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CLARK, LINCOLN, AND WHITE PINE COUNTIES
GROUNDWATER DEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
SCOPING MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

On Wednesday, August 10, 2011

At 5:00 p.m.

At the Red Lion Hotel

2065 Idaho Street

Elko, Nevada

Reported by: Deborah Ann Hines, CCR #473, RPR

1 DEBORA FRAZIER: HC 64 Box 33, Deeth, 89823.
2 I believe this is a bad idea. The agriculture in
3 this country is shrinking so badly that, you know, we
4 cannot feed ourselves. We're going to be totally
5 dependent on foreign countries for food. And, I
6 mean, it's just a bad idea to take from agriculture
7 to feed to a city, and a city that's already
8 shrinking, they don't need the water. That's just
9 the way I feel about it.

10 FACILITATOR JOHN GODEC: Okay. It's just
11 after 6:00 o'clock, we'd like to get the public
12 hearing portion of this evening started. If you
13 wouldn't mind making your way up, please feel free to
14 find a seat.

15 I want to welcome you and thank you again
16 for joining us again tonight. I'll mention again, if
17 you have not had a chance to sign in, I suspect that
18 everybody here probably has, but please do so.

19 When you came in there was a ten page
20 executive summary of an executive summary, kind of a
21 Q and A thing, that should give you a pretty good
22 rundown.

23 If you would like to speak tonight on the
24 record officially, we'd ask that you please fill out
25 a brief speaker form. We're going to ask you to keep

1 your comments to about five minutes. With about a
2 minute left I'll hold up a card to let you know that
3 you have about a minute left. I think with the
4 number of people we have that's probably fair.

5 If you have something in writing that you
6 prepared for tonight that you intend to announce to
7 the group and it's going to take you longer than five
8 minutes to do it, please feel free to leave that
9 written transcript with our court reporter and we'll
10 make sure that we get it in word for word.

11 So with that what I'd like to do is
12 introduce Dr. Michael Dwyer, our public hearing
13 officer for tonight, who will kind of walk through
14 the rest of the proceeding. Mike.

15 DR. MICHAEL DWYER: Good evening and
16 welcome, everyone. My name is Mike Dwyer, I'm a BLM
17 employee of the Ely District Office and I'm the
18 hearing officer tonight, as John said.

19 The purpose of our meeting tonight, this
20 portion of the meeting, is to hear your comments on
21 this document. This is the Clark, Lincoln and White
22 Pine Counties Groundwater Development Project Draft
23 Environmental Impact Statement. This document was
24 prepared by the Bureau of Land Management with the
25 help of an environmental consulting firm AECOM in

1 response to an application that we received from the
2 Southern Nevada Water Authority in 2004 to construct
3 and operate facilities and transport groundwater in
4 eastern Nevada.

5 Let me be clear that no decision has been
6 made by the BLM at this point on that application.
7 The National Environmental Policy Act requires that
8 before the Bureau of Land Management makes that
9 decision that we document and consider the impacts of
10 that action. This environmental impact statement is
11 the vehicle to do that and to document and convey
12 those impacts to the decision maker. So it's very
13 important that we get it right and that's why we're
14 here tonight.

15 The final version of this draft EIS will be
16 the vehicle for presenting those impacts to the
17 decision maker. This hearing is your opportunity to
18 help us make it as clear, comprehensive and accurate
19 as it can be. Several alternatives are considered in
20 this EIS, including the No Action alternative. The
21 No Action describes the impacts if the BLM were to
22 deny this application and continue with current land
23 uses.

24 Let me clarify what this hearing is not.
25 First, it's not about the allocation of water rights.

1 That's not a decision that the Bureau of Land
2 Management can make, that's a decision that's in the
3 hands of the State of Nevada, and specifically the
4 Nevada state engineer. And the state engineer will
5 conduct separate public hearings on that issue in
6 response to an application that they received from
7 the Southern Nevada Water Authority for water rights.

8 UNIDENTIFIED MAN: Will that be here?

9 DR. MICHAEL DWYER: I don't know. The state
10 engineer will have to tell you that.

11 Second, this part of the meeting is not a
12 debate, this is our chance to hear you, so we're
13 going to be quiet and listen to you. The first part of
14 the meeting was designed to answer your questions,
15 this part is about us listening.

16 It is a formal public hearing in which each
17 person who wants to make comments orally can do so,
18 and your comments and questions will be captured by
19 our court reporter Debbie and will be addressed in
20 writing in the final environmental impact statement.

21 Please be aware that if you ask a question
22 while you're at the podium, we will note it in the
23 record and address it in the final EIS but we won't
24 respond during the hearing. We're going to be
25 listening. If you think of a question while you're

1 sitting here and you want to have it answered, you're
2 very welcome to stand up, move to the back of the
3 room, seek out one of the BLM or AECOM folks and step
4 out in the hall and get your question answered.

5 We want to hear from everyone tonight, so as
6 John said, please limit your comments to about five
7 minutes. John has some cards he'll hold up to help
8 you manage your time while you're up here at the
9 podium. And please wrap up your comments when you
10 see the time expired card.

