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United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



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January 11, 2010

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WATER RIGHTS
SALT LAKE

Kent L. Jones, P.E.
State Engineer
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, UT 84116-3154

Subject: Blue Castle Nuclear Power Project change applications; a35402 (89-74) and a35874 (09-462) (Revision of January 8, 2010 letter)

Dear Mr. Jones:

The U.S. Fish and Wildlife Service (Service) has two primary concerns regarding the applications to divert 53,600 acre-feet of water from the Green River for the proposed Blue Castle Power Project.

- 1) The river reach downstream from the town of Green River provides significant habitat for all life stages (spawning, nursery, and adult) of flannelmouth sucker and bluehead sucker, and it provides an important migratory route for roundtail chub. These fish are considered State sensitive species and have experienced reductions in their historical habitat of about 50 percent. In response to these reductions, many natural resource agencies, including Utah Division of Wildlife Resources, the Bureau of Land Management, the National Park Service, the Bureau of Reclamation, the U.S. Forest Service, the Nature Conservancy, and the U.S. Fish and Wildlife Service have signed a conservation agreement with the stated goal of preventing listing through proactive conservation actions.

The Service believes these additional depletions would weaken this conservation agreement and contribute to the further decline of roundtail chub, flannelmouth sucker, and bluehead sucker through multiple ecological stressors, including habitat degradation and reduced water quality. Further decline of these species could potentially lead to their listing under the Endangered Species Act, resulting in more regulated water development throughout their entire range. Because these species range nearly statewide, this would likely result in significant regulatory restrictions in the State of Utah and affect citizens far from the town of Green River. Therefore, the proposed water rights transfers do not meet the public interest criteria. This concern was referenced in our previously submitted objections dated May 26 and September 25, 2009.