



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

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SEP 25 2009

PROTEST FEE PAID

09-03736 TG

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

PROTEST

RE: Letter of Concern for Application to Appropriate Water No. 09-462 (a35874)

Dear Mr. Jones:

The U.S. Fish and Wildlife Service (Service) is concerned about the Application to Appropriate Water No. 09-462 (a35874) for 24,000 acre-feet from the Green River. The proposed water right transfer from the San Juan County Water Conservation District to the Blue Castle power project, would have considerable ecosystem effects on the Green River. This large depletion from the Green River would impair the overall ecological function of the river. River habitat downstream to Lake Powell would be degraded, affecting many citizens and wildlife species.

The depletion would harm state sensitive species (discussed in the next paragraph), which could result in the species being listed under the Endangered Species Act (ESA).

If these species were to become listed under the ESA, water development in all areas inhabited by these species would become tightly regulated. Since the range of these species is basically statewide (in almost all intermediate to large desert rivers), a vast portion of the state would be impacted. Because of the reduced ecological function of the Green River, the impacts to wildlife species, and the potential impediment to water development across the state, the proposed water right transfer does not meet the public interest criteria.

A Conservation and Management Plan for Three Fish Species in Utah (Conservation Plan) has been finalized for roundtail chub (*Gila robusta*), bluehead sucker (*Catostomus discobolus*), and flannelmouth sucker (*Catostomus latipinnis*), hereafter referred to as the three species. The Service signed a conservation commitment to "assist with and participate in the implementation of"¹ the Conservation Plan. Additional agency partners who have signed the Conservation Plan include the Utah Division of Wildlife

¹ Utah Division of Wildlife Resources. 2006. Conservation and Management Plan for Three Fish Species in Utah. Utah Department of Natural Resources, Salt Lake City, UT. 82 pp.

RECEIVED

SEP 30 2009

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SALT LAKE