11 If you have more extensive comments than can
12 be made in five minutes, we want to hear them. We
13 want to know what they are so please submit them in
14 writing. They'll carry just as much weight as
15 anything that's said here at the microphone tonight.
16 You'll have until October 11th of 2011 to submit your
17 comments, and that is a 30-day extension of the
18 original comment period.

19 Regarding audience participation, I ask that
20 you please treat the speaker as you would like to be
21 treated if it's your turn at the podium. Please
22 don't interrupt the speaker, and please note that
23 audience comments and your reactions will not be part
24 of the record.

25 Finally let me explain what happens from

1 this point forward. The comments we get tonight, as
2 well as all of the comments that we get in writing or
3 at the other public meetings, will be used to help
4 develop a final version of this EIS. And we expect
5 to have that final version available for your review
6 in mid 2012. It will include a comment response
7 document that explains how we used all the comments
8 that we received.

9 When the final environmental impact
10 statement is ready for release, a notice of
11 availability will be published in the Federal
12 Register, as well as in local newspapers, and we'll
13 post it on the BLM website. A decision on the
14 right-of-way application can be made any time 30 days
15 after that notice of availability is published. And
16 when that decision is made, a formal record of
17 decision will be published in the newspapers and
18 posted on the website.

19 So finally I'd like to just extend my
20 sincere thanks to all of you for being here and
21 participating in this process. I've worked on a lot
22 of environmental impact statements in my 31 years
23 with the BLM, they're always better in the end for
24 vigorous public review and public comments, so I
25 thank you for being here to help us.

1 So with that I'll ask John to please
2 introduce the first speaker and I'll open this formal
3 hearing.

4 FACILITATOR JOHN GODEC: When I call the
5 names of the speaker, if you would please come up and
6 spell your name and give us your mailing address for
7 our court reporter. I'm going to call the names in
8 the order in which people signed in, with the
9 exception we usually extend the courtesy to any
10 elected official to speak first. So with that I'm
11 going to call Nevada Assemblyman Minority Leader Pete
12 Goicoechea. Assemblyman.

13 PETE GOICOECHEA: Thank you. Would the
14 court reporter prefer that I face you or does it make
15 any difference?

16 FACILITATOR JOHN GODEC: Would you please,
17 if you wouldn't mind please.

18 PETE GOICOECHEA: Okay. All right. For the
19 record I am Assemblyman Pete Goicoechea representing
20 Assembly District 35, which is all a part of eight
21 counties through central Nevada.

22 In reviewing the draft EIS for Clark, White
23 Pine and Lincoln, and I just read the summary, I'm
24 not going to pretend that I went through the total
25 document, I'll let the experts and the computer

1 modelers argue what those drawdown contours are,
2 should be, won't be as we move through it, but as I
3 went through the document it became apparent that
4 we're arguing the same issues that we've argued for
5 the last 25 years out of central Nevada, and that is
6 the dewatering.

7 The bottom line is this EIS pertains
8 strictly to the drawdown contours. And again whether
9 we're talking 75 years, whether we're talking 200
10 years, those contours, and again depending on the
11 water basin, are excessive. It not only is causing
12 declines in the groundwater gradients and those
13 contour lines, we're also seeing I believe the EIS
14 shows over a hundred miles of surface water flows and
15 streams that will drop; a number, over 300, surface
16 water springs that will eventually disappear with
17 this dewatering.

18 And I know we've had a lot of comparisons
19 with this project compared to the Owens Valley
20 project, but there is a big difference. The Owens
21 Valley was surface water and it was replenished every
22 year with surface flows. And we do know what
23 happened there and what Southern California now has
24 had to come back with to alleviate those dust
25 problems and vegetation problems that were completely

1 destroyed there.

2 But what we're talking about in the White
3 Pine, Clark, Lincoln plan is 175,000 acre feet of
4 groundwater that will be exported, totally consumed
5 because that will leave that basin and be moved three
6 to 400 miles south. There is no chance for recharge,
7 and it just becomes a matter of time when we start
8 seeing the declines that will impact phreatophytes
9 and the vegetation in that basin.

10 Water basins all across Nevada are
11 presently -- I'm going to turn just a little bit
12 because I don't like talking with my back to the
13 room. I guess that's the politician in me. But
14 water basins all across the state are struggling with
15 declines. Declining water tables. You know a water
16 basin is in balance before you drill the first hole.
17 It's completely in balance when you drill the first
18 well. So when we start talking about hundreds of
19 wells and withdrawing thousands of acre feet of
20 groundwater, you don't have to be -- it's not rocket
21 science what will happen to that groundwater basin.
22 It will be destroyed.

23 I don't see how any agency, and I'm not
24 throwing a rock at you guys, that is charged with
25 maintaining public land and the multiple use concept

1 for public lands that's to be held for all of us, all
2 uses and for future generations, how you could look
3 at this draft EIS and say it was acceptable.

