



May 17, 2010

Mr. W. Russ Findlay
Fish and Wildlife Biologist, PRO-773
Bureau of Reclamation, Provo Area Office
302 East 1860 South
Provo, UT 84606-73 17
Telephone: 801 -379-1 084
Fax: 801-379-1 159
Email: rfindlay@usbr.gov

Subject: Draft Environmental Assessment and Biological Assessment for the
Green River Pumping Plant Project

Dear Mr. Findlay

Thank you for this opportunity for Living Rivers and Center for Biological Diversity to provide comments concerning the Environmental Assessment and Biological Assessment for the Green River Pumping Project.

Our members and staff are concerned about the impairment of critical habitat for endangered species of the Colorado River basin, namely bonytail chub, humpback chub, razorback sucker and Colorado pikeminnow. We regard the river reaches between Flaming Gorge Dam and the Confluence with the Colorado River as the best hope for their recovery, since the mainstream is nearly free-flowing for over 425 miles.

**PO Box 466 • Moab, UT 84532 • 435.259.1063
Fax 435.259.7612 • www.livingrivers.org**

We are also concerned about the 50% decline in the populations of threatened fish species of the Upper Basin, namely bluehead sucker, flannelmouth sucker and roundtail chub. Declines in the populations of threatened and endangered fish species, especially bonytail chub and razorback sucker, indicate that the Upper Basin Recovery Program is not successful despite 32 years of activity. The next 32 years are not likely to be productive either, considering depletions in the Upper Basin will increase in-step with streamflow reductions due to persistent drought and climate change.

Until the endangered fish species are delisted, we respectfully request that all proposed water contracts with the Bureau of Reclamation be suspended. This request is reasonable and prudent considering the two-year Basin Study Initiative now underway by Reclamation and the seven basin states, which will attempt to address the acknowledged, system-wide imbalances of supply and demand. Until the imbalances are mitigated, it is highly likely that legal challenges in the basin will occur over water rights, water quality, and endangered species.

Need and purpose for a basin-wide Programmatic Environmental Impact Statement

We insist that the Department of Interior and its agencies implement a basin-wide Environmental Impact Statement immediately. The key aspect of the study should address the recovery of endangered fish. In so doing, Interior will simultaneously solve the issues of water quantity and quality for both basins and Mexico.

Specific Concerns for Critical Habitat in Reach Three of Green River

There are both existing and proposed water withdrawals below the US Geological Survey gage at Green River, Utah that do not have contracts with Reclamation for water from Flaming Gorge Reservoir. The critical habitat for endangered fish in Labyrinth and Stillwater Canyons is defined as having low gradient with massive amounts of sediment that create ideal slack water nurseries for endangered fish. However, we have observed on river trips in Labyrinth and Stillwater Canyons that sandbar habitats can entrap juvenile fish, which increases mortality, when the river level drops due to intense evaporation and irrigation in July and August.

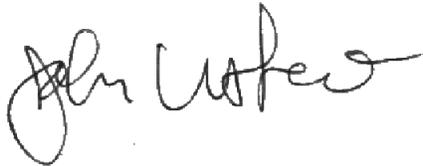
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We think it is necessary for Reclamation and US Fish and Wildlife Service to make a proper determination of what the summer minimal instream flows should be for Labyrinth and Stillwater Canyons to eliminate mortality caused by increased depletions. We also suggest that the USGS install a gage above Canyonlands National Park so that the instream flows can be properly monitored for compliance. Mineral Bottom at River Mile 52 comes to mind as a potential locality for this stream gage for reasons of accessibility by road.

We also suggest that Tusher Wash Diversion Dam above Green River, Utah be replaced with a dam that allows safe passage of fish and river boats. We also suggest that the diversion have a sophisticated screening device to keep eggs and juvenile fish from being stranded in irrigated fields. This dam was initially constructed with cottonwood cribs filled with rocks and the integrity of the dam is questionable considering the age of the facility.

Thank you again for this opportunity to comment. If we can be of any assistance, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Weisheit". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Weisheit" following in a similar style.

John Weisheit
Conservation Director
Living Rivers

Robin Silver
Board of Directors
Center for Biological Diversity