



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
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WEST VALLEY CITY, UTAH 84119

March 1, 2010

In Reply Refer To

FWS/R6
ES/UT
10-TA-0114

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

*KH Original to
Electronic copy
Received 3/1/10*

TIMELY

Subject: Blue Castle Nuclear Power Project change applications; a35402 (89-74) and
a35874 (09-462)

Dear Mr. Jones:

Our previous protest letter, submitted on January 12, 2010, at the hearing in Green River, Utah, requested that the State Engineer recognize the importance of protecting flows in the Green River that are necessary for the recovery of federally listed fish species. We also discussed the ad-hoc committee that is currently working on developing mechanisms to protect water released from Flaming Gorge Dam for these flows.

As part of this committee, the Bureau of Reclamation (Reclamation) is currently developing models that will project water availability in the system (storage and flow) and potential future 'pinch points' for water management in time and space. Once completed and tested, this model should assist the State Engineer in understanding the capacity of the Green River system and identifying mechanisms to alleviate water management problems. Preliminary analysis by our office indicates that the "Flow and Temperature Recommendations for Endangered Fishes in the Green River Downstream of Flaming Gorge Dam" (Flow Recommendations) (Muth et al. 2000) are not being met 100 percent of the time when measured at the USGS gauge near Green River, Utah. Reclamation's models will be instrumental in determining if this situation would be exacerbated in the future.

In deference to these efforts, we request that the State Engineer allow the comment period for these water rights change applications to remain open until a more thorough analysis of the Green River water management system can be carried out. Specifically, the comment period should remain open until Reclamation is able to finish its modeling efforts for Green River flow management and the State Engineer is able to use this model to analyze how the water rights change applications for the Blue Castle Project (Project) would impact the protection and delivery of Flow Recommendations.

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WATER DIVISION

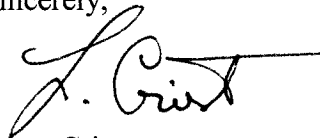
We have begun discussing with Blue Castle the manner in which Project impacts could be minimized or mitigated for. Although we appreciate Blue Castle's willingness to proactively discuss this topic, we are unable to offer specific goals because we will also be relying on Reclamation's models to thoroughly perform impact analysis of the Project.

We believe that meeting and protecting the Flow Recommendations downstream of the Project is imperative to recovery of the endangered fish and conservation of state sensitive fish and that all members of the Upper Colorado River Endangered Fish Recovery Program should work towards this goal. Currently, the ad hoc committee mentioned in our previous letter is working on this task. The committee's process is dependent on Reclamation's modeling results and can therefore, not make recommendations for this or other projects until the model is completed.

In summary, we request that the State Engineer analyze the capacity of the Green River to support these change applications while taking into account current flow conditions, full development of future water rights, and climate change projections. Thus, we request that the comment period remain open until Reclamation is able to finish its modeling efforts for the Green River and this model output can be used to analyze how the Project would impact the Flow Recommendations.

Thank you for the opportunity to review and comment on this application. If you have any questions or need further information please contact Jana Mohrman at (303) 236-4486 or Kevin McAbee at (801) 975-3330 x143.

Sincerely,



Larry Crist
Utah Field Supervisor

cc: Tom Chart, Director, Colorado River Recovery Program, USFWS
Megan A. Estep, Chief, Division of Water Resources, RO, USFWS

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