4 I think we're all somewhat sympathetic with
5 Southern Nevada Water Authority and their needs,
6 there's no doubt. It's the fastest growing city in
7 the nation. And they outgrew their water supply.
8 They were charged by the Colorado River Commission to
9 look in state for alternate sources before they could
10 go to the Colorado River and either upper basin
11 states or the lower basin states and look at either
12 acquiring maybe water in the upper states or
13 acquiring water in the lower states and maybe
14 supplementing it with desalinization, which we
15 clearly all of us understand the bottom line is the
16 Pacific Ocean is just as close to Las Vegas as Ely,
17 Nevada. So you can get there in a hurry. And we're
18 talking about pumping water, piping water, maybe we
19 better go where there's really a source. And the
20 last time I checked there was a little more in the
21 Pacific Ocean than there was in Cumins Lake.

22 Clearly in-state importation of water is not
23 the answer. It won't work for us. Why should we
24 expend billions of dollars on a short-term fix that
25 clearly won't meet Southern Nevada Water Authority's

1 long-term needs? Even at 175,000 acre feet it won't
2 meet any part of their needs if they continue to
3 grow, but it will devastate central Nevada for the
4 next 500 years.

5 This project is not economically sound nor
6 is it environmentally sound. It's not viable. I
7 believe it's time for Southern Nevada Water
8 Authority, the State of Nevada and the federal
9 agencies to really face the facts. This isn't the
10 solution. It isn't the answer. We have to come up
11 with a plan that will meet Southern Nevada Water
12 Authority's long-term needs, and that is not
13 exporting groundwater out of the five basins in
14 central Nevada. Thank you. I stand for any
15 questions.

16 FACILITATOR JOHN GODEC: Elko County
17 Commissioner Russell.

18 WARREN RUSSELL: Thank you. I'm Warren
19 Russell, Elko County Commissioner for about two and a
20 half years now. Working on my downslide on the term
21 limits. So I'm representing Elko County Commission
22 in terms of water. I'm also a vice chairman of
23 Central Nevada Regional Water Authority, which I've
24 been since its inception about four to six years ago.
25 I forget exactly when. The years pass me by.

1 First of all, what I'd like to say is that I
2 take a look at this and I see at the full build-out
3 there's a problem with drawdown. And the drawdown
4 areas are anywhere from, you know, five feet to
5 50 feet to 70 feet. And it doesn't seem like I find
6 within the document the drawdown representing what
7 actually is going to happen on the surface. There's
8 going to be some rain but with that drawdown what's
9 going to happen is we're going to end up creating a
10 real desert in those areas.

11 You can look at the very dark areas, as it
12 was explained to me by some of these folks, and we're
13 going to see some of these really nice -- you may or
14 may not like ranchers -- but some of these really
15 nice ranches that they've purchased so that they
16 could get the water there, and you're going to see
17 them become a desert that's even not a high desert
18 with all kinds of plants, but you're going to see a
19 desert that is like something from another part of
20 the world or something.

21 Also the point I'd like to make is the
22 problem I have with this whole process, and I
23 understand the scope of it is you're looking at a
24 right-of-way and what the impact is going to be to
25 put the pipeline through and not necessarily the

1 impacts of placing wells and sending water south,
2 you're looking at the other impacts mostly, but I say
3 the real problem is just as the state water engineer
4 operates there's this attitude of we're going to
5 start to draw it down and then we'll come back and
6 see what happened and then we'll expect those folks
7 to mitigate what's happening.

8 Well, I'll tell you what, if you draw it
9 down to where you have a desert, and the desert in
10 this way over a long period of time, you're going to
11 have irreversible consequences to the habitat, to the
12 wildlife, to agriculture, to everything. In fact,
13 some of those things you can't fix. And no one seems
14 to be aware of this.

15 And we see it in a microcosm within our
16 state and the operation of our state water engineer,
17 but in this project I see they're going to be drawing
18 down huge areas over a period of time and then
19 they're going to come back and expect it to look ten
20 years from now or five years from now, and for some
21 of those places it's just going to be too late, when
22 there's a viable alternative that I understand
23 Southern Nevada Water Authority is already looking at
24 in terms of making deals with Mexico or
25 desalinization and other projects, they come through

1 with a pipeline. That's another problem.

2 Another problem I see is I was told today,
3 and I didn't know this but it's logical, is a certain
4 amount of water has to flow through that pipe, a huge
5 pipe, to maintain the integrity of all the systems,
6 and it's something like 10,000 acre feet. Well, it
7 doesn't do any good to run 10,000 acre feet from the
8 southern part of the state, the only way you can
9 maintain that integrity is run it from the end of the
10 pipeline, at the end of the pipeline, and the way the
11 city area went, sure looks like it's coming to Elko
12 County to me. I expect it to be there.

13 And one of the first maps that came out, it
14 was produced by Southern Nevada Water Authority,
15 showed the line directly into the Ruby marshes on
16 that particular map. That's the anticipation, our
17 hopes, our dreams, our expectations for the quality
18 of life and the character of our land and the
19 opportunities for our children and our grandchildren
20 here, in Elko County in particular. As I looked at
21 that pipeline, it's like a big sucking monster moving
22 north out of some monster movie from Japan except
23 it's right here laying along the right-of-way granted
24 by the BLM.

25 You guys are supposed to take care of this.

1 And I don't see you looking at the mitigation,
2 looking at that sucking monster happening as actually
3 happening. I'm just really concerned and I continue
4 to be concerned about those issues. Thank you for my
5 time.

