

Will the Lake Powell Pipeline Financially Benefit Rep. Mike Noel?

For the last 12 years, one Utah legislator has worked harder than any other to lobby his fellow legislators in the backrooms of the Legislature for the Lake Powell Pipeline. While holding his day job as the Executive Director of the Kane County Water District, this legislator bullied, argued and intimidated his way through scores of legislative committee meetings by claiming the Pipeline was all about serving the people of Kane County.

Now it turns out the Pipeline will deliver massive quantities of water (enough for the annual use of 20,000 people) to a rural area of Kane County where just 269 people live – including that same legislator. The Kane County branch is slated to leave the main Pipeline and head 5-6 miles up a rural road to terminate just a few thousand feet from that same legislator's 750 acre ranch.

That legislator is Rep. Mike Noel.

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Utah Rivers Council staff present their GRAMA request for Rep. Noel's role in Lake Powell Pipeline to the State Records Committee. The Committee voted unanimously in the URC's favor, ordering the Kane County Water District to share its records with the public.

In Reckless Pursuit of Lake Powell Pipeline, Utah Continues to Exacerbate Crisis on the Colorado

As the strain of overuse and diminished snowpack dwindle Colorado River flows, Lake Mead and Lake Powell are plummeting towards all-time, critically low levels. Water users downstream in Arizona and Nevada are preparing to take severe cuts to their water supply, while Utah, which just experienced its driest year in recorded history, proposes to divert even more water upstream for water projects that aren't needed.

The Bureau of Reclamation sent shock waves across the West in August after releasing a 24-month projection of the river's flow showing a 90% chance Lake Mead will fall below 1,075 feet in elevation by December 2019. When the reservoir falls below this level it triggers a Tier 1 shortage declaration.

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Utah Advances Bear River Development Though It Claims Otherwise

The State of Utah moved to advance proposed Bear River Development, one of the most destructive new water projects in North America, by attempting to lock up a massive amount of water in the Bear River system through a water rights transfer.

The Division of Water Resources filed an application with the Division of Water Rights seeking to store some 400,000 acre-feet of additional water in Bear Lake—enough to provide for the annual water usage of a city of 2.4 million people. In interviews with the media, the Director of the Division of Water Resources claimed the move was not related to the \$2.5 billion proposed Bear River Development. However, the water right application his agency filed (#23-3972) noted that water would be provided to the same counties slated to receive water under Bear River Development:

“The stored water will be made available to municipal providers for use within their service areas in ...Cache, Box Elder, Weber, Davis, and Salt Lake Counties in Utah.”

The Division is proposing to build at least three new dams and a series of pipelines to divert the Bear River upstream of the Great Salt Lake, which would lower the Lake 2-4 feet in elevation. This will dry up tens of thousands of acres of wetlands and kill off habitat for millions of migratory birds. Lowering the Lake will also impact air quality along the Wasatch Front by exposing vast tracts of the lakebed and increasing the amount of airborne dust during windstorms.

The Division has long used fear and misinformation to drum up support for Bear River Development, but the truth is municipal Utahns are some of America's biggest water users, using more water per person than nearly any other municipal population in the U.S. Not only has the state provided no documentation justifying their claims of a pending water crisis, they are ignoring many less expensive alternatives to provide water in the future.

The URC has been leading the fight to stop new dams on the Bear River for over 20 years and will continue our work to ensure the Bear River flows into the Great Salt Lake far into the future.

URC Wraps Successful Season of WaterRoots Field Trips

Utah Rivers Council had a full summer of WaterRoots Field Trips, bringing elected officials and other stakeholders together to learn about the impacts of proposed Bear River Development and the many inexpensive alternatives to this destructive project.

We visited several proposed Bear River dam sites and heard from a range of allies and experts about the impacts the unnecessary development would have on local communities, the Great Salt Lake and the Bear River Migratory Bird Refuge downstream.



Boy Scouts of America generously provided their Camp Fife location for the URC to use for our field trip series. Situated on 30 acres next to the Bear River, the entire camp would be inundated by water if Bear River development is approved.



URC Executive Director Zach Frankel talks to elected officials and concerned members of the public about the impacts of the proposed Bear River Development.

One of these dam sites is on the beautiful Temple Fork of the Logan River, a tributary of the Bear River. Temple Fork provides valuable spawning habitat for one of the most important Bonneville Cutthroat Trout populations in the state. Participants had the chance to cast a line for the gorgeous fish during the field trip while experiencing first hand the value of this important free-flowing stream.

