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November 19th, 2018

Ms. Kimberly D. Bose  
Secretary Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426  
Filed via FERC eFiling website

Ms. Courtney Hoover  
Regional Environmental Officer  
Office of Environmental Policy and Compliance  
Denver Region  
P.O. Box 25007 (D-108)  
Denver Federal Center  
Denver, CO 80225-0007  
Sent via email to: [courtney\\_hoover@ios.doi.gov](mailto:courtney_hoover@ios.doi.gov)

Regarding: Docket # P-12966-004

“Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis (REA), and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions,”<sup>1</sup> as modified by the “Notice Suspending Procedural Schedule.”<sup>2</sup>

Dear Ms. Bose and Ms. Hoover,

Thank you for the opportunity for members of the public to provide comments on the scope of the Environmental Impact Statement (EIS) for the proposed Lake Powell Pipeline Project. As this Project has cumulative impacts to people living in the Colorado River Basin, we take this opportunity to provide comments very seriously.

## **1. INTRODUCTION**

The Lake Powell Pipeline Project proposes to move up to 82,249 acre-feet per year (AFY) of water from Lake Powell through northern Arizona and southern Utah to Sand Hollow Reservoir (which stores water from watershed of the Virgin River) to be used by the county seat of Washington County, St. George, Utah. Additionally, up to 4,000 AFY of water will also be transported for use in Kane County near the county seat of Kanab.

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<sup>1</sup> FERC eLibrary; Accession no. 20171211-3022; December 11, 2017.

<sup>2</sup> FERC eLibrary; Accession no. 20180111-3085; January 11, 2018.

A contract between the State of Utah and Reclamation will outline the agreements on water released from Flaming Gorge Dam, operated by Reclamation, for use by the Lake Powell Pipeline Project. The release from Flaming Gorge Dam will be diverted from Lake Powell at a proposed pumping station near Glen Canyon Dam in the state of Arizona. The project will involve the construction of a 140-mile pipeline from the Lake Powell to Sand Hollow Reservoir in Washington County. This water conveyance system includes pump stations to lift the water up-and-over watershed divides and will generate net hydropower electricity when the water in the pipeline falls to lower elevations.

The Colorado River Basin (CRB) provides water for roughly 40 million people in seven US States as well as two Mexican States. It supplies water to over 5 million acres of agricultural land and supports a thriving recreation economy, as well as one of the most unique and beautiful ecosystems in the world. In developing this EIS, we encourage you and your departments to take the long view. This river is a crucial resource for all who live in and on the edges of the majestic Colorado River Basin. Why would the economic growth of St. George, a community that has never relied on the river before, be considered more important than maintaining the economies of dozens of cities that already rely on the highly sought waters of the Colorado River? The continued growth of St. George is not in question, with or without the Lake Powell Pipeline, but the continued existence of many western farmers are actually on the line, even in Utah. Every time we take water out of the river, we are taking from someone or something that relies on that same water. The Colorado River is all used up, our “growth” and “prosperity” has already led to the decimation of the delta fishing community in Mexico. The sandbars, river channels, and floodplains are changing, invasive plants and animals encroach with diminished flows and the waves of rapids disappear as the exposed boulders take their place.

The risk of both Lake Powell and Lake Mead dropping below the point of power generation in the next few years is high. We have yet to adapt to the existing infrastructure, water delivery schedules, nor to the hydrology of this changing time-period. Adding the Lake Powell Pipeline to this already strained system is unneeded and cannot be sustained from either an environmental or an economic perspective. For example, when the Central Arizona Project was unwisely pushed through and financed, Arizona agreed to take a junior water right. Today, Arizona is reckoning with that choice, and it has repercussions around the entire Colorado River Basin. People, who have become dependent on that water, will lose their lifeline. Economies will suffer. It is not responsible to knowingly repeat the same mistake again. The Lake Powell Pipeline has junior water rights; the Central Utah Project holds the senior water rights. Considering all of this, the cost is too high for residents of Washington and Kane Counties to bear for unsecured water rights in this politically tumultuous system.

As stewards of the Colorado River, we understand the multiple layers of policies that come into play in the management of this valuable lifeline and the rippling repercussions that they will have. On behalf of the members and partners of Living Rivers and Colorado Riverkeeper, we submit the following comments. In the spirit of

public participation we've broken down some of the main issues surrounding the Lake Powell Pipeline Project, including expanding aridification, over-appropriation, the development of Drought Contingency Plans (DCP), re-consultation of Interim Guidelines, and the economic and social justice dynamics at play. We urge FERC and the Cooperating Agencies to analyze these bigger concepts in developing a rigorous and robust EIS. The decisions we make in the critical years to come will hold incredible importance for our future here in these deserts. Your agency, and the other Cooperating Agencies, must begin to acknowledge and adapt to the unique challenges of our time. If you do prepare a comprehensive and forward looking EIS, consistent with our comments below, we are confident that you will conclude that the Lake Powell Pipeline is not in the public's best interest, and that this Project should not move forward to licensing.

### 1a. History of Organizational Involvement

Living Rivers is a nonprofit organization based along the Colorado River in Moab, Utah. Moab is the county seat of Grand County, the western boundary of the county is the Green River. Living Rivers has approximately 1,200 members. Since its inception in 2000, Living Rivers has been engaged in advocating for responsible management of the Colorado River system. Living Rivers was designated as the official Colorado Riverkeeper in 2002 by the Waterkeeper Alliance, comprised of more than 350 on-the-water advocates who patrol and protect more than 100,000 miles of rivers, lakes and coastlines on 6 continents. Many Waterkeepers in the Western US depend on the scarce water resources of the Colorado River basin. Living Rivers' trustees, partners, and members live, work, recreate and rely on the waters of the Green and Colorado Rivers.

#### Living Rivers: Lake Powell Pipeline Admin Record

Date	Comments or Intervention	Archival Hyperlink
1/2/2008	Motion to Intervene	<a href="#">LPP Coalition</a>
7/7/08	Initial Scoping (SD1)	<a href="#">Living Rivers</a>
7/7/08	Initial Scoping (SD1)	<a href="#">LPP Coalition</a>
11/19/08	Initial Scoping (SD2)	<a href="#">LPP Coalition</a>
1/5/09	Revised Study Plan	<a href="#">LPP Coalition</a>
5/6/11	Study Reports	<a href="#">LPP Coalition</a>
8/3/18	BLM AZ Strip Amended RMP	<a href="#">Living Rivers</a>
11/2/18	Green River Block EA	<a href="#">Living Rivers</a>
11/16/18	Motion to Intervene	<a href="#">Living Rivers</a>

The Lake Powell Pipeline Coalition, Living Rivers and Colorado Riverkeeper has a long history of involvement in the public review process surrounding the permitting of the Lake Powell Pipeline and our timely correspondence with FERC and Cooperating Agencies are tabled in the preceding page.

