods

Click here to read this story by Julia Rosen in the Los Angeles Times (Science Now)

Click here to read the final report published in Water Resources Research (American Geophysical Union).

The purpose was to provide science to the Department of Energy to ensure that Moab's radioactive waste pile would be removed from the floodplain of the Colorado River, which is indeed happening. So far, 41% of the pile has been removed and taken by railroad to a burial site 30 miles north of town at a place called Crescent Junction adjacent to the I-70 corridor.

Highlights of this report include:

• River: Upper Colorado River (above the Green River confluence and below the Dolores River, the last major tributary)
• Site location: 10.5 miles above the Moab Bridge
• Time frame: The last 2,140 years (+/- 220 years)
• Number of floods: 44
• Range of floods in cfs: 60,036 to 349,616

• 34 to 40 floods have exceeded the magnitude of the USGS 100-year flood determination
• 20 - 25 floods have exceeded the magnitude of the USGS 500-year flood determination
• 5 floods have exceeded a peak discharge of 282,000 cfs The two largest floods were slightly over 349,000 cfs
• Most of these floods have occurred in the last 500-years

• The 100-year flood would have a peak discharge ranging from 156,440 to 179,050 cfs
• The 500-year flood would have a peak discharge ranging from 224,780 to 265,570 cfs
• A 1000-year flood would have a peak discharge ranging from 256,740 to 310,770 cfs

ADDITIONAL INFORMATION

1) Click here - To read the report of 2006 that fulfilled the requirements of the grant that supported the preliminary research for this paleoflood research project.

2) Updated Report (2006b)

3) Moab Mill Project Cover Letter

4) Moab Mill Project Brochure

5) Moab Mill Project Poster

6) "Investigation of the Hydrogeologic Connection between the Moab Mill Tailings and the Matheson Wetland Preserve," Philip Gardner and D. Kip Solomon, Department of Geology and Geophysics, University of Utah, December 11, 2003 (with Addendum) [PFD 8.3m]

7) Initial-Phase Investigation of Multi-Dimensional Streamflow Simulations in the Colorado River, Moab Valley, Grand County, Utah, 2004, Terry A. Kenney, US Geological Survey

8) Special newspaper supplement from the TIMES-INDEPENDENT about the Moab Mill Project

9) Special presentation by Dr. John C. Dohrenwend given at the Moab Information Center in 2006

10) Photo of Colorado River in flood (1917 or 1921) near the Colorado River bridge

11) Paleoflood study of Colorado River at Grand Canyon by O'Conner et al., 1994

12) Click here to read Dam Failure Inundation Study by the Bureau of Reclamation (1998).

13) Click here to learn more about the flood of 1884 and the flood of 1983

LR in the News 06/24/14

High Court Rejects Final Appeal of Utah Tar Sands Mine

Click here to read this story by Brian Maffly in the Salt Lake Tribune

Click here to read this story by Amy Joi O'Donoghue in the Deseret News

Click here to read the court's 9-page decision

Click here to read the plaintiffs petition for a rehearing

LR Press Release 07/08/14

Nevada State Senator Calls for Audit of Bureau Of Reclamation's Colorado River Management Strategies: Encourages State Legislators across the Basin to take part

Click here to read about this story from Sarah Tory in High Country News

Click here to read about this story by Gary Wockner in EcoWatch

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Press Release

Contact: John Weisheit
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435-259-1063 (office)

July 8, 2014
For immediate release

Nevada State Senator Tick Segerblom has announced plans to introduce legislation for an independent scientific and economic probe into the Bureau of Reclamation's current and future management plans for the Colorado River.

Citing deficiencies in Reclamation's response to mounting water scarcity, public safety, and ecological concerns on the Colorado River, the senator fears absent immediate independent intervention, Reclamation's guidance may propel the Southwest into a dangerous cycle of crisis management.

• Reclamation's water supply planning assumes climate change may only reduce river flows by nine percent on average by 2060, despite climate scientists warning that it

could be more than four times that, and that for nearly 15 years average flows of the Colorado River have been dropped 15 percent.