Utah Orchestrates Sneaky Green River Water Grab

The State of Utah is negotiating a massive new water right exchange on the Green River with the Bureau of Reclamation. The exchange, referred to as the Green River Block, is an elaborate house of cards that would give Utah a contract to divert up to 72,641 acre feet of water out of the Green River in exchange for diversion rights on tributaries to the Green within Utah. If approved, the contract would allow the state to deplete the Green and Colorado River system by a total of 158,890 acre feet, when the exchange contract currently being negotiated for the proposed Lake Powell Pipeline is taken into account.

This is a last ditch effort by the state to grab every last drop of its Colorado River Compact allocation, regardless of the fact that the water isn't needed. Even worse, the Bureau appears eager to go along with Utah's plan. The Bureau's analysis of the proposed exchange's impacts on the river is fraught with problems and fails to consider future climate change impacts that will only diminish the Green River's flows.

Rep. Mike Noel Goes to Court to Prevent URC From Seeing His Correspondences With State Agencies

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The URC has spent a lot of time trying to figure out what role Rep. Noel played in determining this alignment. In March we filed a 38-page complaint with the Utah Attorney General and U.S. Attorney requesting a formal investigation of whether government resources were used to benefit Rep. Noel's land holdings from the Pipeline.

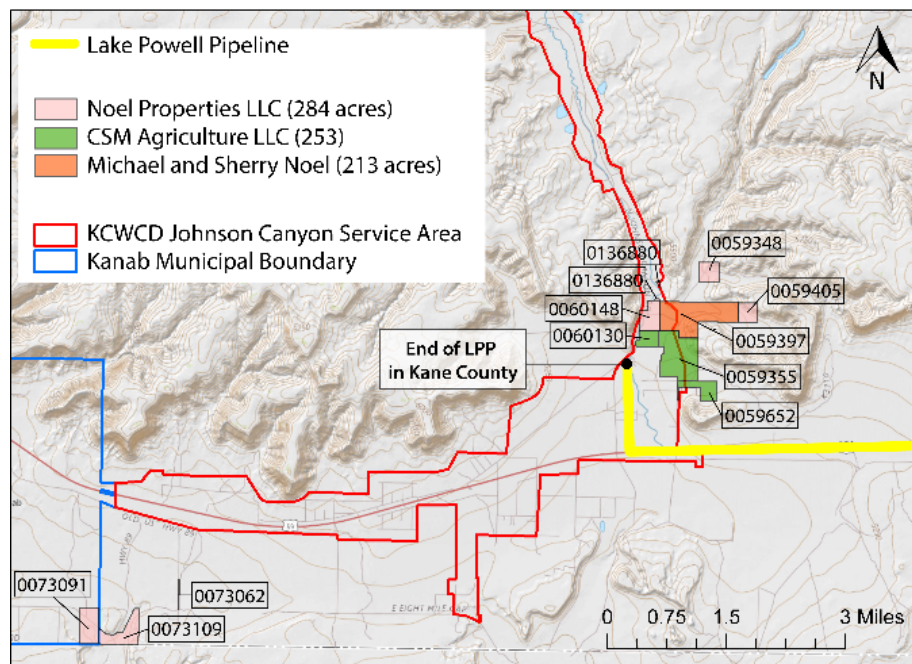
We want to know whether Rep. Noel used his position as both a legislator and the Executive Director of the Kane County Water District to change documents for the proposed Lake Powell Pipeline and if he had a role in determining its route in Kane County. According to the Division of Water Resources' Pipeline application submitted to the federal government in both 2008 and 2011, there was no need to deliver water to Kane County Rep. Noel's water district in Kane County (KCWCD):

“Thus based strictly on water need, LPP supplies are not needed in the KCWCD service area within the 2060 planning horizon.”

But Mr. Noel clearly took exception to some of the findings in the state's federal pipeline application and got more involved in the Pipeline decisionmaking, according to meeting minutes of the Kane County Water District. If Pipeline water is delivered to Mr. Noel's lands, not only does that raise many ethical questions, it also means that Utah taxpayers could pay for the increase in value to Rep. Noel's private land holdings.

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Mr. Noel's Substantial Land Holdings in Johnson Canyon



While most of the population of Kane County lives in the Kanab area, outlined in blue, federal application documents show the only area that may receive water from the LPP is the area outlined in red where Mr. Noel owns large amounts of property listed under different names. The proposed Lake Powell Pipeline alignment is shown in yellow.

