

RESOLUTION NO. R2025-095

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, OPPOSING THE PERMANENT TRANSFER OF COLORADO RIVER WATER FROM GREENSTONE RP, DBA, "GSC FARMS, LLC" TO THE TOWN OF QUEEN CREEK, ARIZONA

WHEREAS, the City Council of the City of Yuma met in Regular Session on the 20th day of November 2019 and unanimously approved Resolution R2019-051 Opposing the Transfer of Colorado River Water from La Paz County to the Town of Queen Creek (Permanent Transfer); and,

WHEREAS, on September 4, 2020, despite overwhelming opposition from Colorado River Communities to the Permanent Transfer and substantial evidence in the record of the devastating and deleterious impacts of the Permanent Transfer, the Arizona Department of Water Resources (ADWR) recommended that the United States Bureau of Reclamation (Reclamation) approve the transfer of 1,078.01 acre-feet per year (AFY) of Greenstone RP's, d/b/a "GSC Farms, LLC" (Greenstone) 2,083.01 AFY fourth priority Colorado River entitlement, and that Greenstone retain 1,005 AFY of fourth priority Colorado River entitlement for future use on the 500 acre parcel of land owned by Greenstone in La Paz County; and,

WHEREAS, ADWR later increased the Permanent Transfer recommendation to 2,033.01 AFY, leaving an insignificant amount of water for use on the 500-acre parcel; and,

WHEREAS, this recommendation by ADWR reverses a long held policy reflected in a letter dated February 28, 1990, from then-ADWR Director Plummer to the Secretary of the Interior regarding Colorado River allocations in Arizona (1990 Letter), as well as an internal Reclamation memo in 1988 regarding a contract with the Central Arizona Water Conservation District (1988 Memo) affirming that 164,652 AFY of fourth priority water of which Greenstone's entitlement is a part, is reserved for use on the mainstem of the Colorado River (communities and users located adjacent to the Colorado River) for agricultural, municipal and industrial uses; and,

WHEREAS, ADWR's reversal of the long-held policy established by the 1990 Letter and 1988 Memo undermines decades of water resource planning by Colorado River Communities and creates a dangerous precedent that could irrevocably disrupt the necessary and needed critical water supply Colorado River communities so heavily rely upon to serve their communities; and,

WHEREAS, the City Council of the City of Yuma met in Regular Session on 7th day of October 2020 and unanimously approved Resolution R2020-046, again Opposing the Permanent Transfer and urging Reclamation to fully comply with all federal environmental laws and the preparation of an Environmental Impact Statement (EIS) in connection with the Permanent Transfer; and,

WHEREAS, despite strong public comments urging Reclamation to engage in a full EIS, Reclamation determined that a less-intensive Environmental Assessment (EA) was all that was necessary to evaluate the Permanent Transfer; and,

WHEREAS, Reclamation opined that the Permanent Transfer “does not constitute a major federal action significantly affecting the quality of the human environment, and, therefore, an [EIS] is not required” without any further analysis on why Reclamation elected not to follow the full EIS as set forth in the federal National Environmental Policy Act (NEPA); and,

WHEREAS, despite a multitude of public comments showing the detrimental impacts of this Permanent Transfer and the precedential decision to allow future Colorado River transfers, Reclamation’s EA determined that the impacts were not significant and published an official Finding of No Significant Impact (FONSI) in August 2022, which would permit the Permanent Transfer to begin in 2023; and,

WHEREAS, the City Council of the City of Yuma met in Regular Session on the 22th day of December, 2022, and unanimously moved to approve Motion MC2022-228 Authorizing Legal Action versus United States Department of Interior, Bureau of Reclamation, seeking a preliminary injunction against the Permanent Transfer and remand back to Reclamation to conduct a full EIS on the Permanent Transfer as mandated by NEPA; and,

WHEREAS, after lengthy litigation in a matter styled as County of Mohave, County of La Paz, County of Yuma, and City of Yuma versus U.S. Bureau of Reclamation, et al., in the U.S. District Court for the District of Arizona, Case No. CV-22-08246-PCT-MTL, the Plaintiffs of the On-River Counties and City of Yuma prevailed on Summary Judgment with the Federal Court finding there were substantial questions that Permanent Transfer may have a significant effect on the environment and under NEPA, Reclamation must conduct an EIS; and,

WHEREAS, on September 15, 2025, Reclamation published a “Notice of Intent To Prepare an Environmental Impact Statement for the GSC Farm-Queen Creek Water Transfer Project” with comments due on or before close of business on October 15, 2025; and,

