

**CONCURRENT RESOLUTION ENCOURAGING A BALANCED
APPROACH TO THE RELEASE OF WATER FROM FLAMING
GORGE**

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: David P. Hinkins

LONG TITLE

Committee Note:

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 11 non-legislators

Total Vote: 12 voting for 0 voting against 1 absent

Legislative Vote: 12 voting for 0 voting against 1 absent

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 3 absent

General Description:

This concurrent resolution expresses support and recognition of the Green River Stakeholders and the need to reduce the adverse effects of current Flaming Gorge Dam operations to the local communities, recreational businesses, ranchers, farmers, landowners, and individuals who work and live within the river corridor.

Highlighted Provisions:

This resolution:

▶ describes the Green River Stakeholders and their concerns associated with the management of the Flaming Gorge Dam;

▶ describes an alternative method of managing the Flaming Gorge Dam;



- 28 ▶ describes the need for investigations and cooperative discussions related to
- 29 management of the Flaming Gorge Dam; and
- 30 ▶ supports the creation of a new management plan.

31 **Special Clauses:**

32 None



34 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

35 WHEREAS, the "Green River Stakeholders" is a group of local communities,
36 recreational businesses, ranchers, farmers, landowners, and individuals who work and live
37 within the river corridor associated with the Flaming Gorge Dam and who are adversely
38 affected by the current methods employed by the Western Area Power Administration, the
39 Upper Colorado River Endangered Fish Recovery Program, and ultimately the Bureau of
40 Reclamation because of releases of water from the Flaming Gorge Dam;

41 WHEREAS, the Green River Stakeholders, wishing to reduce the physical and
42 economic impacts of current river flow management, propose an alternative method of
43 protecting the endangered fish species, while complying with Section 7 of the Endangered
44 Species Act, thus preserving the balance that has been desired in the Upper Colorado River
45 Basin water rights discussions;

46 WHEREAS, the Green River Stakeholders, from the dam to the confluence of the
47 Colorado River, propose partnerships with private landowners that provide for private
48 landowner benefits, such as compensation or shore recovery, and that also provide for recovery
49 of endangered fish in the river so that the fish would no longer be listed as endangered;

50 WHEREAS, the benefits of these partnerships with private landowners can be achieved
51 with more predictable flushes of the Green River each year, allowing the local stakeholders to
52 support and enhance the Upper Colorado River Endangered Fish Recovery Program;

53 WHEREAS, the economic impact to the communities along the entire length of the
54 Green River is affected by the daily operations of the Flaming Gorge Dam dictated by the
55 Bureau of Reclamation as guided by the 2006 "Record of Decision";

56 WHEREAS, current flow requirements have resulted in what may be unintended but
57 are real consequences of the current management plan such as erosion of banks, issues with
58 sediment, the sub-saturation of private land due to high water levels, and floods over banks of

59 the Green River whenever highwater flows occur;

60 WHEREAS, it is essential that the government and private stakeholders participate in
61 an investigation of how to mitigate the harms of the highwater releases to address the
62 environment, recreation, and economic impacts related to these releases;

63 WHEREAS, private landowners may demonstrate loss of private property as erosion
64 creates a dynamic stream bed along the river corridor, which has impacts such as recreation by
65 the public on the sandbanks created by the erosion and on the adjacent private land and the loss
66 of agricultural viability of the land;

67 WHEREAS, the amount of water that is bypassed through the dam system without
68 going through turbines constitutes missed opportunities for producing low cost and carbon free
69 power; and

70 WHEREAS, a new management plan for the Flaming Gorge Dam should be developed
71 in the near future and would benefit from input from a diverse group of stakeholders, including
72 local communities, recreational businesses, ranchers, farmers, and individuals who work and
73 live within the river corridor associated with the Flaming Gorge Dam:

74 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
75 Governor concurring therein, supports the creation of a new management plan that allows
76 stakeholders to participate in the development and implementation of the plan and provides a
77 balanced approach to the release of water from the Flaming Gorge Dam.

78 BE IT FURTHER RESOLVED that a copy of the resolution be sent to the
79 Commissioner for the Bureau of Reclamation, the director of the Upper Colorado River
80 Endangered Fish Recovery Program, the administrator and CEO of the Western Area Power
81 Administration, and the executive director of the Department of Natural Resources.