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To get to the bottom of this, in March we submitted a GRAMA records request to the Kane County Water District for copies of correspondences between Rep. Noel and other water agencies involved in the Pipeline. But Rep. Noel refused to provide the URC with copies of his correspondences and we were forced to appeal the matter to the Utah State Records Committee. In August, after a fascinating courtroom-like presentation, the Records Committee voted unanimously in our favor and ordered Rep. Noel to comply with our request.

But Rep. Noel still refuses to comply with the Records Committee decision and is going to court to fight it, forcing the URC to spend money on attorney fees. If Mr. Noel has nothing to hide, why he is going to such elaborate lengths to fight transparency?

Help support our legal work by making a donation on our website, utahrivers.org, or simply writing a check to the Utah Rivers Council.

Two other groups, the Western Values Project & the Campaign for Accountability, also requested an investigation of Rep. Noel over his role in shrinking the Grand Staircase Escalante National Monument, which they believe may also benefit his land holdings. Both the Kane County and the Washington County Water Districts worked to shrink the Grand Staircase Escalante National Monument boundaries because the Pipeline route was slated to cross Monument lands and the BLM expressed concern about these impacts.

Rep. Noel acknowledged he is being investigated by the federal government during testimony to the Constitutional Defense Council on August 23, 2018:

“When you have two senior inspector generals come to your office and interview you, it get’s personal, okay?”

Many Utahns we’ve talked to inside and outside government believe the Utah Attorney General’s Office will not investigate this matter, because Rep. Noel and proponents of the Lake Powell Pipeline are too politically well-connected. After all, two former House Speakers are lobbyists for Pipeline spending.

The \$3-4 billion Lake Powell Pipeline is the most expensive spending proposal of any kind in the State of Utah. An army of special interests are behind this boondoggle, and some are happy to deceive the public if it means getting a piece of this taxpayer pie.

Are there Utah leaders brave enough to stand up to these spending proponents? Or is the political expediency of paying special interests \$3-4 billion more important than justice, facts and data, and our environment?

We launched a petition to show the Attorney General’s office there is widespread political support for this investigation. Join the thousands of people who have signed it by going to utahrivers.org

Major Victory in the Fight Against the Lake Powell Pipeline

After eight years of hard work, we've achieved a major victory against the Lake Powell Pipeline, the largest new water diversion on the beleaguered Colorado River.

On September 20th, the Federal Energy Regulatory Commission (FERC) dealt a shocking blow to the proposed Lake Powell Pipeline, declaring they are not the right agency to permit the massive new water diversion on the Colorado River. FERC ruled that it has jurisdiction only on hydropower stations along the Pipeline's downhill run. In their comments, the majority of Commission members found it inappropriate for the agency to take full jurisdiction over a project whose primary purpose is moving water, not generating power.

This ruling will bring in greater oversight from other federal agencies—the Bureau of Land Management, the Bureau of Reclamation, the National Park Service and possibly the Bureau of Indian Affairs. Time is not on the side of the Lake Powell Pipeline, and FERC's decision will likely add a year or more to the permitting process.

FERC's decision comes at a crucial moment for water users and ecosystems that depend on the drought-stressed Colorado River Basin. The Bureau of Reclamation, which manages water levels in Lake Powell and Lake Mead, declared there is now a 90 percent chance Lake Mead will drop below a critical threshold, triggering a Level 1 Shortage declaration and forcing water users in Arizona and Nevada to walk away from substantial portions of their water supply.

Utah Streams Reach Historically Low Flows

Hit with a low winter snowpack and a hot and dry summer, many of Utah's rivers and streams are in dire condition. Utah's watersheds are feeling the brunt of climate change, experiencing year after year of hot drought. This year, Utah recorded its lowest statewide precipitation since at least 1895. Mounting accumulations of carbon dioxide in the atmosphere have led to warming across the world and the West has seen a high-pressure system that has raised temperatures and prevented storms from reaching Utah. These climate change effects are making hot droughts much more severe, with 100% of Utah in some form of recognized drought. Under Utah statute, these critical conditions have triggered the Utah Drought Review Committee to convene for the first time in 10 years.

Utah Rivers at Record Lows, October 2018

River	Number of years record stood before 2018
Fish Creek (tributary of Price River)	82
Provo River	69
Salt Creek at Nephi, UT	56
Kanab Creek (tributary of Virgin River)	40
Snake Creek (tributary of Provo River)	37
Duchesne River	21
East Canyon Creek	12
Green River	5
Colorado River (Potash, UT)	4
San Rafael River	4

About a dozen Utah rivers have registered all-time low flows as of October 2018. In some instances, monitoring equipment had to be adjusted because water levels were too low to be measured.