From 2000 to 2005, Living Rivers, Colorado Riverkeeper and Center for Biological Diversity participated in the National Environmental Policy Act (NEPA) for an Environmental Impact Statement (EIS) process in regards to re-operations at Flaming Gorge Dam.<sup>3</sup> We participated fully in the NEPA process for the 2007 Interim Guidelines EIS.<sup>4</sup> In 2010, we provided comments on the Green River Pumping Project Environmental Assessment (EA).<sup>5</sup> Since 2012, we jointly participated in the EIS for Long Term Experimental Management Plan for operations at Glen Canyon Dam.<sup>6</sup> We also participated in the 2012 Water Supply and Demand Study (Basin Study), which was not a NEPA process, but was authorized by the 2009 SECURE Water Act.<sup>7</sup>

### **1b. Historical Background: Colorado River Compact of 1922 & Law of the River**

- The Colorado River Basin was divided in half, one mile below Lee Ferry, AZ; now 16 river miles below Glen Canyon Dam.<sup>8</sup>
- The Upper Basin is obligated to deliver 75 million acre-feet per year (MAFY) every 10 years to the Lower Basin division.<sup>9</sup>
- The Upper and Lower Basin are each required to deliver half (750,000 acre-feet, each) of Mexico's 1.5 MAFY allocation.<sup>10</sup>
- The Lower Basin states may share surplus water supplies of 1 MAFY.
- Federal Reserve Water Rights are allocated in the state(s) of origin.
- Utah is entitled to 23% of the Upper Basin's share, after ensuring delivery obligations are met to the Lower Basin and Mexico.<sup>11</sup>

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<sup>3</sup> <http://www.livingrivers.org/archives/article.cfm?NewsID=90>

<sup>4</sup> <http://www.livingrivers.org/archives/article.cfm?NewsID=766>

<sup>5</sup> <http://www.livingrivers.org/pdfs/LRletterGreenRiverPumpingProject.pdf>

<sup>6</sup> <http://www.riversimulator.org/Resources/NGO/LTEMP/LTEMPeisCommentsLivingRivers31Jan2012.pdf>

<sup>7</sup> <http://www.livingrivers.org/pdfs/LivingRiversCBDCComments2013.pdf>

<sup>8</sup> Colorado River Compact (1922)

<sup>9</sup> Ibid.

<sup>10</sup> Treaty with Mexico (1944)

<sup>11</sup> Upper Colorado River Basin Compact (1948)

- In case of a “Compact Call” (a mandatory water delivery to the Lower Basin), all Upper Basin states will be shorted, based on the proportion of water used the year before and compared to the total usage in the Upper Basin.<sup>12</sup>

### **1c. History of Utah’s Ultimate Phase Water Rights**

The water rights that would fill the Lake Powell Pipeline were originally held in Flaming Gorge Reservoir by the Bureau of Reclamation (Reclamation) as part of the “Ultimate Phase” of the Central Utah Project. This water was initially intended to supply the Uintah Unit (partially completed) and the Ute Indian Unit (never completed) of the Central Utah Project. In 1992, Congress signed the Central Utah Project Completion Act which deauthorized the Ultimate Phase, compensated the Northern Ute Tribe for construction projects not completed by the United States, and encouraged the tribe to quantify their water rights for future settlement and development. Thus far, a Ute Water Compact has not been ratified by the Northern Ute Tribe and their senior water rights are still pending.

Reclamation held the Ultimate Phase water rights until 1996, when it transferred those rights to the Utah Board of Water Resources who, instead of granting them to the Northern Ute Tribe as originally intended, opened these rights up for development in Utah. Some water has been put to use by private users along the Green River and in the Colorado River watershed in Grand County and San Juan County. Some of the rights are set aside for public water suppliers along the main rivers. These rights are collectively referred to as the Green River Block water rights. All of the undeveloped and unclaimed rights from the Ultimate Phase have transferred back to the Utah Board of Water Resources, and they are planning on using them to supply the Lake Powell Pipeline for consumptive use in Washington and Kane Counties. According to Reclamation, all of the undeveloped Ultimate Phase water rights were supposed to lapse on October 6th, 2009. Regardless of this, the Utah Division of Water Rights has granted extensions of time to put the water to beneficial use to all the public water suppliers holding undeveloped Ultimate Phase water rights.

## **2. SUMMARY OF CONCERNS**

We urge FERC and the Cooperating Agencies to put completion of this EIS on hold until crucial agreements are completed that will significantly impact the existence and amount of water for the Lake Powell Pipeline and Green River Block Water Rights Exchange Contract (we submitted timely comments for Green River Block<sup>13</sup>). These critical agreements also include Ute Water Compact, Upper Basin Drought Contingency Planning, and the reconsultation of 2007 Interim Guidelines.

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<sup>12</sup> Ibid. Article IV (c)

<sup>13</sup> Living Rivers et al., Comments for Green River Block Water Rights Exchange Contract. See: <http://www.riversimulator.org/Resources/USBR/ExchangeContracts/LRcommentsDEAgrbWEC2018Nov.pdf>

- The EIS for the Lake Powell Pipeline should be put on hold until it can be determined that Utah has the rights to sufficient water in tributaries to be the subject of an exchange, and that those rights are tied to actual wet water that may not exist.
- NEPA requires a programmatic EIS on the Upper Basin Drought Contingency Plan before this EIS can be completed.
- Reclamation must clarify whether releases from Flaming Gorge Dam, in the Upper Basin Division, and conveyed by pipeline to Washington County, Utah, which is in the Lower Basin, is an appropriate use under the 1922 Compact.
- This EIS must be put on hold until the Federal Reserved Water Rights claims of the Tribes in Utah are settled and source water identified for the Lake Powell Pipeline Project.
- Re-consultation of 2007 Interim Guidelines is imminent and will very likely affect the 50-year feasibility of the Lake Powell Pipeline Project.

FERC and the Cooperating Agencies MUST require UBWR to provide additional information on the concerns and additional project costs brought up in this letter prior to beginning to prepare the EIS.

- The project budget must outline the costs of treating Colorado River water, or diluting Colorado River water with local groundwater, and upgrading municipal plumbing systems to deal with introducing chemically unique Colorado River water into the public utility lines in Washington County. This would include changes to water quality when reservoir levels at Lake Powell are approaching the bottom of the active pool and the top of the inactive pool; the result of river currents remobilizing stored sediment deposits in the upper reaches of Lake Powell.
- The mitigation of invasive quagga mussels that have infested Lake Powell must be assessed for the entire conveyance system, and return flows to Lake Mead via the Virgin River, including the economic impacts of this problem.
- The project documents for the Lake Powell Pipeline need to include the details of the underlying water rights exchange for the Project, including the mechanism for monitoring and accounting the exchange and the costs associated with it.
- FERC and the Cooperating agencies should require UBWR to develop a more accurate and complete project budget and submit it to the public for review.

The EIS must more fully and completely describe the entire scope of the proposed project. The EIS must fully address the broad range of potential impacts from the proposed project, and must examine a reasonable range of alternatives to the project.

- Climate Change and continued aridification of the Colorado River Basin must be analyzed in the EIS as it relates to water supply.
- The EIS must fully evaluate all alternative pipeline routes, in consultation with the Kaibab Paiute Tribe, to identify a route that would not impair sacred sites, burials and other cultural values.
- The EIS must address impacts of the Lake Powell Pipeline and associated water withdrawal on Colorado River health and endangered species. This would include the ecosystem of the Virgin River.
- The EIS should require an in-depth look at tributary flows on the Green River to determine how they may be impacted by climate change and over-appropriation.
- Because the consumptive use of water for the Lake Powell Pipeline will put current water users with junior water rights in jeopardy of losing their water rights, given ongoing aridification, the USBR must analyze the economic and cultural impact that a Compact Call or a curtailment would have on other water users in Utah's Colorado River Basin.
- The EIS should fully explore alternatives to the Lake Powell Pipeline Project, including conservation and alternative sources of water in the region, that could obviate the need for the Project.

### **3. NARRATIVE OF COMMENTS**

#### **3a. Climate change and continued aridification of the Colorado River Basin must be analyzed in the EIS as it relates to water supply.**

Climate change in the Colorado River Basin is already taking a toll on our water supply. This can be seen in a myriad a ways: from the fist ever curtailment of water users on the Yampa River<sup>14</sup> to the scrambling of the Colorado River Basin states to update and adopt Drought Contingency Plans this year.<sup>15</sup> Data used by the the Bureau of Reclamation for Glen Canyon Dam operations is useful in understanding this:

“During the 19-year period 2000 to 2018 . . . the unregulated inflow to Lake Powell, which is a good measure of hydrologic conditions in the Colorado River Basin, was above average in only 4 out of the past 19 years. The period 2000-2018 is the lowest 19-year period since the closure of Glen Canyon Dam in 1963, with an

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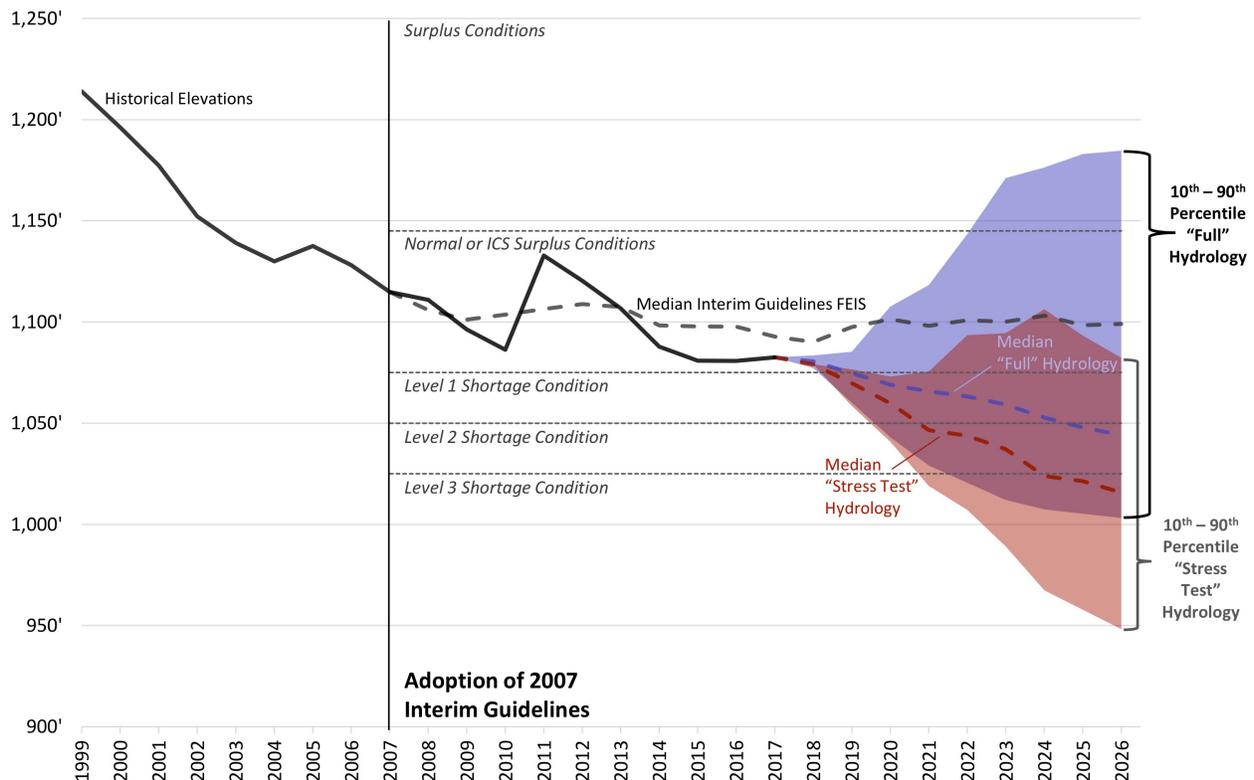
<sup>14</sup> Hasenbeck, Eleanor. Sept. 5, 2018. Steamboat Pilot and Today. “Yampa River is placed on call for 1st time ever.” Accessed at <https://www.steamboatpilot.com/news/yampa-river-is-placed-on-call-for-1st-time-ever/>

<sup>15</sup> Romeo, Jonathan. Oct. 12, 2018. The Journal. “Drought plan aims to curtail water loss at Lake Powell, Lake Mead.” Accessed at <https://the-journal.com/articles/113368-drought-plan-aims-to-curtail-water-loss-at-lake-powell-lake-mead>

average unregulated inflow of 8.54 maf, or 79 percent of the 30-year average . . . In water year 2018 unregulated inflow volume to Lake Powell was 4.6 maf (43 percent of average), the third driest year on record above 2002 and 1977. Under the current most probable forecast, the total water year 2019 unregulated inflow to Lake Powell is projected to be 7.6 maf (70 percent of average).”<sup>16</sup>

Currently, the Upper Basin Division States are using old data, which doesn’t factor the impact of climate change on hydrology, to decide how much each state is entitled to, and therefore, to grant state water rights. When the Colorado River Compact was signed, after an especially wet time in the early 20th century, the amount of water flowing past the Compact Point near Lee Ferry, 16 river miles below Lake Powell, was assumed to be 16.4 MAFY (million acre-feet per year) on average.