• Reclamation is not addressing the critical interplay between surface water shortages and ground water loss, despite the increasingly rapid depletion of ground water supplies across the Colorado River Basin–recently estimated to be declining at a rate equivalent to 1/3 the Colorado River's annul flow.

• Findings published last month, and known to Reclamation for several years, presents worrying evidence of Colorado River flood flows of rates and frequencies much greater than what Reclamation has been using in its designs and operations.

• Despite decades of public investment in habitat restoration work, no significant progress is being made toward endangered species recovery, there's no plan for dedicated flows to the Colorado River Delta, and Reclamation's much heralded Colorado River Basin Study released in December 2012 made no provisions for the environment.

Such independent scientific review is far from unique, and currently a key aspect to address challenges facing the San Joaquin/Sacramento River system in California, where Reclamation too is a major actor.

"What is unique is a public official stepping outside the box longtime defined by Reclamation's biases and constraints in order to seek urgently needed independent perspectives on the management of this critical part of the nation's infrastructure," says John Weisheit, Living Rivers Conservation Director.

"Thirty five million people and an economy valued at $1.7 trillion annually, the 12th largest in the world, deserves the truth, not optimistic projections and the potential justification for new infrastructure that renders the system more vulnerable as it wallows from crisis to crisis informed by Reclamation's short-sightedness," adds Weisheit.

State Senator Segerblom intends this initiative to also catalyze long overdue cooperation within the legislative bodies of all seven Colorado River Basin states, working toward establishing the type of publicly-accountable, watershed-based governance structure that a river system of this magnitude and importance requires.

"It's ironic that such leadership is coming from the State of Nevada which consumes just 2% of the Colorado River's flows," adds Weisheit. "But then again, the senator was born in the town that built Hoover Dam and led Reclamation's foray into the Colorado River Basin. Possibly the spirit which launched Colorado River development in the early 20th century is reemerging to push for the river's sustainable management in the 21st ."

LR press release (PDF file)

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Additional Information (hyperlinked)

1. Nevada State Senator Segerblom's Press Release (July 8, 2014)
2. Executive Summary: Reclamation's Colorado River Basin Supply and Demand Study (December 2012)
3. Living Rivers Comments on Reclamation's Basin Study (March 2013)
4. Upper Colorado River Hydrology (June 2014)
5. Colorado River researchers find signs of ancient, devastating floods (LA Times: June 19, 2014)
6. NASA's GRACE Satellites Show Colorado River Basin's Biggest Water Losses Are Groundwater (2005-2013) (Circle of Blue: December 13, 2013)

OpEd 07/20/14

Segerblom: Colorado River Must Go With A Better Flow

Click here to read the print copy of this OpEd in The Las Vegas Review Journal by Tick Segerblom of the Nevada Senate representing District 3.

Click here to read the online version of this OpEd

Click here to read this press release about Segerblom introducing legislation to audit Reclamation's Supply and Demand Study.

Regional News 07/22/14
Protesters Arrested at America's First Tar Sands Mine

Click here to read this story by Zoe Schlanger of Newsweek

Click here to read press release "National Environmental Groups Stand With Utah Land Defenders."

Regional News 07/24/14

Parched West Using Up Groundwater: Study Points to Grave Implications for Water Supply

Click here to read this article from Science Daily

Click here to read this article from Common Dreams

Click here to read this AGU paper by Stephanie Castle, et al., called Groundwater Depletion During Drought Threatens Future Water Security in the Colorado River Basin.

LR Event 08/01/14

Tribal Reps Air Concerns Over Proposed Nuclear Plant

Click here to read this story by Eric Trenbeth of the Moab Sun News

Click here for the clipping of this story

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We All Live Downstream!

Uniting to Stop the Green River Nuclear Power Plant and Protect the Green and Colorado Rivers!

