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Federal regulators reject Green River pipeline – again

Water » Developer to keep pursuing feasibility study.

By Brandon Loomis | The Salt Lake Tribune
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Federal regulators have again rejected a Colorado developer’s application for a government study of his proposed pipeline to funnel water from the Green River to Denver.

The Federal Energy Regulatory Commission (FERC) on Thursday shot down Wyco Power and Water’s appeal of a previous denial of a preliminary permit to study the project’s feasibility.

The proposal — to pipe up to 200,000 acre-feet of water a year from above Flaming Gorge across the Continental Divide to Colorado’s Front Range — has drawn harsh criticism from environmentalists who fear it could drain the Green in Utah below levels needed for recreation and endangered fish, or the Colorado River downstream.

"The thousands of people in our region whose jobs depend upon a strong Colorado River system dodged another bullet today, but it’s time to move beyond this threat once and for all," said Molly Mugglestone, coordinator for a coalition of river advocates called Protect the Flows. "Enough time has been spent fixating on this one controversial idea."

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The proposal is primarily for a new water supply for Colorado’s Front Range, but the inclusion of some envisioned hydroelectric generators along the route enabled Wyco to seek approval through the energy agency rather than the Corps of Engineers. But, in February, a FERC official ruled that questions, including the ultimate route and rights of way, made the application incomplete and premature.

Thursday’s decision reiterated that ruling, though Wyco President Aaron Million said it provided him more clarity on what he must do to get a better result later. He said his group will produce a more detailed application with route information and will separate two proposed pump-storage hydro projects for a separate review.

"The project continues to move forward," Million said. "We’re continuing to do the environmental resource reports that are needed."

But Earthjustice attorney McCrystie Adams said FERC’s ruling makes clear that Million will have to look elsewhere for approval — to the Bureau of Reclamation or the Corps of Engineers, in whose process the project stalled once before. The Bureau of Reclamation has estimated the Flaming Gorge has less unallocated water than the project aims to tap, she said, so Utah would suffer.

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"The fish are struggling as it is," she said.

Million disagreed and bristled at an American Rivers report this week that listed the Green as the nation's second-most-endangered river. Baseline flows for fish and recreation have legal protections, he said, and would have priority in low-water years. "There's a major surplus of water," Million said.

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Utah Gov. Gary Herbert has said he will oppose the pipeline if his administration determines it threatens Utah's water supply. Wyoming's governor already is against it.

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