### Historical and Future Projected Lake Mead End-of-December Elevations<sup>1,2,3</sup>



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

<sup>2</sup> “Full” Hydrology from April 2018 CRSS projections modeled using 110 hydrologic inflow sequences based on resampling of the observed natural flow record from 1906-2015.

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



<sup>16</sup> Bureau of Reclamation, Upper Colorado Region. “Glen Canyon Dam” Accessed on Nov 2, 2018 at <https://www.usbr.gov/uc/water/crsp/cs/gcd.html>.

The most recent Hydrological Determination done by Reclamation in 2007<sup>17</sup> (this document explains the availability of water for consumptive use, exclusive to the states of the Upper Basin) was based off the last 100-years of records and doesn't account for the changing climate. This report stated that there is 5.76 MAFY of water to be used in the Upper Basin and assumes 7.5 MAFY for the Lower Basin and a 1.5 MAFY for Mexico for a total of 14.76 MAFY. Adding 1.2 MAFY for incidental evaporation in the Lower Basin (the "structural deficit") brings the total demand to 15.92 MAFY. For comparison, stream flows in the current Millennial Drought are well below 15.92 MAFY. Udall and Overpeck find, "Between the start of the drought in 2000 and the end of 2014, our analysis period, annual flow reductions averaged 19.3% below the 1906–1999 normal period."<sup>18</sup> For context, a 20% decrease in naturalized flow near Lee Ferry is 12 MAFY. The research scientists go on to say that,

"[C]ontinued business-as-usual warming will drive temperature-induced declines in river flow, conservatively 20% by midcentury and 35% by end-century, with support for losses exceeding 30% at midcentury and 55% at end-century."<sup>19</sup>

As presented here, there is a disconnect between how states are accounting for their shares of the Colorado River and the actual current and future hydrology. The only reason this system of division has worked so long is that the dams along the Colorado River are capable of storing huge amounts of water, but we've used up that surplus and are unlikely to see it restored in the future, except sporadically, which is a situation that is not reliable for any planning review.

Lake Powell and Lake Mead are at risk of dropping to critically low levels before 2026 as seen by the graph entitled "Historical and Future Projected Lake Mead End-of-December Elevations" produced by Reclamation.<sup>20</sup> It is important to look at the "stress-test" hydrology based on flows from recent history (1988-2015) which many scientists agree more accurately reflect our current state than "full hydrology" which includes an abnormally wet time early in the historical record. Stream flows are extremely likely to continue to decline throughout the century, causing all Upper Basin states to be required to use less water than was allocated by the 2007 Hydrologic Determination.

Here are some specific recommendations for including climate change in the scope of the EIS:

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<sup>17</sup> 2007 Hydrologic Determination: <http://www.riversimulator.org/Resources/USBR/2007HydrologicDetermination.pdf>

<sup>18</sup> Udall, B. and J. Overpeck (2017), The twenty-first century Colorado River hot drought and implications for the future, *Water Resource. Res.*, 53, 2404– 2418, doi:10.1002/2016WR019638.

<sup>19</sup> Ibid.

<sup>20</sup> Bureau of Reclamation. <http://www.riversimulator.org/Resources/States/ContingencyPlanning/Reclamation/MasterPresentationLBDCPandReclamationJune2018.pdf>

1. The EIS must use modeling that takes climate change into account. This means not using models that are based on the last 100-years of records, but are instead based off relevant peer-reviewed science about current and future climate impacts in the Colorado River Basin and include the “stress test” hydrology described above (scenario planning).<sup>21</sup>

2. The EIS must not rely solely on the Record of Decision on Flaming Gorge Dam Operations in 2006 to assess water availability for the Lake Powell Pipeline. Similar modeling used to develop the 2007 Interim Guidelines has completely failed to predict the current risk for shortages we face in Lakes Mead and Powell, leading to the need to develop emergency Drought Contingency Plans in both basins that will likely impact dam operations basin-wide.

3. The Hydrological Determination completed by Reclamation in 2007<sup>22</sup> is no longer relevant and must be revised, and by using accurate modeling data in order to understand the impact that the Lake Powell Pipeline will have on basin-wide water supplies.

4. The EIS must analyze the increased risk of Lake Powell levels falling below minimum power pool and the effect that would have on regional power supply. St. George fulfills its electric power and energy requirements through, in part, the purchase of federal power and energy generated by the Colorado River Storage Project (CRSP).<sup>23</sup>

5. The EIS must examine the impacts on the project cost of decreasing water quality due to aridification and diminishing streamflows. If needed, the EIS and project budget must include the cost of filtration systems needed to actually use the water for drinking and culinary uses.

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<sup>21</sup> A few articles on climate change and the Colorado River Basin to consider:

- Udall, B. and J. Overpeck (2017), The twenty-first century Colorado River hot drought and implications for the future, *Water Resource. Res.*, 53, 2404– 2418, doi:10.1002/2016WR019638.
- Xiao, M., Udall, B., Lettenmaier, P. (2018). On the causes of declining Colorado River streamflows. *American Geophysical Union*. p. 10-12, 39. doi: 10.1029/2018WR023153.
- Barnett, Tim and David Pierce. 2009. Sustainable water deliveries from the Colorado River in a changing climate. *PNAS* May 5, 2009. 106 (18) 7334-7338; <https://doi.org/10.1073/pnas.0812762106>.
- Reclamation. 2017. Colorado River Basin Water Supply and Demand Study. Executive Summary. [https://www.usbr.gov/watersmart//bsp/docs/finalreport/ColoradoRiver/CRBS\\_Executive\\_Summary\\_FINAL.pdf](https://www.usbr.gov/watersmart//bsp/docs/finalreport/ColoradoRiver/CRBS_Executive_Summary_FINAL.pdf)

<sup>22</sup> 2007 Hydrologic Determination: <http://www.riversimulator.org/Resources/USBR/2007HydrologicDetermination.pdf>

<sup>23</sup> City of St. George, Energy Services Department. June 2010. Integrated Resource Plan. Accessed at <https://www.wapa.gov/EnergyServices/Documents/StGeorgeUtilRP2010.pdf>

6. The EIS must include detailed analysis of the impacts on water quality, downstream of Glen Canyon Dam, and as it relates to the Salinity Control Act of 1974.<sup>24</sup>

7. The EIS should examine the impacts of the mobilization of perched reservoir sediment when reservoir levels diminish. Reservoir sediment contains organic material when mobilized can deplete oxygen in the water column of the reservoir and negatively impact the critical habitat below Glen Canyon Dam. The mobilized sediment can also liberate toxins and heavy metals into the water column and affect water quality for wildlife and humans.<sup>25</sup>

8. The EIS must analyze the possibility of a Compact Call and the affect this would have on the communities dependent of the Lake Powell Pipeline Project, should the project be approved. For example, it should analyze the effect on the repayment schedule for the construction of the project if full water capacity is not available for the Lake Powell Pipeline.