Update & Community Meeting with Tribal Leaders from the Colorado River Indian Tribes

MONDAY, AUGUST 18, 2014 - 7 PM
Moab Arts and Recreation Center
111 East 100 North
Moab, UT

Tribal Council members of the Colorado River Indian Tribes are coming to Moab and Green River from their home along the Colorado River in Parker, Arizona to share their concerns and learn more about the proposed Green River nuclear power plant that threatens the Green and Colorado Rivers.
Hear updates on the fight against the nuclear power plant, and hear from tribal leaders about their concerns about the threat to the Green and Colorado Rivers.

Sponsored by Greenaction for Health and Environmental Justice, Living Rivers and Uranium Watch

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Click here to view the poster for this event

OpEd 08/08/14

Oil Shale Forces Utah to Decide its Real Water Priorities

Click here to read this Op Ed by the Rocky Mountain Farmers Union in the Salt Lake Tribune

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LR in the News 08/14/14

Dams Cause Climate Change: They are not Clean Energy

Click here to read this story by Gary Wockner in EcoWatch

Click here to view the presentation by Dr. John C. Dohrenwend and Colorado Riverkeeper John Weisheit

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World News 08/20/14

Westinghouse Could Provide Reactors for Utah Nuclear Site

Click here to read this story by David Conti of TribLive News

Click here to read about the litigation against Blue Castle Holdings

Click here to read press release by Westinghouse

Click here to read the testimony of the 4-day trial before the Utah's 7th District Court (This pdf is searchable).

Arnie Gunderson stated under oath that Blue Castle Holdings does not have enough water to cool Westinghouse AP1000 reactors, unless this company changes its business plan to include very expensive upgrades.

The sediment and salinity loads of the Green River will also present water quality and quantity issues and additional expenses for the operation of this proposed nuclear power plant.

Other testimony by Blue Castle Holdings affirms that their business plan has many other issues of infeasibility and risks to the public.

OpEd 08/27/14

Danish Flats: Utah should never take a polluter's word

Click here to read this Op Ed by the Editorial Board of the Salt Lake Tribune

Click here to read this story by Brian Maffly of the Salt Lake Tribune called "Utah Grapples With Toxic Water From Oil and Gas Industry"

Click here to read this story by Brian Maffly of the Salt Lake Tribune called "Toxic Evaporation Ponds in Utah Threaten Birds, Little Protection"

LR Letter 09/15/14

Keep It In The Ground: Living Rivers joins the campaign

Click here to read the letter and sign-ons

LR Press Release 09/19/14

Utah Groups Announce Green River Nuclear Legal Appeal & OpEd

For Immediate Release:

Contacts:
HEAL's Matt Pacenza at 801-864-0264
Uranium Watch's Sarah Fields at 435-260-8384
Attorney John Flitton at 435-940-0842
Living River's John Weisheit at 435-260-2590
Utahns challenging the water rights of the stalled Green River nuclear reactor project announced today they have filed a legal appeal to the state's Court of Appeals.

The plaintiffs – more than a dozen Utah environmental organizations, small business owners and concerned citizens led by HEAL Utah, Uranium Watch and Living Rivers – are challenging the November 2013 verdict from Judge George Harmond upholding the state's decision to approve the transfer of water rights for the nuclear project.

One of the grounds of the appeal is that Blue Castle Holdings – which revealed during last fall's District Court trial that it has raised less than $20 million of the $20 billion minimum needed to build two reactors – is engaging in speculation with the water it has leased, which Utah law doesn't allow.

"They've raised less than .1 percent of the total cost of these projects," says Park City attorney John Flitton of Flitton Babalis, who represents the plaintiffs. "What they're trying to do is get a permit to sell to someone else, and while they wait, they're tying up water which is increasingly important. That's the very definition of speculation."

In addition, the plaintiffs will argue that the Colorado River system, which encompasses the Green River, doesn't have the 53,000 acre-feet needed to support the reactors. The

multi-year drought gripping the region certainly suggests there may not be enough water for the reactors, says John Weisheit, conservation director of Living Rivers.

