



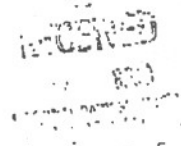
UPPER COLORADO RIVER COMMISSION

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March 26, 2008

Honorable Dirk Kempthorne, Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Via email: exsec@ios.doi.gov
Via: Federal Express



Reference: Glen Canyon Dam High Flow and Fall Steady Flow Experiment

Dear Secretary Kempthorne:

We write this letter in furtherance of the unique and highly collaborative relationship between the Colorado River Basin States and the Department of the Interior that has developed over the last many years, spanning several administrations. One of the ways in which this relationship has developed is through the Adaptive Management Work Group (AMWG) for Glen Canyon Dam operations under the Grand Canyon Protection Act of 1992. We have been engaged in this process since its inception.

We are writing to express our concern over contradictory statements made by Department personnel concerning the recently adopted five-year experimental test flow program at Glen Canyon Dam. Such statements have the potential to undermine the beneficial working relationship between the states and the Department, and we therefore seek your clarification of the Department's position.

The four upper division states and the Commission are directly affected by operations of Glen Canyon Dam, including the timing and quantity of storage and releases of water. In particular, operations at Glen Canyon Dam affect hydropower revenues that maintain the Basin Fund under 43 U.S.C. § 620d. The revenues, in addition to supporting the Glen Canyon Adaptive Management Program itself, also assist in funding other environmental programs such as the Upper Colorado River and San Juan River endangered species programs, which assist in the recovery of the endangered fish while also protecting existing water uses and the continued development of the Upper Basin's entitlement under the Colorado River Compact.

Although we reserve our legal position concerning the authority of the Department to bypass the power plant in circumstances not related to dam safety, we support the five year experimental program recently implemented by the Department for operations under the Grand Canyon Protection Act of 1992. In particular, we note that the U.S. Fish and Wildlife Service

recently issued a new Biological Opinion and incidental take statement under the Endangered Species Act supporting the experimental program (superseding the 1995 biological opinion) (BO), and the Bureau of Reclamation completed compliance for the experiment pursuant to the National Environmental Policy Act (EA).

The experimental test flow program at Glen Canyon Dam was fully developed and considered by several Interior agencies, including specifically the National Park Service. In a memorandum requesting Departmental approval of the test program, Reclamation was explicit in acknowledging the question of whether there should be additional steady or high flows in the future. However, the memorandum made clear that Reclamation was recommending no decision concerning future flow releases.¹ After a "thorough discussion," the Department's Glen Canyon Dam Adaptive Management Policy Group "unanimously concurred" with this recommendation.² This recommendation was then unanimously approved by the Department's senior management team.³

Given this careful documentation and approval process, and the public ESA and NEPA processes, we have been surprised by statements by Park Service personnel, and in particular by Steve Martin, Superintendent of the Grand Canyon National Park, regarding the experimental program. Some of these comments are contradictory and inconsistent with other agencies within the Department – including the Bureau of Reclamation, Fish and Wildlife Service, and U.S. Geological Survey – which have direct responsibility and expertise for the science that supports these actions. A number of these statements are also in direct conflict with the EA, and the BO.

For example, Mr. Martin apparently stated that the science is "really clear" about what needs to be done⁴ and that the experiments by Interior, acting through the Bureau of Reclamation, are ignoring the science.⁵ The EA and Science Plan directly contradict the statement that

¹ Memorandum dated February 28, 2008, from Larry Walkoviak, "Status and Recommendation Regarding Proposed Experimental Flow Actions" at 2. In the Memorandum, Mr. Walkoviak stated, "The central question is whether there should be additional steady flows or high flows in the future; neither option is precluded by this action. Future adjustment of the proposed flows is appropriate using the principles of adaptive management..." *Id.* He went on to state, "...Reclamation carefully crafted an approach based on the principles of adaptive management: proposing not to predetermine additional experimentation at this time and instead waiting until after this experiment, when the results of this test will have been compiled by the USGS scientists and shared with the public and AMP participants." *Id.* at 6. "[W]e believe that at this time it is not appropriate to predetermine the triggers, duration, or timing for any potential, future high flow experiments or management actions." "It is Reclamation's view that an attempt to 'lock-in' multiple tests immediately at this time – and prior to fully evaluating the results of this potential test – would not be the most effective or appropriate manner to accomplish this goal [of using information from past tests to evaluate the role of high flow releases in later phases]." *Id.* at 7.

² Memorandum dated February 29, 2008, from James E. Cason, "Status and Recommendation Regarding Proposed Experimental Flow Actions."