### **3b. NEPA requires a programmatic EIS on the Upper Basin Drought Contingency Plan before this EIS can be completed.**

Jim Lochhead, CEO and manager of Denver Water, was quoted in Aspen Journalism as saying,

“With the repeat of historic hydrology beginning in the year 2000, Lake Powell will be dry, and when I say dry I mean empty, within about three years. . . .What we are asking for is that the contingency plans be put into place. We need to have those plans in place before the system collapses.”<sup>26</sup>

Colorado River management is in critical flux right now with rapidly changing hydrology. The adopted 2007 Interim Guidelines to prevent Lower Basin shortages have failed to keep Lake Mead and Lake Powell at safe levels during this 19-year drought. Currently, the Upper Basin States are in the process of negotiating a Drought Contingency Plan that will significantly impact operations at Flaming Gorge Dam, Aspinall Unit, and Navajo Dam, which are a key element in this DCP. FERC and the Cooperating Agencies need to understand these coordinated dam operations and include them in the EIS modeling in order to determine whether there is sufficient hydrology for releases from the Flaming Gorge Dam to fulfill Utah’s Ultimate Phase water rights.

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<sup>24</sup> Salinity Control Act. See: <http://www.onthecolorado.com/Resources/LawOfTheRiver/SalinityControl1974.pdf>

<sup>25</sup> Pratson, Lincoln et. al. November 2008. “Timing and patterns of basin infilling as documented in Lake Powell during a drought.” *Geology* 36(11). DOI: 10.1130/G24733A.1

<sup>26</sup>Gardner-Smith, Brent. Sept. 19, 2018. “Mandatory curtailment of water rights in CO raised as possibility.” *Aspen Journalism*. Accessed at: [https://www.aspentimes.com/news/local/mandatory-  
curtailment-of-water-rights-in-co-raised-as-possibility/](https://www.aspentimes.com/news/local/mandatory-curtailment-of-water-rights-in-co-raised-as-possibility/)

Additionally, because the Upper Basin DCP will incite major federal actions in regards to reservoir operations, a basin-wide Programmatic Environmental Impact Statement (PEIS) must be prepared that addresses the requirements and potential impacts of coordinated operations of the Aspinall Unit, the Navajo Dam, and Flaming Gorge Dam. It is essential that this basin-wide PEIS be incorporated in planning for releases from Flaming Gorge Dam because the operations of these dams will be tied together to ensure Compact obligations are met, including compliance for the Clean Water Act and the Endangered Species Act.<sup>27</sup>

Consequently, the EIS examining the Lake Powell Pipeline, the Environmental Assessment (EA) for the Green River Block Water Rights Exchange (we submitted timely comments<sup>28</sup>) and the forthcoming EA for Lake Powell Pipeline Water Rights Contract, should be tabled as premature, since an accurate assessment of water availability at Flaming Gorge Reservoir can only follow the development of coordinated dam operation guidelines under an Upper Basin DCP that is in full compliance with the National Environmental Policy Act.

We specifically request that:

1. The Upper Basin DCP and the Lower Basin DCP be the subject of a basin-wide PEIS.
2. The basin-wide PEIS include consultation with an independent science panel that is involved from the very beginning of the process and that the National Academy of Sciences also review and approve the PEIS.
3. All of these steps must be taken before preparing the EIS for the Lake Powell Pipeline since a complete understanding of the DCP is needed to model likely future scenarios regarding Flaming Gorge Dam and Lake Powell.

### **3c. Need for the Lake Powell Pipeline has never been fully identified. EIS must fully examine alternative water supplies and conservation.**

The need for the Lake Powell Pipeline has long been contested. Water conservation and development of local water sources can likely fulfill the water needs of the growing

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<sup>27</sup> Our request for a comprehensive PEIS for the Upper Basin DCP is supported by the federal district court of the District of Columbia, which confirmed, in its decision in *EDF v. Higginson*, that NEPA requires a comprehensive EIS to evaluate proposed federal projects within the entire Colorado River Basin: “All parties to this action agree that NEPA requires the Department of Interior to prepare environmental impact statements that evaluate the synergistic and cumulative effects of the proposed federal projects.”

Environmental Defense Fund (EDF) v Higginson. June 21, 1978. (655 FR 2d, 1981). Accessed at [www.riversimulator.org/Resources/Legal/GCD/1981EDFvHigginson655FR2d.pdf](http://www.riversimulator.org/Resources/Legal/GCD/1981EDFvHigginson655FR2d.pdf)

<sup>28</sup> Living Rivers et al., Comments for Green River Block Water Rights Exchange Contract. See: <http://www.riversimulator.org/Resources/USBR/ExchangeContracts/LRcommentsDEAgrbWEC2018Nov.pdf>

Washington and Kane Counties. A *High Country News* article examining a State audit on water use in Utah says,

“On May 5 [2015], Utah’s Legislative Auditor General released a damning report revealing that the water agency’s forecasts are based on unreliable data and failed

to adequately account for the possible contributions of conservation and irrigation water freed up as new homes consume farmland. “By excluding this added water supply,” the auditors write, “the projections accelerate the timeframes for developing costly, large-scale water projects.”<sup>29</sup>

Las Vegas, a nearby city with even warmer weather than Washington County, can serve as a good metric for what can be achieved through water conservation. Conservation efforts in the Las Vegas region have reduced the community’s use of the Colorado River by 28 billion gallons (86,000 af) between 2002 and 2017. In this same time, the population has actually increased by 660,000 residents. Southern Nevada residents now use 127 gallons of water per capita per day.<sup>30</sup> For comparison, Washington residents use 293 gallons of water per person per day, or 2.3 times the amount of water used in Las Vegas per person.<sup>31</sup>

The EIS should fully explore the impact that conservation, water pricing, and zoning measures could have on the need for the Lake Powell Pipeline. It should also fully explore the safe yield use of the Navajo Sandstone aquifer and other regional options as alternative sources of water in the region after conservation.

Utah’s Upper Colorado River Entitlement & Current Depletions		Potential Depletion Approved Applications (Undeveloped)	
		Applicant	Quantity (Ac Ft)
Utah’s Apportionment (23%)	1,369,000 AF	San Juan County WCD	30,000
Current Depletion	1,007,500 AF	Central Utah WCD	29,500
Remaining Depletion	<b>361,500 AF</b>	Board of W R (et al)	158,000*
		Wayne County WCD	50,000*
		Kane County WCD	30,000
		Sanpete WCD	5,600
		Uintah County WCD	5,000
		Navajo Nation ?	80,000
		Ute Tribe ?	105,000
		<b>TOTAL</b>	<b>493,100</b>

<sup>29</sup> Sarah Gilman. 2015, May 7. “Utah vastly overstating future water shortages.” *High Country News*. Accessed at <https://www.hcn.org/articles/utah-may-be-overstating-future-water-shortages>.

