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February 26, 2010

Kent L. Jones, State Engineer
Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300

*Original to Faxed Copy
Received 3/1/10*

TIMELY

Dear Mr. Jones:

Utah Guides and Outfitters Association (UGO) is submitting the following comments regarding the proposed Green River, Utah nuclear power plant and the requests by the Kane County and San Juan County Water Conservancy Districts to provide water for the nuclear power plant, change applications a35402 (Water Rights 89-74, 89-128, and 89-1513) and a35874 (Water Right 09-462).

UGO is a collaborative group of more than 40 of Utah's premier outfitters, each focusing on the highest quality outdoor excursions throughout the vast and diverse wilderness of Utah's mountains, deserts, canyons, and rivers. We offer a wide array of activities around the region ranging from rafting, canoeing, kayaking, mountain bike tours, horseback riding, hiking, fishing, 4-wheel-drive trips to outdoor education. Members of our organization will be directly affected by the proposed Transition Power (Blue Castle Generation Project) and the transfer of water from the Green River and other sources to that project.

Most of the tours in the area are multi day experiences. Our clients contribute significantly to the local and state economy through purchases of lodging, meals, gas and other goods and services. The monies generated as a result of our clients go well beyond the expense of going on a river trip, bringing millions of dollars annually into Utah and employing several hundred people.

The project will have significant impacts on the community of Green River which are of concern considering the history of boom and bust economic cycles associated with extractive industry in the rural west. The influx of thousands of workers in construction of the plant will tax the community infrastructure and may cause priorities that are at odds with the interests of a currently functioning tourism industry. The project must show (economically and physically) how it will fund increased community services including emergency services, counselors and victim advocates, schools and libraries, water and sewer, highways, housing and other aspects required to accommodate the temporary workers in the community. Additionally it should include the cost of reducing those services when the construction phase is completed, an often overlooked aspect of such a project.

Our clients and private river runners travel to Green River for a relatively natural outdoor experience. The canyons of the Green River are noted for their natural beauty and recreational value and are being considered for Wild, Recreational and Scenic River status. It is relatively easy to obtain a permit for the river segment below Green River and it is one of the few remaining river segments people can gain experience on. In order to operate rafts, kayaks and other boats on the Green and Colorado Rivers minimum river flows are required. At seasonal lower flows and low flow years, sandbars and obstacles can make the trip through Labyrinth, Stillwater and Cataract Canyons difficult. Diverting water for the project at Green River will have a negative effect downstream. Lower flows will shorten the river running season and increase the time it takes to complete a trip in the canyons below Green River, making it more difficult to attract clients and reducing outfitter margins.

The river environment will be significantly affected by the proposed project. The Green River is home to four endangered fish species. Healthy habitats in the Green River are critical to the recovery of endangered fish and the protection of other native fish. A reduced flow will impact that critical habitat and lower success of the endangered fish recovery. The lower flows will

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tend to decrease silt loads, deep channel scouring and raise river water temperatures. This will encourage the expansion of invasive species like tamarisk, knapweed, Russian olive, and others. The result of lower river flows will increase the abundance of tamarisk and willow thickets adjacent to the river, reducing the number of campsites available to river runners. Federal, State and local agencies, as well as private and non-profit entities are investing millions of dollars in the re-establishment of endangered fish species and to control or eradicate non-native plant species.

This area of Utah has some of the clearest and darkest night skies in the lower 48 states and additional lights at the pump station and nuclear plant will degrade the view of this natural phenomenon. The towers and other structures will be seen for miles, degrading the natural scenery. It will have a negative effect on tourists visiting Green River, and the nuclear aspect of the plant will surely deter many "environmentally-minded" people from visiting and running the river. Safe or not, people have the feeling that nuclear power poses a threat to their health and well-being.

In considering the proposal for diversion of water to the proposed project one should note the effects of other up-river proposals that will also divert water from the river. The Million Proposal would divert approximately 100 cfs daily from the Green River. The Bureau of Reclamation has already determined that there is no water available for this proposed project, yet it is continuing to go forward with the U.S. Army Corps of Engineers scheduled to conduct an E.I.S.. The recent funding for completion of the Central Utah Project will take additional water from the river main stem. These and other proposed diversions (including ever increasing diversions for agricultural irrigation) will have a cumulative devastating effect on the ability to raft on the Green River.

It appears that the water, originally appropriated to private parties in 1964 has never been put to beneficial use as required under Utah Water Right Law. The last date for the users to show proof of beneficial use was September 30, 2008. As this deadline was not addressed and because of the reasons we have raised above, the rights to appropriated water for Transition Power (Blue Castle Generation Project) should be rejected.

Thank you for your time and consideration. Please feel free to contact us with questions, concerns or ways that we may be of assistance in this matter.

Sincerely,

Kristen McKinnon
President, Utah Guides and Outfitters

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CC: Senator Orrin Hatch
Senator Bob Bennett
Congressman Rob Bishop
Congressman Jim Matheson
Congressman Jason Chaffetz

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