“The Colorado River basin is already over-allocated,” says Weisheit. “Shortages will likely begin next year for lower basin states and there is a strong chance that hydropower stops at Glen Canyon Dam before this decade is even over.”

Lastly, the appeal argues that withdrawing such a massive amount of water – 53,000 acre feet is roughly the amount a city of 200,000 uses in a year– will harm the “natural stream environment,” which Utah law forbids. The plaintiffs say that Judge Harmond ignored expert testimony that the nuclear withdrawal would decrease key fisheries areas by 50 percent. That stretch of the Green River is home to four native endangered species – the razorback sucker, humpback chub, Colorado pikeminnow, and bonytail – which depend upon key eddies, backwater channels and other features threatened by low flows.

Plaintiffs expect a hearing in front of the three-judge Court of Appeals next year.

The Green River nuclear project has made very little progress since it was first announced in 2007. In addition to failing to raise anywhere near the $100 million plus needed to file for federal permits, let alone the billions needed for construction, Blue Castle Holdings and their CEO former state Rep. Aaron Tilton have found no interest from area utilities, the only possible customers for their nuclear bid. Rocky Mountain Power, Utah’s biggest utility, has repeatedly said that it doesn’t plan to acquire costly nuclear power.

Lastly, while Blue Castle Holdings continues to claim it is preparing a permit application to the U.S. Nuclear Regulatory Commission—their next step if they want to move forward—a search of federal records shows the company has had no formal communication with the agency since 2011.

“It’s past time for Tilton to admit what we all know – his nuclear scheme is all smoke and no fire,” says Christopher Thomas, HEAL Utah’s executive director. “This project costs too much, uses too much water, and produces expensive power the state doesn’t even want to buy. We hope the Court of Appeals will see that under Utah law, it should not proceed.”

Pacenza will be available for interviews on Wednesday at the State Capitol, where the Legislature is holding its monthly interim hearings. In addition, Tilton is scheduled to address the Public Utilities and Technology Interim Committee with an update on the project in Room 215 of the Senate Building at approximately 3:30 pm.

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OpEd: Don’t buy Blue Castle’s claims of progress in building nuke plant

By Christopher Thomas of HEAL Utah
September 19, 2014
Salt Lake Tribune

Utah has many annual traditions, such as rushing up the Cottonwood Canyons on powder days or reveling in the lights of Temple Square during the Christmas season. In the past couple years, we're developing a new one: Guffawing when the company that wants to build the Green River nuclear reactors unveils a "big" development. Their periodic news releases are little more than an empty illusion, designed to create the appearance of momentum, even as Blue Castle Holdings' southern Utah nuclear plans remain somewhere between stalled and dead.

Unfortunately, the most recent announcement of a "deal" between Blue Castle and a major nuclear firm apparently snookered The Salt Lake Tribune, which last month ran a story headlined, "Westinghouse to Build Utah Nuclear Plant."

Of course, we know that's not going to happen, not after learning last fall during our trial challenging the project's water rights that Blue Castle has raised just $500,000 from outside investors since CEO and former state Rep. Aaron Tilton formed the company in 2007. Considering the company needs about $100 million to apply to federal officials for a federal permit – not to mention the $20 billion or so they would need to build the reactors – their plan is a bit, um, underfunded.

It's also not going to happen because utilities in the West have universally shunned new nuclear power. Rocky Mountain Power spokespeople periodically make clear that new nuclear is not in their plans. In fact, no utility in the West is planning on investing in new nuclear, leaving Blue Castle with not just no money to build their project – but no hopes of selling the expensive source of power they can't afford to build. Yikes.

Even so, announcing a big contract with a huge nuclear company to build reactors is a big deal, right? Sure, except that's not what actually happened. Read the press release that Westinghouse sent out and what they actually agreed to do was to "work together to develop a scope of activities for enabling the Blue Castle Project under a definitive agreement…"

Let's translate that tortured language: The two companies have decided they'll soon start planning to make a plan. In other words, they're talking. Not investing, or building, or signing a contract, or committing. Talking about planning. Blue Castle's ludicrously positive spin on its stalled project has reared its sad head before. Last spring, the company sought to get the Utah Legislature to force the TransWest transmission company to "tie in" to the Green River nuclear reactors, a move that would have possibly killed that company's serious and important bid to move wind power from Wyoming to southern California.