WHEREAS, water is one of Yuma’s most precious natural resources that is in jeopardy of being depleted if not managed adequately; and,

WHEREAS, water is necessary, essential and finite for the continued growth and economic survival of On-River communities; and,

WHEREAS, should Greenstone’s Permanent Transfer be approved, the 4th Priority Colorado River Water entitlement transfer will establish a new and ominous precedent for the diversion of the reserved water away from Arizona’s Colorado River Communities, a significant loss to future generations of farmers and the River Communities; and,

WHEREAS, this Permanent Transfer and future transfers of water entitlements from the main stem of the Colorado River to other basins could have adverse impacts on the environment including negative impacts on endangered species habitat in the five national wildlife refuges in the lower Colorado River Valley; and,

WHEREAS, this Permanent Transfer and future transfers of water entitlements from the main stem of the Colorado River to other basins could have adverse impacts on the human environment including the generation of hydroelectric power utilized by the region including City of Yuma through the Western Area Power Administration (WAPA), resulting in increased electricity charges for users in the region.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City Council of the City of Yuma opposes any transfer of Colorado River water from the mainstem of the Colorado River to central Arizona without significant safeguards and considers such transfers as an unwelcome attack on the water rights and continued economic growth and viability of rural Arizona.

SECTION 2: The City Council of the City of Yuma asserts that approval by the Secretary of the Interior of this Permanent Transfer request is a major federal action which requires the Bureau of Reclamation to fully comply with public processes of the National Environmental Policy Act of 1969 (NEPA) and the Endangered Species Act of 1973, and such action requires the preparation of a full Environmental Impact Statement (EIS).

SECTION 3: The proposed recommended Permanent Transfer of Colorado River main stem water to central Arizona does not meet the criteria for a categorical exclusion from analysis or the criteria for the preparation of only an Environmental Assessment (EA) under NEPA.

SECTION 4: The City Council of the City of Yuma urges Reclamation to consider how this Permanent Transfer will affect the endangered species on the lower Colorado River.

SECTION 5: The City Council of the City of Yuma urges Reclamation to consider how this Permanent Transfer will affect the human environment in the Yuma area, including, but not limited to, water quality and the ability for the City of Yuma to treat Colorado River water to drinking water standards; the diminished water supply and quality to the Yuma area for economic opportunities; and the Permanent Transfer's effect on hydroelectric power generation at Parker Dam and the increased costs to the Yuma area.

SECTION 6: The City Council of the City of Yuma urges Reclamation to consider the precedent that this first-ever Permanent Transfer will set and cumulative effects of any transfer, like this Permanent Transfer, that are used to facilitate growth, when the Colorado River is at historic shortages and the Seven Colorado River Basin States are negotiating with one-another and Reclamation on the Post 2026 Operations of Colorado River facilities and management of the Colorado River.

SECTION 7: The City Council of the City of Yuma further urges the Secretary of the Interior to delay consideration of the Transfer until such time as the Arizona Reconsultation Committee has had an opportunity to formulate guidance and policies relating to future Colorado River water transfers that take into account water levels in Lake Mead and Lake Powell, the needs of all Colorado River water users, and not just the needs of Arizona's major metropolitan areas.

SECTION 8: In this particular case, the City of Yuma opposes the Permanent Transfer, as presented, or any transfer of fourth priority water from rural On-River entitlements during a time when the Colorado River is facing alarmingly low hydrology and low flows and when Lake Mead and Lake Powell are at or near historic lows, and requests the Secretary of the Interior deny approval of this Permanent Transfer, as presented, in its entirety.

SECTION 9: The City Council of the City of Yuma urges Reclamation to consider a No Action Alternative on the Permanent Transfer, as presented.

SECTION 10: The City Council of the City of Yuma urges Reclamation to provide “a reasonable range of alternatives to the proposed agency action” as provided by 42 United States Code section 4332 and urges Reclamation to consider prohibiting the Permanent Transfer, and any future similar transfer, while the Colorado River is experiencing shortages and levels of Lake Mead fall below 1,145 feet elevation line, the historic average baseline of Lake Mead and the elevation at which Normal or Intentionally Created Surplus Conditions operate according to the Bureau of Reclamation.

SECTION 11: That the City Administrator of the City of Yuma is directed to prepare an official comment for the Federal Record in this matter and the City Clerk of the City of Yuma is directed to send a copy of this Resolution to the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, the Governor of Arizona, Yuma’s Federal and State legislators, the Mayor and Council of the Town of Queen Creek, Arizona, the Director of the Arizona Department of Water Resources, and the Statutory Agent of GSC Farm LLC, a Delaware limited liability company

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney