BLM_NV_NVSO_GWProjects

From: David Garbett <david@suwa.org>
Sent: Tuesday, October 11, 2011 8:48 PM
To: BLM_NV_NVSO_GWProjects
Subject: Comments on the SNWA DEIS
Attachments: SUWA Comments on SNWA DEIS.pdf

Hello,

Please find attached to this email comments on the SNWA DEIS. Could you please confirm that you have received these comments and were able to open the attachment.

Thank you,

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VIA ELECTRONIC MAIL (nvgwprojects@blm.gov)

October 11, 2011

Nevada Groundwater Projects Office
P.O. Box 12000
Reno, NV 89520

Re: *Comments on the Clark, Lincoln, and White Pine Counties Groundwater Development Project Draft Environmental Impact Statement*

Greetings:

The Southern Utah Wilderness Alliance (SUWA) appreciates the opportunity to submit the following comments on the Clark, Lincoln, and White Pine Counties Groundwater Development Project Draft Environmental Impact Statement (DEIS). SUWA members regularly use and enjoy Utah's spectacular public lands and waters and are intensely interested in highly controversial public lands issues such as this proposal to develop groundwater in the Snake Valley area.

As currently written, the EIS fails to satisfy the requirements of environmental laws including the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* (NEPA), and the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 *et seq.* (FLPMA), as well as the regulations that implement these laws. Unless and until the BLM remedies these shortcomings, the agency should deny the proposed action and choose the "No Action" alternative.

Wilderness Character

- "Under section 201 of FLPMA, the BLM has the authority to conduct inventories for wilderness characteristics on public lands under its administration." Geothermal Leasing in the Fishlake National Forest, Cedar City and Fillmore BLM Field Offices ("Geothermal Leasing EA"), EA UT-010-08-051, at 46 (Dec. 2008) (available online at http://www.blm.gov/pgdata/etc/medialib/blm/ut/lands_and_minerals/geothermal/geothermal_sales.Par.16077.File.dat/December%20Geothermal%20EA.pdf).

- The DEIS fails to consider the potential impacts of this proposed project on lands with wilderness characteristics identified by the Utah Wilderness Coalition and

proposed for wilderness designation in America's Red Rock Wilderness Act. Those lands are mapped here: http://www.protectwildutah.org/proposal/index.html. The BLM must evaluate the wilderness characteristics of these areas before it proceeds further with its analysis in this matter.

- The DEIS also fails to discuss how this project will impact those areas in Utah within the project boundary that were identified by the BLM in 1999 as part of its Utah wilderness reinventory. *See* BLM, Utah Wilderness Inventory (1999), http://www.access.gpo.gov/blm/utah/index.html.

- The DEIS must analyze how this project will impact vegetation, soils, and wildlife in these proposed areas with wilderness characteristics (as these resources are part of the wilderness qualities of these areas) and how those impacts will effect wilderness character.

Air Quality

- The EIS fails to demonstrate how BLM's approval of development here will comply with federal air quality standards.

- To comply with NEPA's "hard look" requirement, BLM must explain how its actions will or will not comply with environmental laws and policies. 40 C.F.R. § 1502.2(d); *see also id.* § 1508.27(b) (stating federal agencies must consider "[w]hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment"). In fact, BLM is required to comply with federal air quality standards by the Federal Land Policy and Management Act. 43 U.S.C. § 1712(c)(8) (requiring BLM to "provide for compliance with applicable pollution control laws, including State and Federal air … pollution standards"); 43 C.F.R. § 2920.7(b)(3) (requiring that BLM "land use authorizations shall contain terms and conditions which shall … [r]equire compliance with *air … quality standards* established pursuant to applicable Federal or State law") (emphasis added).

- Congress has developed national ambient air quality standards (NAAQS) for pollutants that have a significant effect on public health. *See, e.g.*, 42 U.S.C. §§ 7408, 7409; 40 C.F.R. §§ 50.4 – 50.13. Among those pollutants are particulate matter, which includes windblown dust. *See, e.g.*, Idaho Department of Environmental Quality, *Air Quality: Controlling Fugitive Dust*, http://www.deq.idaho.gov/air/prog_issues/pollutants/dust.cfm (last visited Oct. 24, 2010).

- Nitrogen dioxide (NO_2) pollution is a potential national ambient air quality standard (NAAQS) pollutant of concern here. In February of 2010 the EPA

developed a new NAAQS for NO_2. 75 Fed. Reg. 6474, 6474 (Feb. 9, 2010). This new NAAQS limitation was designed to protect human health from the short-term impacts of NO_2 exposure. *Id.* These health effects, of short-term exposure to elevated quantities, can lead to hospital visits for respiratory problems. *See id.* at 6479-82. The new one-hour maximum standard was lowered to 100 parts per billion. *See id.* at 6474-82. The DEIS still lists the old standard in its Appendix F3.1 discussion of NAAQS.

- The DEIS does not explain which areas in Utah along the Wasatch Front area currently in non-attainment for NAAQS criteria pollutants. The BLM must update this.

- The nearby Sevier Lake playa is already the source of significant, problematic dust storms that create poor air quality on the Wasatch Front. *See, e.g.*, Utah Division of Air Quality, PM10 Exceptional Wind Event, Event Date – April 15, 2008, http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Exceptional_Events/pdf/EE%204-19-08%20Final%20Draft.pdf; *Blowing Dust Leads to 'Red' Air Alert*, Deseret News (Apr. 15, 2008), *available at* http://www.deseretnews.com/article/695270656/Blowing-dust-leads-to-red-air-alert.html. This fact demonstrates that soil instability in the Great Basin is a serious problem for air quality on the Wasatch Front and that long-range transport from this region is a frequent occurance.

- The DEIS has not discussed how reclamation of the area will take place or how it will succeed if dewatering is observed. There is no explanation in the DEIS how water removal operations will be able to reclaim such areas and prevent massive dust storms that impact air quality in places such as the Wasatch Front.

- BLM has not developed any successful reclamation strategies for the area that will prevent significant dust storms after the evaporation ponds are removed or abandoned. In fact, recent BLM efforts to prevent dust at the nearby Milford Flat fire area often exacerbated eolian erosion. *See, e.g.*, Mark Miller *et al.*, *Wind Erosion and Post-Fire Rehabilitation Strategies: Lessons Learned from the Milford Flat Fire*, Presentation, 16th Wildland Shrub Symposium: Threats to Shrubland Ecosystem Integrity, Utah State University (May 18-20, 2010) (explaining that some of BLM's soil stabilization treatments had the effect of increasing soil erodability and decreasing soil resistance); Jayne Belnap, U.S. Geological Survey, *Dust in Low Elevation Lands: What Creates It and What Can We Do About It?*, Presentation, Grand Junction, Colorado (Sept. 18, 2009), *available at* http://www.crwcd.org/media/uploads/2009_09_18_Belnap_Seminar.pdf (explaining that BLM's treatments on some portions of the Milford Flat fire burn site resulted in greater dust production and erosion than if the areas had not been treated). This dust production at the Milford Flat fire site has led to extremely large dust storms that impact air quality on the Wasatch Front. *See, e.g.*, Mark

Miller, U.S. Geological Survey, *Images of 4 March 09 Dust Storm, North End of Milford Flat Fire,* http://sbsc.wr.usgs.gov/crs/news_info/dust_storms/files/MFF_4Mar09_dust_storm2.pdf (last visited Oct. 24, 2010). It is likely that dewatered dust conditions could drastically out produce the large dust storms of the Milford Flat fire site and significantly impact air quality on the Wasatch Front. It is also likely that the dewatered areas will not yield easily to post-production reclamation techniques, particularly since the discovery of this dewatering will be followed by long periods of dewatering. The DEIS has not fully disclosed this threat and has not analyzed its impacts.

- The BLM must perform dispersion modeling to analyze the impacts of this project on air quality in the region and along the Wasatch Front. Only with dispersion modeling can the BLM compare the impacts of this project to NAAQS and PSD increment limits.

- Simply describing predicted particulate matter pollution from operations in terms of tons per year does not give a comparison to NAAQS or PSD increment limits. This does not satisfy the BLM's NEPA and FLPMA duties.

- The BLM has not considered a worst-case scenario where dewatering from the development alternative produces significant dewatering that is then a continual source of windborne dust erosion and deposition along the Wasatch Front. It is possible that such a scenario might result. The BLM must model the significant amounts of dust that could result from this scenario. For example, such a scenario would consider the potential dust production from this area as if one quarter of the entire surface area were disturbed and lacked any anchoring. Undoubtedly, such a scenario would have devastating effects on air quality in the Wasatch Front.

- The DEIS does not satisfy BLM's duty to demonstrate compliance with federal air quality standards, particularly given the concerns related to particulate matter pollution from this area in the Wasatch Front. Lacking dispersion modeling for air quality concerns the BLM simply cannot demonstrate that this development will comply with federal air quality standards. Because of this, BLM should choose the no action alternative.

Early Snowmelt

- The EA has not discussed the potential impacts of this decision on the snowpack of mountain ranges downwind of the Snake Valley, locations such as the Wasatch Mountains and the Wasatch Plateau as well as the Pahvant Range.

- Human activity, such as the proposed surface disturbing activities and dewatering associated with groundwater development, lead to higher-than-normal dust production from arid locations such as the Great Basin. *See, e.g.*, J.C. Neff *et al.*,

Increasing Eolian Dust Deposition in the Western United States Linked to Human Activity, Nature Geoscience (Feb. 24, 2008), *available at* http://www.pnas.org/content/early/2010/09/14/0913139107.full.pdf+html. This disturbed desert dust, when deposited on mountain snowpack, leads to early snowmelt and increased regional temperatures. *See* Thomas Painter *et al.*, *Impact of Disturbed Desert Soils on Duration of Mountain Snow Cover*, Geophysical Research Letters (June 23, 2007), *available at* http://wwa.colorado.edu/admin/announcement_files/1649-uploaded/announcement-1649-4670.pdf. Furthermore, recently-released research shows that this phenomenon is leading to a significant overall loss of water. *See* Thomas Painter *et al.*, *Response of Colorado River Runoff to Dust Radiative Forcing in Snow*, Proceedings of the National Academy of Sciences (2010), *available at* http://www.pnas.org/content/early/2010/09/14/0913139107.full.pdf+html. This recent research also highlights at the Great Basin is a significant source of dust leading to early snowmelt in the Upper Colorado River Basin. *See id.*

- The DEIS has not evaluated the potential contributions to the problem of disturbed desert dust leading to early snowmelt from this proposed leasing and the possible development that could result.

- The dust that this potential development could produce could lead to large reductions in overall runoff in the downwind mountain ranges, thereby affecting water supply. The nearby Sevier Lake is already generating a significant amount of dust, for example, and demonstrates what is possible if this area becomes dewatered. *See, e.g.*, PM10 Exceptional Wind Event (documenting a dust storm generated from the Sevier Lake playa). U.S. Geological Survey scientists recommend that susceptible soils such as the Snake Valley are best left undisturbed in order to limit dust generation. *See, e.g.*, Belnap, *Dust in Low Elevation Lands*. To fully protect snowpack and water supply, BLM should choose the no action alternative.

Climate Change

- The best scientific evidence available shows that climate change is a real and compelling threat to public lands. *Massachusetts v. EPA*, 127 S. Ct. 1438, 1455 (2007).

- In Secretarial Order 3289, Secretary Salazar stated that BLM "must consider and analyze potential climate change impacts when undertaking long-range planning exercises" and also made clear that the requirements in Secretarial Order No. 3226 remain in effect. Order 3226 requires BLM to "consider and analyze potential climate change impacts" when undertaking long-range planning exercises, including specifically "management plans and activities developed for public lands." These Orders are enforceable and demand BLM's compliance.

- Under NEPA, BLM must adequately and accurately describe the environment that will be affected by the proposed action—the "affected environment." 40 C.F.R. § 1502.15. This includes the affected environment as modified by climate change. BLM must also consider a "no action" alternative, which describes the environmental baseline, and compare all alternatives to this baseline. 40 C.F.R. § 1502.14(d). Climate change should be part of the baseline as well as a reasonably foreseeable impact under each alternative analyzed in the DEIS.

- The DEIS should include a discussion of how climate change coupled with potential dust on snow issues could severely reduce available water supply in places such as the Wasatch Front. The cumulative effect could be devastating to water supplies.

Cumulative Impacts

- The BLM has not considered the impacts of this project coupled with the planned potash development on the nearby Sevier Lake dry lakebed. In combination these two projects could lead to severe soil erosion and windborne dust.

Thank you for your time and consideration in reviewing these comments. SUWA expressly incorporates the comments submitted by the Environmental Protection Agency, Utah Physicians for a Healthy Environment, the Sierra Club, and the Utah Clean Air Alliance on this groundwater development proposal. I would be pleased to discuss these comments and SUWA's concerns with you in person at your convenience. Feel free to contact me with any questions: 801.486.3161 or david@suwa.org.

Sincerely,

/s/ David Garbett

David Garbett
Southern Utah Wilderness Alliance