6 FACILITATOR JOHN GODEC: Yvonne Prescott.

7 YVONNE PRESCOTT: My name is Yvonne
8 Prescott. I was born and raised in rural Nevada.
9 Specifically Lincoln County. I have an intimate
10 knowledge or awareness of many of the areas that are
11 affected by this pipeline.

12 I was raised on a farm outside of Pioche
13 where Las Vegas Valley Water first started putting in
14 water applications over 20 years ago. I have lived
15 in Spring Valley where they bought up most of the
16 ranches. All of those ranches in Spring Valley
17 depend almost completely on springs and streams for
18 their water. The water that we irrigated with at the
19 Cleveland Ranch came off the mountain and went into a
20 pipe and went through our pivots and into our
21 irrigation system. There were no wells except for
22 our personal, you know, for our personal drinking use
23 and stock water out on the range.

24 This pipeline I think will have a drastic
25 affect. I was looking at the socioeconomics.

1 Lincoln County especially, White Pine County to a
2 great extent too, are very limited economically, and
3 I do not see any benefits whatsoever for this
4 pipeline coming through those two counties. They
5 don't have the facilities to house people, to house
6 workers. Very few of the workers will come from
7 those areas, they'll come from out of state or from
8 Clark County. That was noted on the one display.

9 But beyond that there just is not the
10 foundation in those counties to support workers that
11 do come in there, and so there is absolutely no
12 economic benefit to these counties. And I think
13 there will be a huge negative impact to those
14 counties and I don't think it stops there. I think
15 it continues to come north and I think that our whole
16 state will at some point in time be affected by this.

17 I learned when I was very young that
18 historically, and now today even more so, water is
19 controlled. Those who control the water control the
20 land. So if we, as a people, and the BLM, just the
21 impacts of the right-of-way on all of the different
22 things that you see back there on the displays, to me
23 I guess I'm prejudiced but I see all negative. I
24 don't see anything positive for the people, for the
25 animals, for the land.

1 A lot of the land out there is very fine
2 soil, a lot of dry lake beds in Spring Valley that
3 with the drawdowns will just become a complete
4 dustbowl in those valleys, in these basins. Those
5 who control the water control the land and control
6 the people. Thank you.

7 FACILITATOR JOHN GODEC: Miss Prescott, can
8 you give us your home address please for the court
9 reporter.

10 YVONNE PRESCOTT: I put it on the
11 registration.

12 FACILITATOR JOHN GODEC: Larson Bill. Could
13 you please spell your name and give us your address.

14 LARSON BILL: L-a-r-s-o-n, B-i-l-l, my
15 address is HR 30 Box 260, Spring Creek, Nevada.

16 Good evening. My name is Larson Bill. I'm
17 with the Western Shoshone Defense Project and we're
18 set up to protect our homelands. And, you know, we
19 still have a treaty, even though people say we have a
20 treaty, until the government tells us we don't have a
21 treaty then we don't have a treaty, but in the
22 meantime, you know, from generations down we've been
23 taught how to take care of this land.

24 And I think that the main thing that
25 everybody has got to realize here, you know, there's

1 four sacred elements that we all live by, everybody
2 lives by, and that's land, air, water and the sun.
3 And with one of those gone, we all die. I don't care
4 who all gets rid of it, we all die.

5 In this case we're messing with water. And
6 water is really needed in Nevada: Underground, on
7 top of the ground and the plants and animals,
8 insects, they need that water. And when we start
9 messing with the spring water, you're changing their
10 migration patterns.

11 And you'll see a lot of diseases happening
12 within animals because there's no water and you'll
13 see plant life disappearing. And in some cases we
14 have already lost some of our medicine plants because
15 of mining or destruction of land.

16 And if people wanted to live out there in
17 the desert in Southern Nevada, you know, they've got
18 to live like a tortoise. You know, a tortoise live
19 out there. They've got to live like a tortoise
20 because when you're taking water from this area down
21 into the real desert, you know, you're not really
22 gaining anything.

23 And all the water that we see here is slowly
24 being polluted, slowly. They say that it's going to
25 take so many years to pollute it, but, you know, even

1 us polluting is polluting. You know, we have a lot
2 of mining going on, dewatering. We have a lot of
3 lakes right now you can't even eat the fish because
4 of mercury and whatever. And when the water starts
5 disappearing, like everybody says it's going to be a
6 dustbowl, we're just starting to be like that. You
7 know, I've lived here all my life in Elko County and
8 see this white cloud of dust, you can't even see
9 across the road. You know, where is that coming
10 from? That's only the beginning.

11 And we also was taught by our grandpas and
12 grandmas that all these waters underneath the ground
13 is connected. And the scientists said, no, it's a
14 pocket here, a pocket there. No, it's all connected.
15 So if you draw water up from somewhere, somewhere the
16 water is going to dry up. It could be a hundred
17 miles away. And what's going to happen then when all
18 the water gets depleted? We're going to have
19 sinkholes and this will be a lot of sinkholes.