Utah Continues to Exacerbate Crisis on the Colorado

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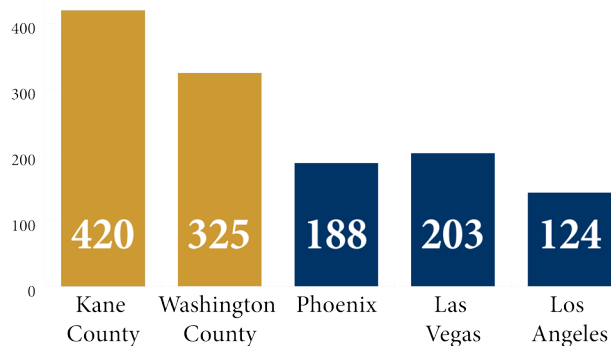
Under this scenario, Arizona may lose the equivalent water supply of a city of 2 million people's annual water use, while Nevada may lose enough water to supply 84,000 people a year. New proposed diversions upstream of Lake Mead, like the Lake Powell Pipeline, will only intensify the water supply crisis on the Colorado and increase conflict among water users.

The downstream states of Nevada, Arizona and California are scrambling to keep the crisis on the Colorado from spiraling out of control. As evidence, Pinal County in Southern Arizona intervened in the Lake Powell Pipeline permitting process in August raising numerous concerns over the proposed diversion's impacts to the region's water supply. But Utah is ignoring the growing threat of shortage to advance needless and destructive water development like the Lake Powell Pipeline.

Newly released draft drought contingency plans highlight this dangerous dichotomy. Under the plans, Lower Basin states have agreed to walk away from even more water in order to keep the Colorado River system from crashing, while Utah plans to take no meaningful conservation steps.

Over the past five years, residents in Arizona, California, and Nevada have driven a 16% basin-wide decrease in residential water use. But in Utah, where the vast amount of municipal water goes to keeping lawns green, residential water use has increased. Every year, Utah has the highest or second highest per person water use in the nation and proposed recipients of Lake Powell Pipeline water in Washington County guzzle a whopping 325 gallons per capita per day, more than twice the national average.

Municipal & Industrial Water Use (GPCD)



As Utah proposes to pump more water from the over-stressed Colorado to some of the nation's most wasteful water users in Washington County, the state is ignoring the tremendous hardship Lower Basin water users will feel when shortages are declared downstream. Utah is hoping their stubborn pursuit of unneeded and expensive water development will go uncontested while other Colorado River users bear the brunt of diminished Colorado River flows.

Have Your Voice Heard!

We need your help to stop the Lake Powell Pipeline boondoggle. The Federal Energy Regulatory Commission (FERC) opened a 60-day intervention window that allows the public to intervene in the permitting process. Intervention is FERC's way of having the public participate in project approval and doesn't commit you to any course of action. To intervene, email taylor@utahrivers.org. The deadline for intervening in the Lake Powell Pipeline is November 20, 2018.

URC Protests Destructive Green River Diversion

Colorado water speculator Aaron Million has applied for a water right with the State of Utah to divert 55,000 acre-feet of water out of the Green River at Browns Park and pipe it all the way to the Front Range of Colorado. That's enough water to supply 330,000 people's annual water use and the diversion will have major impacts on the Green River.

The Green River is the longest tributary to the Colorado River providing over 40% of the Colorado's inflows at Lake Powell Reservoir. The Colorado River supplies water to 35 million people in the Southwest. Decades of past water development activities on the Colorado River, Green River, and their respective tributaries have resulted in significant impacts on endangered species, stream flows, fisheries, wetlands, riparian habitat, and wildlife migration corridors.

This proposed diversion would take water out of the Green River in an area that provides habitat for a number of endangered species and may cause significant loss or destruction of the aquatic ecosystem downstream. The diversion also has the potential to impact world-class recreational opportunities on the Green River that attract people from all over Utah and around the world.

Recreational opportunities on the Green and Colorado Rivers support a robust and important recreational economy employing tens of thousands of people. Many of these jobs rely on adequate flows in the Green River and will be threatened by the proposed water right diversion.



The URC believes the state should not approve a water right for a trans-basin diversion that would impact the over-developed Green and Colorado Rivers. The URC filed a legal protest of Million's application with the Division of Water Rights on the grounds that the diversion would negatively impact our members and violate numerous sections of Utah Law.

