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## Utah's first proposed nuclear plant goes on trial

Energy • Green River power station would need enough water to supply a midsize city.

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The effort to block a proposed nuclear power plant near Green River goes to court Monday, with environmentalists trying to invalidate the water rights necessary to cool the reactors.

In his Price courtroom, 7th District Judge George Harmond will preside over a week of arguments and expert testimony, but a decision could be months away and will face a likely appeal. An adverse ruling could effectively kill the plant, which cannot operate without access to an uninterrupted water supply.

The water-rights question is the only pathway for Utah citizens to have a say in whether the project will go forward. Should the project clear the water hurdle, it would face the federal Nuclear Regulatory Commission for its remaining approvals.

“If we’re going to stop this project, it has to be on water. We don’t have a lot of faith that the agency would care that much about the impact of this project on Utah,” said Matt Pacenza, policy director of HEAL Utah, who will be blogging from the courtroom.

Last year state Engineer Kent Jones assigned rights to 53,000 acre-feet to Blue Castle Holdings, the Utah company headed by former state Rep. Aaron Tilton that seeks to develop the 3,000-megawatt plant. It would occupy a proposed industrial park in Emery County at the intersection of U.S. Highway 6 and Interstate 70 and pull water from the nearby Green River.

The rights in question are held by San Juan and Kane counties, which acquired them in the 1960s for a coal-fired plant that was never built, according to Blue Castle’s lawyer David Wright. Kane intends to sell its interest in the water to Blue Castle as a way to fund its share of the proposed Lake Powell Pipeline.

It’s a risky maneuver, since no new nuclear plant has been licensed in the United States since 1977 and water is becoming ever more scarce on the Colorado Plateau. But Wright contends the water is available because Utah has yet to develop its share of the Colorado River under the 1922 interstate compact apportioning its flow, now a water source for more than 30 million.

“These rights had been previously approved. All we’re doing is moving where the water is taken out, moving the intakes upstream,” Wright said. “The Green [River] has sufficient water to handle this withdrawal. The river is augmented by releases from Flaming Gorge Dam.”

Plant opponents flatly reject this assertion, pointing to studies by the Bureau of Reclamation that say water in the Colorado and its tributaries is already overallocated and flows are in decline thanks to prolonged drought.

Permitting the project could cost up to \$200 million, and building it could cost up to \$18 billion.

Also at issue in this week’s bench trial is whether the project will impair senior water rights; whether Blue Castle has the financial ability develop the costly project; whether the project is economically feasible; and whether the diversion will harm rafting and fishing.

The environmentalists’ challenge accuses Jones of improperly punting these questions down the road to federal regulators. Co-plaintiffs in the case include the Utah Rivers Council, the Moab-based groups Living Rivers and Uranium Watch, and the river-running outfitter Moki Mac River Expeditions.

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Scott Sommerdorf | Tribune file photo Former Rep. Aaron Tilton heads Blue Castle, the company developing plans for Utah's first nuclear power plant. Opponents have filed suit against the state engineer's approval earlier this year for water rights for the project.

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