³ Memorandum dated March 3, 2008, from P. Lynn Scarlett, "Approval of Glen Canyon Dam Experimental Releases."

⁴ Associated Press, *Water flowing in man-made Grand Canyon*, Arizona Republic, 3/5/08 ("Arizona Republic"); Brandon Loomis, *Grand Canyon flood stirs debate*, Salt Lake Tribune, 3/7/08 ("Salt Lake Tribune").

⁵ *Mr. Kempthorne's Deception*, Hartford Courant, 3/7/08 ("Hartford Courant"); Steve Martin letter to Randall Peterson, 2/19/08 ("Martin Letter").

sufficient information is available to know that annual or biennial floods will be beneficial, especially considering the multiple resources affected.⁶

Mr. Martin also stated that man-made floods need to occur about every one or two years depending upon the availability of sediment and that more high flow tests need to be included in this action.⁷ In contrast, the EA specifically documents the need for additional learning in order to understand the effects of flooding on sediment resources and humpback chub as a prerequisite to determining whether a regular management practice for such floods is justified. There are many remaining scientific questions about whether high flow floods are beneficial to young chub, whether the chub actually use the backwaters created by sand bars, whether it is beneficial to the aquatic food base as well as how much sediment is needed to provide comprehensive high flow benefits for the Canyon as a whole.⁸

It has been stated in news reports that such floods will be a benefit to archaeological sites.⁹ We note the conclusions of the AMP scientists who question the ability of aolean sand transport from newly created sandbars to protect archaeological sites higher up the banks.¹⁰

Mr. Martin further indicated that based upon the two past floods we know that newly created beaches will be eroded within one to two years.¹¹ He also questioned the benefits of the proposed post flood flows, indicating instead that seasonally adjusted steady flows are needed to conserve sand.¹² This is again contrary to the EA, which describes flows following the 2008 high flow test that will be different from the flows that followed the first two high flow tests assuming that unexpectedly high equalization requirements do not occur this year due to hydrology. As described in the EA, the flows following the high flow test this time will not include the high releases that were associated with the two previous experiments which should further limit sediment transport and prolong beaches.¹³

Mr. Martin's request to schedule additional high flow tests as part of this action in advance of complete synthesis of the data and learning from this test is contradictory to the concept of adaptive management and ignores the extremely high cost of conducting such work. As discussed above, there are significant scientific questions from previous tests in 1996 and 2004 about what is the optimal amount of sediment necessary to justify a high flow release and what frequency might that amount of sediment be available as well as its effect on other resources.

⁶ *Final Environmental Assessment, Experimental Releases from Glen Canyon Dam, Arizona 2008 through 2012*, section 1.2 Purpose and Need for Action et al. and *USGS Science Plan for Potential 2008 Experimental High Flow at Glen Canyon Dam 12/27/07*, table 1 Strategic Science Questions, et al.

⁷ *Id.* at footnote 4; Martin Letter, Boulder Daily Camera.

⁸ *Final Environmental Assessment, Experimental Releases from Glen Canyon Dam, Arizona 2008 through 2012*, section 1.2 Purpose and Need for Action, et al.

⁹ Boulder Daily Camera.

¹⁰ *Review of the Science Plan for Potential 2008 Experimental High Flow at Glen Canyon Dam by AMP Science Advisors 1/13/08*, P-10.

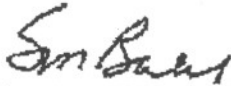
¹¹ Arizona Republic; Boulder Daily Camera.

¹² Martin Letter.

¹³ *Final Environmental Assessment, Experimental Releases from Glen Canyon Dam, Arizona 2008 through 2012*, appendix E.

Given the confusion created by these contradicting statements, we urge you to affirm that additional experiments and actions beyond the approved program, including specifically additional high flow releases, are not contemplated at this time. We believe it will help if you also clarify that the Department will continue to work through the AMWG, and follow the adaptive management process based on scientific analysis of the results of the recently adopted experimental program, to determine further courses of action.

Sincerely,



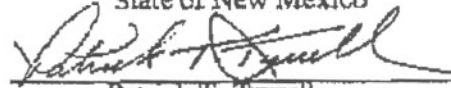
Scott Balcomb
Upper Colorado River Commissioner
State of Colorado



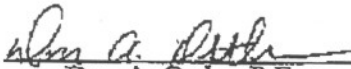
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Don A. Ostler, P.E.
Executive Director and Secretary
Upper Colorado River Commission

cc: Robert Johnson, Commissioner of Reclamation
Mary A. Bomar, Director of the United States National Park Service
Steve Martin, Superintendent, Grand Canyon National Park