Many readers will remember Aaron Million from his first attempt to divert massive amounts of water from the Green River to Colorado's Front Range in 2012. Million's plan garnered the ire of everyone from river runners to water developers and was ultimately rejected by federal regulators.

Join us at the public hearing on Million's application November 7th at 8:30 AM at the Utah Department of Natural Resources, 1594 North Temple, Salt Lake City, UT 84114.
We hope to see you there.

Threats to Gooseberry Creek and Price River Remain

The Sanpete Water District has filed a water right application to divert a large quantity of water out of Gooseberry Creek on the headwaters of the Price River to grow more hay in northern Sanpete County. This proposal comes after the URC and other groups successfully stopped federal approval for the District's proposed Narrows Dam in 2016.



Conservationists, environmental and fishing groups have long opposed the trans-basin Gooseberry Creek diversion because of environmental impacts and dewatering that will occur to this blue-ribbon trout fishery.

Gooseberry Creek is a revered cutthroat fishery and tributary to the Price River in the highlands of the Wasatch Plateau. The proposed trans-basin diversion would be destructive to the creek's sensitive riparian areas and aquatic environment, while posing a threat to the water supply for 25,000 Carbon County residents downstream. The URC filed a protest of the diversion with the Division of Water Rights in September and requested a public hearing on the application. We'll be sure to keep you updated on this ongoing fight to protect flows in the Price River and its tributaries.

Shady Agency Proposes New Reservoir Near Zion NP

The Kane County Water District (KCWD) is seeking a federal permit to build a new dam and reservoir on the headwaters of the Virgin River. The so-called Cove Reservoir would impound flows of the East Fork of the Virgin River near Orderville, just east of Zion National Park. The KCWD has been reckless in their pursuit of previous water storage projects, such as the controversial and strikingly similar Jackson Flat Reservoir.

The KCWD downplayed the significance of substantial cultural resources at Jackson Flat and the impacts the reservoir would have on them, pushing ahead with construction of the reservoir. During construction the contractors stumbled upon a grave site, uncovering 54 separate Native American remains in the area. The last of these remains were found just months before the reservoir began to fill with water. Many more remains were likely to have been present under the reservoir.

Based on the KCWD's track record with Jackson Flat Reservoir, the URC is concerned the agency could create another disastrous situation in their haste to get the reservoir approved and constructed. The head of the KCWD, Mike Noel, has a history of ignoring state law and we are concerned this agency will not give appropriate respect to local tribes and state and federal laws. A draft environmental impact statement will be released sometime next spring and the public will be able to weigh in at that time.

URC Launches New Podcast Series

JUST
ADD
WATER



We've been hard at work producing our new podcast, *Just Add Water*, which tackles a wide range of water issues, fish tales, and other liquid controversies. If you listen in, you can visit a college campus for a water taste test, take a deep dive into water conservation, or head into the field to explore proposed Bear River Development. To listen, visit our website or find us wherever you get your podcasts, including iTunes, Stitcher and Google Play.

Mr. Smith Goes To Washington

This past summer, our Conservation Policy Analyst, Tucker Smith, spent several months in Washington, D.C. where he worked to build a network of conservation organizations, taxpayer groups, and other interested stakeholders opposed to the Lake Powell Pipeline.

Our Conservation Director, Nick Schou, traveled to D.C. to spend time on the Hill with Tucker, taking more than a dozen meetings with the Utah delegation and other members of Congress and their staff about the impacts the Lake Powell Pipeline will have on the Colorado River. Our efforts were successful and we look forward to continuing to build a strong network of allies in the nation's capital.



Welcome Claire, Our New Grassroots Organizer

The URC is excited to welcome Claire Andruess to our team as an engagement contact to help elevate involvement. Claire is a Utah native who grew up along the Wasatch Front and recently returned home from Colorado where she attended Colorado State University.

She enjoys Utah's National Parks as well as meeting friends and community members through her advocacy work. She's looking forward to working with the community and engaging with locals to advocate for the protection of our rivers and save taxpayers money.

If you are interested in volunteering with the Utah Rivers Council, send Claire an email at Claire@utahrivers.org



Yes, I want to support Utah's rivers!

Become a proud advocate of Utah's rivers. They need your help, now more than ever.

Questions? Call 801-486-4776 or email info@utahrivers.org

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Rainbarrels Still Available!

We still have a few rain barrels from this year's RainHarvest program for sale for only \$75!