20 And not only the Shoshone being impacted by
21 their lands and their medicine plants, we also got
22 ranchers that have been here forever, you know, that
23 has lived on this land for generations. Those are
24 the people that's being totally affected. They can't
25 graze -- you can't graze cattle anywhere because it's

1 fenced off.

2 And if this pipeline goes through, are they
3 going to fence it off? Some of this stuff I've been
4 reading, they don't state in there. And that comes
5 out later after the fact. By that time it's too late
6 to do anything.

7 And as far as Elko County, I think Elko
8 County should say no, don't even allow it, because
9 I've seen them drill water. They don't have to come
10 in the county, they can drill laterally into the
11 county. And who's going to check that? Nobody
12 checks that.

13 And I think the State of Nevada is going to
14 wake up and say, you know what, all these resources
15 that are here for the people that live in Nevada, and
16 it should go to the people that live in Nevada but in
17 a careful way and more environmental way to do that.
18 I could speak all night long but thanks anyway.

19 FACILITATOR JOHN GODEC: I'm sorry, I can't
20 read the handwriting but I think it's Ron Labate.

21 RON LABATE: Ron Labate, 516 South Sixth
22 Street, Elko, Nevada.

23 FACILITATOR JOHN GODEC: Could you spell
24 your last name.

25 RON LABATE: L-a-b-a-t-e. Hello, I'm not a

1 speaker. I'm not used to speaking in front of people
2 but this is such a serious situation here that I have
3 to come and give my point of view.

4 And I understand that this scoping meeting
5 is about the pipeline and the permit process that the
6 BLM is going to permit this pipeline. Well, where do
7 I start? I mean, water is life. Without water, we
8 don't survive. And they want to take the water and
9 they want to bring it to Vegas, as I understand.
10 That's what the purpose of this pipeline is.

11 Well, if you don't have enough water in
12 Vegas, maybe you don't need to expand. And I would
13 rather that our Elko County Commissioners charge
14 these people four times what it would cost for them
15 to get that desalinization plant built in California
16 and pump the water from California, desalinization
17 plant to Las Vegas. And I think we should charge
18 them four times that.

19 I think it's going to happen. You know,
20 money speaks. And people with big money stand to
21 make big profits on this. And we're just people, you
22 know. It's not going to matter what we say really,
23 unfortunately, because the way it's set up is that
24 they have one man deciding whether or not they get
25 the water or not, and that's the state controller.

1 Well, that's not America. That's not democracy,
2 democracy by the people, not just one person.

3 When you've got one person deciding who gets
4 the water from these peoples' lands, that's not
5 right. That's tyranny, you know. I think that our
6 Elko County Commissioners and White Pine County
7 Commissioners, the people of the land should decide
8 who gets the water, I don't think one person should
9 decide. You know, that's like the pullet bureau.
10 That's not right. This is America, the people
11 decide, not one person. And it's a bad system to
12 have right here, one person gets to decide that they
13 can take the water from us.

14 And all these things that people said is
15 true. I mean, I was talking to a guy, he was telling
16 me about Arizona and how Phoenix and all those places
17 they had same proposals years ago and they had EIS
18 statements and they had scoping things. And their
19 predictions were wrong because now the groundwater is
20 what, 1500 feet down in those places. You know, and
21 they were wrong.

22 These are all projections. This is the best
23 science we have today but that doesn't mean what
24 they're saying here is right. It doesn't mean that
25 it's true, it just means they're projections. They

1 were wrong before. They were wrong in Owens Valley
2 as well, and they were wrong in Arizona. And what
3 makes you think that they're not going to be wrong
4 here?

5 It doesn't make sense to take our water.
6 It's not one person decides to take our water. And
7 the BLM, well, they're good at what they do. They do
8 permits, you know. They do permits for mining, all
9 kinds of things. You know, they're good at that and
10 they're good at doing all the science and all that.
11 And I'm sure these folks worked a long time to do
12 this work and that's the best state of the art that
13 we have with these scientists that did all this work,
14 and I applaud them for doing all that work but that
15 doesn't mean it's right just because they did it.

16 And if history is anything to learn from,
17 then we should say no, you know. We should say no to
18 this. They're taking the water. Water is key.
19 Water is life. And you're going to take it and bring
20 it down to Vegas? Vegas is big enough. If they
21 don't have water, go to the ocean. Go to the ocean
22 and get it and charge them four times what it would
23 cost to go the ocean if they insist on taking it from
24 us here. That's all I've got.

25 FACILITATOR JOHN GODEC: Susan Lynn.

1 SUSAN LYNN: My name is Susan Lynn. I'm
2 representing the Great Basin Water Network.

3 FACILITATOR JOHN GODEC: Ms. Lynn, could you
4 give us your address please.

5 SUSAN LYNN: 1755 East Plum Lane, Suite 170,
6 Reno, Nevada. And I will take my turn their too.
7 But thank you, everybody, from Elko for turning out.

8 The issues I want to raise are regarding the
9 Lincoln County Recreation and Development Act which
10 requires the BLM to approve this pipeline. It was
11 passed by Congress but it's in direct conflict to me
12 with FLPMA, NEPA, grazing regulations, other public
13 land laws, and I don't know how the BLM can approve
14 this project when it has so many negative impacts.

