



**GRAND STAIRCASE
ESCALANTE
PARTNERS**

*Committed to
preserving and
protecting the vast
landscape of Grand
Staircase-Escalante
National Monument for
the use and enjoyment
of present and future
generations*

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Email Mathew.S.Wilson@usace.army.mil

Re; Public Notice SPK-2008-00354; Lake Powell Pipeline Project
Comments of Grand Staircase Escalante Partners

Dear Mr. Wilson.

My name is Scott Berry, and I am currently serving as the Vice President of Grand Staircase Escalante Partners (GSEP), a Utah non-profit conservation organization with offices in Kanab and Escalante, Utah. Our our organization is committed to protecting and preserving the environmental and cultural resources of Grand Staircase Escalante National Monument as established by Pres. Clinton in 1996.

Thank you for providing this opportunity to comment on the above mentioned application.

1. Please add Grand Staircase Escalante Partners to the active list of organizations which will receive advance written notice of all proceedings and decisions relative to this application. Written notice should be sent to the following office.

Grand Staircase Escalante Partners
Attention; Scott Berry, Vice President
P.O. Box 53
Kanab, UT 84741

2. Please include these comments in the official record relating to this application. **GSEP respectfully requests that the public comment period be extended until Dec. 31, 2019, to allow interested parties to assemble and review all relevant data.** Extending the comment deadline is particularly important given that AEC online resources have been off-line during most or all of the

comment period as a result of government agency shut down. **GSEP also requests that a public hearing on this application be held in three locations in Utah; Kanab, St. George, and Salt Lake City. This request is based on the fact that in all likelihood the general taxpayers of Utah will be required to assume all or substantial fraction of the costs to construct and operate the LPP.**

SUBSTANTIVE COMMENTS;

3. The supporting attachments fail to provide financial and economic data necessary to for reasonable evaluation of economic viability. Without this type of information it is not possible to evaluate the “need” for the project.

4. The supporting attachments fail to provide “best science” projections of water availability in Lake Powell in coming decades, specifically including anticipated deficiencies in inflow volumes from the Colorado River, in the face of anticipated climate change.

5. The application fails to contain an adequate description, including financial information, relative to the “energy recovery through hydropower generation” aspect of the project.

6. The application and its supporting attachment are deficient in failing to include GIS data (shape files) for all the elements of the proposed project, including all alternative routes. Detailed GIS information is required in order to evaluate potential impacts on protected resources within GSENM (1996).

7. The application and its supporting attachments are deficient in failing to specifically locate all potential wetlands evaluated by the applicant, and for failing to include all collected data on vegetation, soils and hydrology collected at field sites.

8. The application is deficient for failing to address the scientific method use to identify the “ordinary high water mark of Lake Powell”, given generally falling water levels in the reservoir in recent decades, variations in annual flows, and anticipated reductions in future flows as the result of climate change.

9. The application and its supporting documents are deficient in failing to provide specific information for the KCWCD component of the system, including location, funding sources and anticipated uses. Furthermore, the application fails to name those persons or entities who have had discussions,

or entered into contracts. with the applicant for use of waters that may be supplied to Kane County via the KCWCD component.

10. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis of potential impacts to the Glen Canyon Dam structure as a result of the construction of the lateral tunnel intake system.

11. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis relating to the economic costs associated with the operation of the four booster pump stations (BS), which would be necessary to any reasonable evaluation of the economic viability of the entire project.

12. **Grand Staircase Escalante National Monument Portion of the Preferred Route.** A substantial portion of the preferred route traverses lands that were included within GSENM as it was designated in 1996. Issuing a 404 permit for excavation activities within in this area violates the provisions of Proclamation 6920 of September 18, 1996 because it such activities would necessarily result in the destruction of resources designated for protection within the the original GSENM boundaries, and would violate the provisions of the GSENM Resource Management Plan (2000).

13. Proclamation 9682 of Dec. 4, 2017, purporting to reduce and modify the boundaries of GSENM as established in 1996, is currently subject to a legal challenge in the United States District Court for the District of Washington. Any and all action relating to this application must be stayed until such time as the legal validity of Proclamation 9682 has been determined.

14. The preferred route (including transmission lines) traverses federal lands recognized as containing critical and legally protected paleontological, archaeological, and biological resources, with special emphasis on lands included within GSENM (1996) Any and all future action relating to the issuance of the proposed permit must be stayed until such time as complete resource inventories for each type of resource have been completed and made available to the public. A complete archaeological inventory is required under the provisions of the Archaeological Resources Protection Act. A complete paleontological inventory is required under the provisions of the Paleontological Resources Protection Act.

15. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis relating to soil types and potential impacts thereto, specifically soils including the presence and extent of biological soil crusts, both along the pipeline route, and within the intake and outflow development areas.

16. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis (including shapefile information) describing the specific location of transmission lines and poles. The statement included in the “narrative” that the location of these components would “avoid” discharge of dredged or fill material into the waters of the U.S. does not excuse a thorough description and discussion of these components. An effort to “avoid” does not eliminate the genuine possibility of impacts to the waters of the U.S.

17. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis (including shapefile information) for all permanent access roads to be used temporarily or permanently in conjunction with the project.

18. The application and its supporting documents are deficient in failing to provide specific scientific information and analysis, including a copy of the recently “negotiated Exchange Contract between Applicant and the Bureau of Reclamation”, relating to an agreement to divert the applicant’s water right from Flaming Gorge Reservoir to Lake Powell.

19. **Project Purpose;** The application and its supporting documents are deficient in failing to provide specific scientific information and analysis describing the project purpose, in the following respects;

- a. Failure to document and analyze the assertion that the LPP is “necessary” to the future development of Washington and Kane Counties.
- b. Failure to document and analyze the assertion that the LPP would in fact provide a “reliable” source of regional water, in view of the exigencies of anticipated climate change.
- c. Failure to document and analyze the full range of alternative water sources, including the use of water currently devoted to agricultural use to municipal uses.
- d. Failing to document and analyze the actual cost of constructing and operating the hydroelectric components of the project as compared to other sources of electrical energy available or proposed in the region.
- e. Failing to document and analyze the proposed sources of a future funding stream sufficient to pay all the costs and expenses associated with

the project; in particular, the annual contribution that will be required by Washington County, Kane County, and or the State of Utah.

f. Failing to document and analyze future population projections for Washington and Kane County incorporated (directly or by reference) into the application.

19. **Need for Action;** With respect to disclosing the “Need for Action”, he application and its supporting documents are deficient in failing to provide specific scientific information and analysis in the following specific respects;

a. Failing to describe in detail the basis for assumed projected population growth in the area, in light of reasonably anticipated future conditions, specifically including increases in M&I water rates.

b. Failing to describe in detail the basis for the UBWR conclusion that a Colorado River is the best source to meet future demand.

c. Failing to describe and analyze the the impact of the existing legal framework which requires that legal priority must be given to satisfying the lower Colorado River Basin states allocation of Colorado River water ahead of Upper Basin states, in the context of reduced river flows and increasing demand in the lower basin states.

d. Failing to describe and analyze in detail future risks associated with infrastructure failure and climate variability.

e. Failing to describe in detail the scientific basis for the assumption that conservation efforts in the future will not be adequate to meet a reasonable and sustainable level of existing and future water demand.

f. Failing to consider and analyze the alternative that future population growth in the region can be managed so as to ensure that the water demand curve does not exceed future resources without the construction of the LPP. For example, governments within the service area could slow demand growth by increasing M&I water rates, and by increasing the “hook-up” rates charged to developers. Another alternative would to gradually transfer agricultural water uses to M&I so as to meet a regional “slow-growth” model.

- g. Failing to address the reasonable future needs for water on the Kaibab-Paiute Indian Reservation, and failing to include design components that would satisfy this need.
- h. Failing to describe and analyze in detail the financial consequences to Utah and the region of choosing the preferred alternative over the “No Lake Powell Water Alternative”. Assuming that many billions of dollars would be spend constructing the LPP, and that a substantial fraction of those dollars could be re-directed towards making up the difference between the 82,249 acre-feet of water made available by the LPP, and the 74,983 acre feet of water available under the No Lake Powell Water Alternative, what are the real present and future costs (on a per acre foot basis) of the 7,266 acre feet of water differential? For purposes of discussion, if a the LPP pipeline cost a billion dollars, the per acre foot cost for the extra 7,266 acre feet made available by the LPP would be approximately \$137,000 per acre foot. Without this type of detailed financial analysis it is not possible to evaluate in any real sense the the public interest relative to the LPP.

Thank you for giving this comments your attention, and for considering the specific requests made herein, including the request for a substantial extension of the comment period, and for the scheduling of public hearings in Kanab, St. George, and Salt Lake City. In the event you have any questions, please contact me at your convenience.

GRAND STAIRCASE ESCALANTE PARTNERS

/s/

Scott Berry, Vice-President
801-556-8515 rsberrysl@gmail.com