Thankfully, the adults in the room won out. Far from requiring TransWest to tie transmission into the nuclear project, Blue Castle's bid was whittled down to what amounts to no more than a requirement that TransWest "inform" Blue Castle of its plans.

That less-than-impressive outcome didn't stop Blue Castle from announcing that the legislation "ensures access to new transmission capacity solicitation" in its usual indecipherable hyperbole.

Similarly, in 2013, Blue Castle attempted to force Utah ratepayers to shoulder nuclear power's sky-high costs. This situation ended embarrassingly when the bill's sponsor publicly withdrew his support for the measure on the Senate floor. How did Tilton report this significant setback for Blue Castle? By trumpeting that utilities "must consider nuclear" in their long-term planning … something they were already doing (and roundly rejecting) for decades.

One has to admire Tilton's moxie, his apparently tireless ability to hype his dying dream, even as evidence to the contrary mounts. One relevant fact: Blue Castle claims it's preparing a permit application to the U.S. Nuclear Regulatory Commission, the next step on the long road to construction. But records show that Blue Castle hasn't even communicated with the NRC since 2011.

It's past time for Blue Castle to admit what we all know: This project is going nowhere fast. It's past time for the rest of us to get back to the hard work of actually planning Utah's energy future, rather than endlessly circling the drain of Tilton's failing nuclear dream.

Christopher Thomas is executive director of HEAL Utah.

LR Press Release 10/15/14

New Coalition Launched to Protect Colorado River Headwaters

Epic Drought and Dirty Energy Boom Spotlight Fragility of Water Supply in American Southwest

October 15, 2014

Media Contacts:

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Dan Mayhew, Utah Chapter of the Sierra Club: drmayhew@comcast.net / 801-712-5353
Pete Nichols, Waterkeeper Alliance: pnichols@waterkeeper.org / 707-845-0832

SALT LAKE CITY, UTAH — A coalition of groups from across the West today announced the formation of a new coalition to inform and engage communities in

California, Nevada, Arizona, and other western states about threats posed to the Colorado River and their water supply.

Colorado River Connected (www.coloradoriverconnected.org) was formed to protect the headwaters of the Colorado River system for the benefit of the 35 million people and thousands of species and natural communities that rely upon it. Currently, the coalition includes Colorado Riverkeeper, Utah Rivers United, Sierra Club, Utah Physicians for a Healthy Environment, Los Angeles Waterkeeper, Glen Canyon Institute, Save the Colorado, and Waterkeeper Alliance. The coalition is inviting hundreds of watershed and community groups to this effort to protect and stand up for a healthy Colorado River. The Colorado River originates in Utah, Colorado and Wyoming, which is the source of drinking water for millions of people in cities including Las Vegas, Tucson, Phoenix, Los Angeles and San Diego. However, the river is threatened by unprecedented dirty energy development, voracious water diversions, and climate change.

Climate scientists have acknowledged for decades that the Southwest will suffer more than many areas of the U.S. as a changing climate lowers snowpack and increases temperatures. In recent years, the Southwest has been gripped by a significant drought, although most residents of California, Nevada, Arizona and New Mexico are not aware of proposed water diversions upstream that are being pursued alongside an increase in pollution generating energy development from tar sands, fracking, and oil shale.

Colorado River Connected is working to engage and activate residents living in downstream urban areas to raise a collective, basinwide voice to prevent devastating projects that will further drain and pollute the Colorado Basin.

“This drought has shown that residents in Phoenix, Las Vegas and Southern California are likely to be heavily impacted by new water diversions proposed upstream, like Utah’s Lake Powell Pipeline,” said Zach Frankel, Executive Director of the Utah Rivers Council. “That’s enough water for nearly one million people’s use for a year and it’s going to impact everything and everyone downstream,” said Frankel.