15 Even if you just look at the summary, the
16 summary says the preferred alternative has the
17 highest impacts of any alternative of those proposed,
18 and we are recommending the No Action alternative.

19 We do not understand how the BLM can
20 separate a pipeline from the removal of water.
21 Removal of water is something that is the lifeline to
22 rural Nevada to public lands all over the West. And
23 it's time to change that paradigm of removing water
24 from rural areas for the benefit of urban areas. And
25 I don't want to pit one against the other but to me

1 agriculture is just as important as casinos and golf
2 courses.

3 This project could decimate and cause land
4 subsidence of up to 200,000 acres over a 70-year
5 period. Where is the benefit in that to anybody?

6 I also found that the draft environmental
7 impact statement is very dismissive of other
8 alternatives. And several people have talked about
9 the alternatives of desalinization. Instead of
10 building a pipeline from the coast, why not trade
11 water. Build the desalinization plant for Southern
12 California. They get the benefit of the ocean water
13 and we get their share of the Colorado River water.

14 And even if you don't believe in climate
15 change, even if the river is dropping, even half of
16 California's allocation of 500,000 acre feet equals
17 250,000 acre feet. That 250,000 acre feet out of the
18 Colorado River will take care of Las Vegas for the
19 foreseeable future instead of pulling it out of rural
20 Nevada.

21 So those are my comments. Water is granted
22 in perpetuity in this state. That is another thing
23 to think about. Once it's granted, it's seldom
24 pulled back, although this legislative session I will
25 give credence to Mr. Goicoechea who made sure that

1 now the state engineer does have a process for
2 pulling back the water, but it's a ten year process,
3 and how long is ten years? It's a very long period
4 of time. But it's a start. So, anyway, those are my
5 comments and I really, really urge the BLM to pick
6 the No Action alternative. Thank you.

7 FACILITATOR JOHN GODEC: Michael Garabedian.

8 MICHAEL GARABEDIAN: I'm Michael Garabedian,
9 G-a-r-a-b-e-d-i-a-n, 7143 Garden Vine Avenue, Citrus
10 Heights, California. I'm here representing Water
11 Keepers. We were formed in 2008. Our purposes is to
12 keep basin water in the basin of origin. We were
13 formed by two people from Ely, a fellow from Wells.

14 And I come here from California where my
15 mom, when she was two, left the ranch south of Wells
16 they lived on where her family had been there for
17 generations, including my great, great grandfather
18 who was an assemblyman from Elko County in I think it
19 was the 11th legislative session in 1888.

20 We have some things to suggest for you to
21 do, we're asking you to do. For these meetings you
22 should be giving a presentation on what you have
23 found, the major findings of the EIS.

24 We have a series of recommendations about
25 the public process that's needed from here on out.

1 First of all, you need to have hearings on the
2 right-of-way decision itself. You need to have
3 public notice of thee hearings that lists the factors
4 that BLM has to take into account when it makes
5 right-of-way decisions. I'll mention a few of those.

6 We need to have the record of decision out
7 before that hearing so people have the record of
8 decision. We need to have the final environmental
9 impact statement in the public's hands before that
10 hearing so they can comment on it. We need to have
11 proposed conditions for the potential permit, if
12 that's what's proposed to be done. We need to have
13 those for public comment. We also need to have
14 hearings outside the basin area.

15 It's very good to have this mandated NEPA
16 hearing but a NEPA is not -- a NEPA and hearing --
17 NEPA process is no substitute for having a hearing on
18 the project itself where the public addresses
19 economic efficiency, national security, historical
20 factors, health and safety conditions, whether the
21 project is or is not in the public interest. You
22 can't issue this unless you find it is. If it's
23 inconsistent with BLM purposes, and you have a
24 regulation that says if an applicant doesn't have the
25 financial wherewithal to go ahead with the

1 right-of-way project, they can't do it, and you've
2 been hearing about that.

3 Now if you do, if you do issue this
4 right-of-way permit, it will be illegal. You are
5 required, the BLM is required, and I'll read from the
6 right-of-way provisions of the Federal Land Policy
7 Management Act, the secretary concerned shall issue
8 regulations containing the criteria and procedures he
9 will use in designating such corridors.

10 There are no regulations about public
11 involvement. There are regulations about the
12 application. There are regulations about appeal.

13 The Natural Resources Defense Council case
14 from 1992 the judge said, Congress has mandated
15 implementation of the public participation provisions
16 by regulation leaving no discretion to the agency.

17 The district offices of the BLM are
18 operating basically deciding what to do by the seat
19 of their pants at these hearings. It can't do it
20 that way, you have to do it by regulation. The
21 academics who wrote the book Forest Policy, Dana and
22 Fairfax said, The regulations required by FLPMA,
23 that's the BLM law, are even more extensive than
24 those required by the National Forest Management Act.
25 There's really no comparison there.

1 Now it's not the Ely -- it's not the Nevada
2 BLM fault or the Utah BLM fault but you should be
3 pointing out to them that they need to have these
4 regulations, and if they don't, this project will not
5 be legal. Even if you deny it, the process would
6 probably not be legal either because you don't have
7 the regulations in place for public involvement.