<sup>30</sup> Ibid.

<sup>31</sup> USGS. “Water Use Data for Utah.” [https://waterdata.usgs.gov/ut/nwis/water\\_use/](https://waterdata.usgs.gov/ut/nwis/water_use/)

### **3d. The EIS must examine the over-allocation of Utah's Colorado River water rights as it relates to Lake Powell Pipeline Project water**

The State of Utah has vastly over-appropriated water rights to the Colorado River. Pursuant to the Colorado River Compact and associated "Law of the River," Utah has 1,369,000 AFY of water available for use. In 2009, the Utah Division of Water Resources claimed that Utah had already depleted 1,007,500 AFY, with an additional 493,100 AFY in approved applications that are awaiting development. As enumerated below, these major undeveloped water users include the Northern Ute Tribe (105,000 AFY), the Utah Navajo (81,500 AFY), the Green River Block for Uintah County (72,600 AFY), and the Lake Powell Pipeline (86,000 AFY), among others (the Green River Block and the Lake Powell Pipeline are grouped together as "Board of W R (et al.)."<sup>32</sup>

These new developments increase Utah's depletions to above the current maximum depletion levels allowed to Utah, and this is not even considering the likely cutbacks necessary to uphold Colorado Compact requirements with a changing climate. The uncertainties surrounding water rights in Utah make it difficult to impossible to determine whether there is sufficient hydrology for releases from the Flaming Gorge Dam to fulfill Utah's Lake Powell Pipeline Water Exchange Contract. Consequently, the EIS for the Lake Powell Pipeline should be put on hold until it can be determined that Utah has the rights to sufficient water to be the subject of an exchange, and that those rights are tied to actual wet water.

Because of the over-appropriated nature of water rights in Utah, use of water for the Lake Powell Pipeline will put current water users in jeopardy of losing their junior water rights with ongoing drought. The EIS should analyze and include the economic and cultural impact that a Compact Call or a curtailment would have on other water users in Utah's Colorado River Basin who have junior water rights to the Lake Powell Pipeline, but who already rely on the water.<sup>33</sup>

### **3e. EIS must substantiate the "exchange" concept outlined in the Draft Contract for Exchange of Water for the Lake Powell Pipeline.**

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<sup>32</sup> Division of Water Resources. Upper Colorado River Basin, Current Policy and Issues Powerpoint Presentation. 2009. Slide 4 & 5. Accessed at [https://www.waterrights.utah.gov/meetinfo/m20090930/upper\\_colorado.ppt](https://www.waterrights.utah.gov/meetinfo/m20090930/upper_colorado.ppt)

<sup>33</sup> As a note, the water rights for the Lake Powell Pipeline Block were all supposed to expire on Oct. 9th 2009 if not put to beneficial use. The State allowed extensions beyond that time, Reclamation's Area Manager for the Provo Area Office, Bruce Barrett, lodged several protests to water rights from this block. In a protest letter to the Utah Division of Water Rights he states, "After the "Ultimate Phase" was deauthorized, Reclamation assigned this portion of the appropriation to the Utah Board of Water Resources with the understanding that any portion of this water right not developed within 50-years of the original approval date (ending on October 6, 2009) would lapse."

Letter from Bureau of Reclamation to Utah Division of Water Rights. December 7, 2009. Accessed at: [https://www.waterrights.utah.gov/asp\\_apps/DOCDB/DocImageToPDF.asp?file=/docSys/v920/y920/y92000nr.tif](https://www.waterrights.utah.gov/asp_apps/DOCDB/DocImageToPDF.asp?file=/docSys/v920/y920/y92000nr.tif)

The State of Utah is preparing an Exchange Contract with Reclamation<sup>34</sup> for the release of 86,249 AFY of water from Flaming Gorge to be withdrawn at Lake Powell. The exchange contract has not been fully outlined and therefore it is difficult to review. In a draft contract from early in 2018, it states,

“On an annual basis, the direct flows that will be left in the river and used to meet ESA requirements will equal the FG project releases used for depletion by the State under the Assigned Water Right.”<sup>35</sup>

Nowhere does the exchange contract outline or describe the method of measuring and accounting the “direct flows” left in the river in order to equate those to the releases from Flaming Gorge Dam. We believe the project documents for the Lake Powell Pipeline need to include the details of this exchange. There would be costs associated with monitoring and accounting that also need to be included in the economic analysis.

We request that FERC and Cooperating Agencies require that the Utah Board of Water Resources (UBWR) and the Bureau of Reclamation provide more information on the mechanism of accounting for this water rights exchange. The EIS should require an in-depth look at tributary flows on the Green River to verify if such an exchange is even possible along side the settling of the Ute Water Compact (which would likely draw from tributary flows) and the Green River Block Exchange Contract of 72,641 AFY.<sup>36</sup> The UBWR and Reclamation should also run detailed analysis of these tributary flows (Price, Duchesne, Yampa, Muddy, San Rafael, White, Duchesne, Price, San Rafael, Dirty Devil, and Escalante rivers) and how they may be impacted by climate change and over-appropriation.

### **3f. The EIS must address the impact of introducing chemically unique Colorado River water into the public utility lines in Washington County.**

In 1992, the municipal water utility in Tucson, AZ introduced Colorado River water into the drinking supply of nearly half of its customer base. Almost immediately customers began complaining that their water was dirty, foul smelling, containing rust, or had caused their pipes to leak.

“This new resource exposed Tucson’s extensive water system to water with characteristics very different from the groundwater the city had relied upon for decades. Among these differences were a level of total dissolved solids (TDS) of 650 mg/L, approximately twice that of the average local groundwater, and a more aggressive corrosivity potential, primarily related to a pH of about 7.6 in the treated

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<sup>34</sup> Lake Powell Water Exchange Contract. See: <https://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=61018>

<sup>35</sup>Draft Contract for Exchange of Water - Lake Powell Pipeline. p. 5 Accessed at [https://www.usbr.gov/uc/provo/pdf/DRAFT\\_LPP\\_ExchangeContract\\_Oct2017.pdf](https://www.usbr.gov/uc/provo/pdf/DRAFT_LPP_ExchangeContract_Oct2017.pdf)

<sup>36</sup> The Green River Block exchange contract is similar to the Lake Powell Pipeline exchange contract in that it also relies on direct flows from tributaries to exchange for Flaming Gorge Project Water.