Thousands of proposed new oil and gas wells are likely to pollute precious water supplies.

“Whether you’re a San Diego mom, a Tucson water manager, or a Las Vegas doctor, if you’re drinking water from the Colorado River, you better pay attention to what is going on in Utah and Colorado,” said Tim Wagner, Executive Director of Utah Physicians for a Healthy Environment. “Between an explosion in fracking for gas and oil, and Utah’s love affair with tar sands and oil shale, the Southwest’s water supply is threatened like never before.”

Colorado River Connected aims to bring the citizens of the basin together to speak with a unified voice for communities who rely on Colorado River water, and to push back against states like Utah and Colorado that are only looking at the Colorado River for

continued development and dirty energy projects. Colorado River Connected will press for changes in water management and seek policies that acknowledge and address these threats for the good of residents and the Colorado River Watershed.

“Between unparalleled dirty energy development and multiple plans for major water diversions, Utah and the upper basin states are demonstrating total disregard for cities such as Phoenix and Las Vegas that depend on Colorado River water for their survival,” said Dan Mayhew, Chair of the Utah Chapter of the Sierra Club. “It’s time downstream users became fully aware of the magnitude of these threats and take action before it’s too late.”
“The issues facing the Colorado River Basin are as vast as the watershed itself,” said Pete Nichols, National Director of Waterkeeper Alliance. “We are excited that Colorado River Connected will be bringing people together from the entire region to heighten awareness and speak with one voice for the river, their communities, and the watershed,” said Nichols.

“Since the dedication of Hoover Dam in 1935, the Colorado River has been the leading model for water governance worldwide. This 80year experiment is about to fail and shortages are eminent because developers continue to plan for water intensive projects without any regard to the watershed’s natural heritage, or the public trust. If concerned citizens don’t unite and turn this pattern of unbridled consumption around, a watershed train wreck will indeed occur,” said John Weisheit, Conservation Director of Living Rivers and Colorado Riverkeeper.

FOR MORE INFORMATION AND TO JOIN THE COALITION VISIT:

www.coloradoriverconnected.org

Follow us on Facebook! https://www.facebook.com/coloradoriverconnected

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OpEd 11/14/14

Water Scarcity Is Serious and Getting Worse

Click here to read this Op Ed by John Weisheit in the Moab Sun News

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Regional News 12/10/14

Cities Look to Farms for Help in Colorado River Drought (MOUs created)

Click here to read this story by Matt Jenkins of High Country News

Also read this PRESS RELEASE from 2008 by the Central Arizona Project about how the possibility of shortages ever occurring at Lake Mead "is absurd."

Click here to read the MOU between the lower basin states and the federal government for a pilot drought response plan.

Click here to read the MOU between the municipal water providers and the federal government for a pilot funding program for voluntary conservation projects.

Regional News 12/11/14

Water Supply Risk Las Vegas Considers $650 Million Insurance Policy

Click here to read this story by Brett Walton of Circle of Blue (Archived here)

Click here to read this story by Annie Snider of E & E News

Regional News 12/17/14

Publicly Funding a Utah Disaster in the Making

Click here to read this story about proposed mining of tar sands and oil shale in Utah by Oil Change International

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Regional News 12/26/14

Biggest Cloud-Seeding Experiment Yet Only Sparks More Debate

Click here to read this story by Allen Best in Live Science

Click here to read the 2003 report on weather modification by the National Academy of Sciences

Click here to read the executive summary of this pilot project (weather modification) in southwestern Wyoming

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Regional News 12/28/14

Nevada: The Driest State Has No Statewide Water Plan

Click here to read this story by Jeff DeLong of the Reno Gazette-Journal

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Regional News 12/30/14

San Juan Water Dries Up for First Time in 40-years

Click here to read this story by John Fleck in the Albuquerque Journal News

Click here to read this article by Tony Davis in the Arizona Daily Star

Click here to read the Executive Summary of the Rio Grande Climate Risk Assessment by the Bureau of Reclamation

The full report is HERE