8 Multiple use. This use -- this would
9 eliminate some multiple uses. The only uses on the
10 BLM land that do not have to be multiple uses are
11 those specified in FLPMA by Congress: Grazing,
12 mining and wilderness. Water transportation, water
13 corridor is not permitted which would destroy many
14 uses, is not a multiple use and you cannot approve
15 it.

16 The two federal laws, these laws are the
17 laws of the land. They've been discussed here. So
18 were the laws of the land that were enacted to give
19 away the public domain that led to all kinds of
20 scandal and ruination of careers and the abuse of the
21 public lands. The famous cartoon of the fellow in a
22 boat with wheels on it being pulled across the land
23 who made a claim under the Swamp Lands Act, that was
24 the tip of the iceberg. Well, the two laws we're
25 operating that the funding from sale of public lands

1 with the process set up in the Lincoln County Lands
2 Act, these two laws are setting the stage, they're
3 setting the stage for the same kind of abuse.

4 It's already beginning to happen. The only
5 thing standing between that kind of abuse and scandal
6 is the BLM. BLM was created by executive order
7 around 1946 and it didn't exist as a legal statutory
8 entity until 1976 with the Federal Land Policy
9 Management Act. You have a huge task not to follow
10 the obvious mistakes that Congress is pointing you in
11 the direction of making. You have to use your law
12 and stop the scandal. Thank you.

13 FACILITATOR JOHN GODEC: Ralph Sacrison.

14 RALPH SACRISON: Ralph Sacrison, 320 Pauper
15 Drive, Elko. I ask that further investigation be
16 made into any and all reliable long-term solutions to
17 water supply needs for the State of Nevada. Though
18 it is the largest consumer of water, Clark County is
19 not the only Nevada jurisdiction with potentially
20 significant shortfalls of water.

21 Massive groundwater development within the
22 net evaporative basin may not be a wise scientific or
23 societal choice. Alternatives to that proposal
24 should be thoroughly investigated as part of a state,
25 regional and national decision making process.

1 Desalinization, fresh water supply and
2 groundwater supply all are cost competitive with each
3 other. Groundwater is the least reliable, though
4 politically the only one you find in large to the
5 State of Nevada. The direction of this draft EIS is
6 to present the politically most expedient and
7 technically least reliable alternative. That
8 approach must not be accepted blindly because a
9 reasonable expectation is that it will result in
10 mining the water, devastating agriculture with no
11 long-term slaking of the thirst of Las Vegas.

12 FACILITATOR JOHN GODEC: John Carpenter.

13 JOHN CARPENTER: My name is John Carpenter
14 and I was in the legislature for 24 years.

15 FACILITATOR JOHN GODEC: Mr. Carpenter,
16 would you mind giving us your address please, your
17 mailing address please.

18 JOHN CARPENTER: 1091 Daughter Drive, Elko.
19 And I was county commissioner for 14 years so we've
20 had a lot of time to study this proposal, and the
21 more you look at it the less desirable it is. I grew
22 up in Ely and ranched in that area, and there just
23 isn't enough water down there to fill that pipeline.

24 And so what's going to happen is what I
25 think really happened with the power plants in White

1 Pine County is Harry Reid stopped them because he
2 wants to take that water out of Steptoe Valley and
3 put it in that pipeline. Sierra Nevada has already
4 purchased a number of farms and places down there,
5 and so if they can't build a power plant, you know
6 darn well that their ratepayers and their board of
7 directors are not going to want to pay for those
8 farms.

9 So what's going to happen is that they're
10 going to come into Steptoe Valley, and one of those
11 farms is right on the Elko/White Pine County line,
12 and from there it's just a hop, skip and a jump into
13 Ruby Valley and Clover Valley. We all know that's
14 where the real water supply is in those two valleys.
15 And so that's where they're going to come to is here
16 in Elko County. I don't think there's any question
17 about it.

18 But they will not look at desalinization or
19 things that make really a lot of sense and so I think
20 that the people in this county and all the counties,
21 White Pine and Lincoln and all the rest of them, that
22 they're going to mine this water to the detriment of
23 the ranching industry and the wildlife, that we
24 really need to fight this thing so we can be just
25 like the Owens Valley. We're going to be a wasteland

1 up here, and certainly we don't want that.

2 So I just want to reiterate my opposition to
3 this project. And I've heard about it for many
4 years. And like I said, the more you hear about it,
5 the less feasible and desirable it is, especially for
6 the counties of Elko, White Pine and Lincoln
7 counties. Thank you.

8 FACILITATOR JOHN GODEC: Meghan Brown.

9 MEGHAN BROWN: Meghan Brown, M-e-g-h-a-n,
10 Brown like the color, P.O. Box 310, Elko, 89803. I'm
11 representing the Nevada Cattlemen's association
12 today. I appreciate the opportunity to comment.