CAP water compared to an average of 7.9 in groundwater. . . .In 1994, the Colorado River water supply was discontinued and the utility returned completely to using groundwater. By then, more than 14,000 complaints had been received and the utility ultimately had to pay more than \$2 million in damages to affected customers.”<sup>37</sup>

Residents of Tucson also passed an initiative blocking the delivery of Colorado River water because of its bad taste. Since then, the Tucson water utility has started injecting the Colorado River water into the ground to mix with naturally occurring aquifer water. It wasn't until 2001 that they delivered a treated blend of Colorado River water and aquifer water to customers.<sup>38</sup>

Like in Tucson, residents of Washington and Kane counties will likely reject the foul tasting Colorado River water given they have better local alternative sources of water. The project budget does not outline the costs of treating or injecting Colorado River water or upgrading municipal plumbing systems to deal with the unique chemical nature of the water.

Chapter 10 of the PLP submitted by the Utah Board of Water Resources refers to a “a future conventional water treatment facility located near the mouth of Johnson Canyon” without ever outlining the cost of this necessary component. The PLP makes no mention of the need for, or the cost of, a water treatment facility at the terminus of the pipeline in Washington County.<sup>39</sup> Omitting these two necessary features in the hydro system is a gross oversight in the project budget and plan and should be required in order to move forward with the project.

### **3g. FERC and Cooperating Agencies must require an accurate economic analysis of the Project from UBWR.**

The Lake Powell Pipeline permitting process has thus far been a quagmire of poorly drafted design concepts, water rights exchanges, and perhaps most important for everyone in Utah, economic analyses. The recent High Country News article titled “The Precarious Plan for the Lake Powell Pipeline” by Emma Penrod lays out good description of the controversy surrounding the economics of paying for this project.<sup>40</sup> The root of this issue is that thus far, no sound budget has been presented to the public that outlines a complete estimate of project costs; nor has the economic model

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<sup>37</sup> Basefsky, Mitchell. Southwest Hydrology. March/April 2006. p. 24. Accessed at: [http://www.swhydro.arizona.edu/archive/V5\\_N2/feature4.pdf](http://www.swhydro.arizona.edu/archive/V5_N2/feature4.pdf)

<sup>38</sup> City of Tucson Water Plan 2000-2050. p. 2-8 Accessed at <https://www.tucsonaz.gov/files/water/docs/waterplan.pdf>

<sup>39</sup> Utah Board of Water Resources. Preliminary Licensing Proposal, Revised Draft Socioeconomics/Water Resource Economics Study Report. 2015.

<sup>40</sup> Penrod, Emma. Oct. 29 2018. “The Precarious Plan for the Lake Powell Pipeline.” High Country News. Accessed at <https://www.hcn.org/issues/50.18/water-the-precarious-plan-for-the-lake-powell-pipeline>

needed to repay the debt incurred to finance the project been released and peer-reviewed. Both of these are necessary for understanding the social justice implications of the project as a whole because the residents of Washington and Kane County, including minority and low income populations, are expected to foot the bill.

The permitting documents should also examine the hidden costs associated with water shortages in the Upper Basin. When shortage occurs, Washington County will be in the same predicament as the Front Range of Colorado; they will seek water rights to buy and likely convert agricultural water rights to municipal water rights. Given the likelihood of future water shortages in the State of Utah, this hidden cost should be included in the economic models.

Colorado’s Southern Delivery System provides a good proxy for comparison to understand the potential economics of the Lake Powell Pipeline. The first phase of the Southern Delivery System was completed by Colorado Springs Utilities in 2016. It consists of 62 miles of buried 66 inch pipe, 4 pump stations, and a 50 million gallons per day water treatment facility. The total cost for this project, including financing was \$1.45 billion. The project was heralded as an example of great fiscal responsibility that

	Southern Delivery System	Lake Powell Pipeline
<b>Date Completed</b>	April 2016**	
<b>Length</b>	62 miles**	140 miles <sup>††</sup>
<b>Pipe Diameter</b>	66 inch*	69 inch <sup>†</sup>
<b>Daily Delivery Capacity</b>	50 mgd*	66 mgd
<b>Yearly Delivery Capacity</b>	56,000 AFY	86,429 AFY <sup>†</sup>
<b>Pump Stations</b>	4*	5 <sup>†</sup>
<b>Hydroelectric Facilities</b>	0	6 <sup>†</sup>
<b>Water Treatment Plant</b>	1 @ 50 mgd capacity*	0 included in plan <sup>†</sup> Likely 2 required
<b>Construction Costs</b>	\$825 million*	
<b>Cash funded</b>	\$352 million*	
<b>Debt funded</b>	\$473 million*	
<b>interest</b>	\$618 million over 30 years or more*	
<b>Total Cost</b>	\$1.45 Billion*	\$1.1-1.8 billion <sup>††</sup>

brought the project in under budget.<sup>41</sup> How then, can the Lake Powell Pipeline with its additional pump station, six hydroelectric stations, larger pipe, and more than twice the length, be expected to cost nearly the same amount? Above is a graphic comparing the two projects.<sup>42</sup> It should also be noted that the water intake apparatus at Lake Powell will be far more expensive and complicated than that at Pueblo Reservoir. As you can see, the given estimate for total cost of the Lake Powell Pipeline is far below what it will likely cost in the real world. We roughly estimate the project cost to be between \$3-5 billion dollars. Before completing an EIS, FERC and the Cooperating agencies should require UBWR to develop a more accurate and complete project budget and submit it to the public for review.

### **3h. The EIS should examine the environmental impacts on sensitive areas and cultural sites along the pipeline route.**

The Kanab Creek Area of Critical Environmental Concern is within the path of the proposed pipeline. Living Rivers & Colorado Riverkeeper submitted timely comments on the proposal to amend the Bureau of Land Management's (BLM) Arizona Strip Resource Management Plan (RMP) as part of its evaluation of the proposed Lake Powell Pipeline route in the Kanab Creek Area of Critical Environmental Concern (ACEC) earlier this year.<sup>43</sup> The Kanab Creek ACEC is important habitat for Southwestern Willow Flycatchers. The Kanab Creek ACEC was specifically designated "for the protection of endangered SW flycatcher habitat and riparian, scenic, and cultural resources," according to the Arizona Strip Field Office RMP.<sup>44</sup>

The BLM must consult with the Kaibab Paiute Tribe because their aboriginal culture and heritage extends way beyond the sovereign boundaries of their reservation. The state of Utah has identified three possible pipeline routes. For example, alternative pipeline routes include following highway corridors rather than pristine lands. Consultation with the Tribe is necessary in order to identify a route that would not

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<sup>41</sup> Water Finance and Management. August 12, 2016. "How Colorado Springs Funded its Landmark Southern Delivery System." Accessed at <https://waterfm.com/colorado-springs-funding-sds/>

<sup>42</sup> Sources for the graphic are:

\* Water Finance and Management. August 12, 2016. "How Colorado Springs Funded its Landmark Southern Delivery System." Accessed at <https://waterfm.com/colorado-springs-funding-sds/>

\*\*Southern Delivery System (SDS) Water Project, Colorado. Water Technology Webpage. Accessed at <https://www.water-technology.net/projects/southern-delivery-system-water-project/>

†Utah Board of Water Resources. Preliminary Licensing Proposal. 2015.

††The Lake Powell Pipeline Website. Washington County Water Conservancy District. Accessed at [lpputah.org](http://lpputah.org)

<sup>43</sup> Living Rivers-Colorado Riverkeeper comments on the proposal to amend the BLM's Arizona Strip Resource Management Plan can be accessed here [www.riversimulator.org/Resources/BLM/AZstrip/ProposedArizonaStripResourceManagementPlanAmendment2018LivingRivers.pdf](http://www.riversimulator.org/Resources/BLM/AZstrip/ProposedArizonaStripResourceManagementPlanAmendment2018LivingRivers.pdf)

<sup>44</sup> BLM. 2008. Arizona Strip Field Office Resource Management Plan and Record of Decision. Signed January 29, 2008. p 2-120. Accessed at [https://eplanning.blm.gov/epl-front-office/projects/lup/95271/130322/158471/ApprovedPlan\\_Ch\\_2.pdf](https://eplanning.blm.gov/epl-front-office/projects/lup/95271/130322/158471/ApprovedPlan_Ch_2.pdf)

impair sacred sites, burials and other cultural values. The EIS must evaluate all three pipeline alternatives in this NEPA process.<sup>45</sup>

**3i. The EIS must address impacts of the Lake Powell Pipeline and associated water withdrawal on river health and endangered species.**

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

**3j. Legal Uncertainty surrounds the use of Colorado River Storage Project water in the Lower Basin of an Upper Division State.**

We recognize a controversy amongst stakeholders that releases from Flaming Gorge Dam, in the Upper Basin Division, and conveyed by pipeline to Washington County, Utah, which is in the Lower Basin, may not be an appropriate use under the 1922 Compact. We would appreciate Reclamation's clarification on this matter when the time comes for Reclamation to prepare the EIS for the Lake Powell Pipeline Water Rights Exchange Contract of 86,000 acre-feet (annual).

**3k. Federal Water Rights claims of the Tribes should be settled and source water identified before water is developed for the Lake Powell Pipeline Project.**

Under the Winter's Doctrine, the Northern Ute and Navajo Tribes have federally reserved water rights, dating back to the creation of the reservations, which have yet to be developed. The particular water rights assigned to the Ultimate Phase were intended to go to the Northern Ute tribe. When that project never materialized, the tribe settled with the federal government for the promise of future water rights. Thus far, a water contact has not been agreed upon and full water rights have not been assigned to the Ute tribe.

Because Utah's approved water rights are over-allocated, as acknowledged by the Utah Division of Water Rights, the State of Utah must demonstrate where the water will come from to fulfill the Ute Water Compact before Reclamation further proceeds with this water rights exchange with the State. The EIS must not only include consideration of these factors in its calculation of available water, but must also incorporate this information in its modeling.

In all likelihood, part of the water to fulfill the Ute Water Compact will come from the Green River. In order to maintain minimum fish flows, this would require a contract with

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<sup>45</sup> See comments to FERC by the Kaibab Paiute Tribe, 2008. <http://www.riversimulator.org/Resources/Pipelines/PaiuteCommentsLakePowellPipelineOpt.pdf>

Reclamation for releases from Flaming Gorge Reservoir. There is a limited amount of water available for contracts out of Flaming Gorge. In a 2007 letter to the Upper Colorado River Commission, Rick Gold of the Bureau of Reclamation outlined what Reclamation believes to be a safe allowable release from Flaming Gorge Reservoir of 165,000 AFY.<sup>46</sup> The combined total of both contracts for the Green River Block and the Lake Powell Pipeline total to 158,000 AFY, leaving only 7,000 AFY to be potentially used by the Northern Ute Tribe. As part of the Department of Interior, the Bureau of Reclamation has an obligation to tribes and native people. Secretarial Order 3335 states that,

“The trust responsibility consists of the highest moral obligations that the United States must meet to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights.”<sup>47</sup>

Consequently, Reclamation should settle an exchange contract for releases from Flaming Gorge Reservoir with the Northern Ute Tribe, who have senior water rights, before engaging with the State of Utah on an exchange of more junior water rights.

#### **4. CONCLUSION**

Thank you for your close consideration of all the facts outlined above. We urge FERC and the Cooperating Agencies to put the preparation of this EIS on hold until the crucial agreements that will significantly impact the existence and amount of water for the Lake Powell Pipeline and Green River Block Exchange Contracts are finalized, the Ute Water Compact and the Upper Basin DCP. In addition, the Exchange Contracts between Reclamation and the State of Utah must outline an adequate system of accounting for the exchange of water from tributaries for Flaming Gorge water before we can fully understand the implications of such an exchange and move forward with the permitting.

We request that FERC and Cooperating Agencies require Utah Board of Water Resources (UBWR) to provide additional information on the concerns and additional project costs addressed in our comments in Sections 2 & 3 of this comment letter prior to beginning to prepare the EIS.

Finally, we urge FERC to fully consider all of the potential impacts of this extremely questionable project. In particular, it is imperative that modeling for this project use the most up-to-date and relevant predictions of impacts from climate change on Colorado River Basin hydrology. We are in an incredibly important time. As a nation, we must

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<sup>46</sup> Letter from Rick Gold, Bureau of Reclamation to Don Ostler, Upper Colorado River Commission (March 3, 2007). “Water Marketing from Flaming Gorge Reservoir.” Accessed at: <http://www.riversimulator.org/Resources/UCRC/UCRCflamingGorgeWaterAvailabilityReclamation2007.pdf>

<sup>47</sup> Secretarial order 3335. August 20, 2014. Reaffirmation of the Federal trust responsibility to federally recognized Indian tribes and individual Indian beneficiaries. Accessed at <https://www.doi.gov/sites/doi.gov/files/migrated/news/pressreleases/upload/Signed-SO-3335.pdf>

begin to ground all of our infrastructure decisions on consideration of climate adaptation if we are to avoid catastrophic failure of that infrastructure. We hope that FERC and the Cooperating Agencies will prepare an EIS that considers all the facts and the broad range of potentially significant impacts of this unnecessary and costly water project, an EIS that will make it clear that the Lake Powell Pipeline should not be allowed to move forward.

Sincerely,

Sarah Stock  
Program Director  
Living Rivers & Colorado Riverkeeper

John Weisheit  
Co-founder  
Living Rivers & Colorado Riverkeeper

Robin Silver  
Co-founder  
Center for Biological Diversity

Dan Estrin  
General Counsel and Advocacy Director  
Waterkeeper Alliance

Gary Wockner  
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Save The Colorado

Richard Segerblom  
Program Director  
Las Vegas Water Defender

Lauren Wood  
Program Director  
Green River Action Network

Rica Fulton  
Program Director  
Upper Green River Network