13 We feel, as an association, that there are
14 direct and indirect impacts to all actions. It is
15 important to evaluate all of the impacts. We are
16 opposed to the inter-basin transfer of water. Water
17 is critical to habitat, biodiversity, multiple use
18 and the overall fabric of growth in rural communities
19 and counties. We feel the impacts to over 300
20 springs and hundreds of miles of streams will
21 devastate the multiple use of our public lands, the
22 biodiversity, the wildlife and wild horses. With the
23 loss of water comes the loss of vegetation, soil
24 cover and infiltration.

25 The importance of water in ranching and

1 recreation, hunting, viewing of wild horses and other
2 outside recreation opportunities are important to the
3 rural fabric and communities of Elko, Eureka, White
4 Pine and the other corridors down to Las Vegas.

5 We support the No Action alternative as it
6 is the only logical answer to this pending
7 socioeconomic and ecological disaster. I appreciate
8 the ability to comment.

9 FACILITATOR JOHN GODEC: That is the last
10 speaker card, Dr. Dwyer. Would you like to open it
11 up?

12 DR. MICHAEL DWYER: Anybody else like to
13 make a comment? Please.

14 DON MOLDE: I didn't fill a card out.

15 FACILITATOR JOHN GODEC: That's all right.
16 Would you please give us your name, spell it and give
17 us your address.

18 DON MOLDE: Yeah, my name is Don Molde,
19 M-o-l-d-e. I live in Reno at 3290 Penfield Circle.
20 I have some written comments mostly regarding
21 wildlife issues that I'll be probably presenting at
22 the Sparks meeting.

23 But I do have a question which is why I'm
24 standing here at the moment. The hydrology
25 projections are, as many have indicated, quite

1 dramatic in my view. Under a worst case scenario one
2 could envision significant groundwater drawdowns from
3 perhaps the Ruby marshes, but given your EIS, at
4 least perhaps Cherry Creek north of Ely all the way
5 down to Alamo and perhaps extending from Pahranaagat
6 Valley over to the Utah border.

7 But the interesting thing to me is that
8 these projections have been based not upon actual
9 well sites or drilling locations but I gather some
10 modeling techniques and perhaps currently available
11 information generally speaking about such groundwater
12 distribution.

13 I've also noticed in the draft EIS that the
14 Great Basin National Park, which no one has mentioned
15 yet tonight, but which is literally in the bull's eye
16 of this drawdown area, is apparently doing
17 hydrological work. UNR I gather is participating in
18 that and apparently studying water flows in and out
19 of the park. That information, as I understand it,
20 is not yet completed.

21 So I guess my question is isn't this draft
22 EIS premature? Aren't major, in fact, huge, ominous
23 decisions at hand without really sufficient technical
24 information? No well sites, no Great Basin
25 hydrologic study, lots of information missing. Isn't

1 this whole issue several steps ahead of itself? And
2 should that have any bearing on how things proceed?

3 And the additional question is if Nevada
4 rolls forward, if the state engineer grants water
5 rights to Southern Nevada Water Authority, and well
6 site locations are determined, wouldn't there need to
7 be additional NEPA analysis for further public
8 comment based upon actual well site locations so that
9 it would be possible to see even more clearly than we
10 can now what is likely to happen? Thank you.

11 FACILITATOR JOHN GODEC: Anyone else?

12 CATHY FULKERSON: My name is Cathy
13 Fulkerson, F-u-l-k-e-r-s-o-n. I live at 943 Panka
14 Drive in Elko. I appreciate being able to comment.

15 I'm a fifth generation Nevadan. My family
16 came, my mother's side of the family came and settled
17 in Wadsworth. And at that turn of the century in the
18 late 1800s there was a major fishery in Lake
19 Winnemucca, which is now dry next door to Pyramid
20 Lake. I just want to mention that because from what
21 I understand one of the assumptions in the model is
22 that it takes the last 30 years of climactic change
23 and precipitation, averages that out and projects
24 that forward for the next 75 years and then the next
25 200 years. And I just want to say that we can't

1 predict that. The model is based on the past. We
2 cannot predict the future. We're impacting
3 groundwater which cannot be seen, has not been well
4 studied, and so I recommend the No Action alternative
5 for lack of information, let alone the impact on
6 rural Nevada. Thank you.

7 FACILITATOR JOHN GODEC: Anyone else?

8 UNIDENTIFIED WOMAN: I have a question. Can
9 I just ask a question if I already commented?

10 FACILITATOR JOHN GODEC: Sorry, we won't be
11 answering questions in this forum. You can certainly
12 talk to one of the folks in the back.

13 UNIDENTIFIED WOMAN: Okay.

14 FACILITATOR JOHN GODEC: Dr. Dwyer, do I
15 assume we are adjourned?

16 DR. MICHAEL DWYER: We'll close the hearing.
17 We'll stick around. If you have questions, please
18 feel free to visit. If you decide you want to say
19 something else and you'd like it on the record,
20 Debbie, the court reporter, will be here. You can
21 come and sit with her and make a statement and she'll
22 take it verbatim. And thank you all for your help.

23 (Thereupon the proceedings
24 were concluded at 6:55 p.m.)

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CERTIFICATE OF REPORTER

STATE OF NEVADA)

SS:

COUNTY OF NYE)

I, Deborah Ann Hines, certified court reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 14th day of September, 2011.

Deborah Ann Hines, CCR #473, RPR