



Nevada Farm Bureau Federation

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The Nevada Farm Bureau Federation wishes that these submitted written comments be included in the decision process related to the *Draft Environmental Impact Statement for the Clark, Lincoln and White Pine Counties Ground Water Development Project*.

Nevada Farm Bureau is a grassroots advocacy organization committed to supporting the interests of our farmer/rancher member families and the rural communities of which they are a part. As a grassroots organization, our public policy positions and organizational engagement in issues are determined by our farmer/rancher members.

Postpone Further Action On Draft Environmental Impact Statement:

From the standpoint of an overall comment, we would urge that the Bureau of Land Management postpone further processing of this planning, National Environmental Policy Act (NEPA) evaluation until the Nevada State Water Engineer has completed the decision process, required under Nevada law, for granting water rights to the Southern Nevada Water Authority and until necessary bi-state agreements have been completed with Nevada and Utah, as stipulated under federal law. The pending action of this proposed Draft Environmental Impact Statement is premature and lacking in a number of elements which could be more appropriately dealt with in an expanded time-frame for completing a worthwhile Draft Environmental Impact Statement.

It would seem that if an agency were to design the framework for a predestined outcome in a supposedly open, public process for input, the approach taken to structure the creation system and product provided in this Draft Environmental Impact Statement would be a model. It seems that the Draft Environmental Impact Statement involves throwing everything and the kitchen sink into a mixed conversation about the project without having any context for how it all fits together. The variations in the possible routes and the alternatives don't shed any real insight into what might be involved in a decision or how the project will be put together. There are also a number of inconsistencies with a level of specificity in one area and a total absence of corollary detail in other areas.

Based on the sketchy and scattered information offered in the Draft Environmental Impact Statement, the public cannot surmise the actual scope and purpose of the project. Various points of information are presented for only those who have computers/access to computer linked materials.

Incomplete And Inconsistent Rationale:

At its core of shortcomings, this Draft Environmental Impact Statement does not clarify and consistently present a purpose and need of the project being contemplated. Whether the purpose of the ground water development project is for drought protection or to cover growth needs (and the two purposes can't be met with the same water), this process has not brought forward the justification for authorizing a ground water development project which allows for such significant negative effects on the resources from the areas where the water will be taken.

If the purpose of this Draft Environmental Impact Statement is to only grant a right-of-way for a massive water pipeline, this purpose and information presented is inconsistent with the project description.

The overall mission of this project is a groundwater development project on a scale and level of impact that stretches one's imagination beyond comprehension. Logically, the attention given by the Bureau of Land Management to the role it plays in fulfilling its obligation to resource management should have some connection in explaining the purpose associated with that ground water development. The granting of a right-of-way for the pipeline and other associated infrastructure is not accurately portrayed as being the purpose for this project and should not be construed to be the simplistic sidewalls considered in any decision to be made by BLM.

The project description and a majority of information presented in the Draft Environmental Impact Statement is segmented and is offered in a confusing, piecemeal and not complete manner. Data presented doesn't demonstrate that the ground water development project is needed and the materials presented or left out seem to be based on arbitrary conjecture of what predisposes the decision outcome to be an automatic approval.

From all aspects of what might be the project to be developed, there is no level of reasonable measurements to determine the level of criteria which would determine if the project is viable or offers a legitimate background of investigation on how proceeding can be accomplished within the guidelines of BLM's land management responsibilities.

Given the level of impact for what the project will do to the areas affected and the footprint to the landscape for the infrastructure associated with the project – how can any other land use decision not be granted, if this project is found to be okay? Nothing else can match the magnitude of this project's implications and yet it appears from the process and arbitrary nature of what is included and what is omitted that the rubber stamps are being prepared to approve and accept the authorization as an inevitable result.

Alternatives don't take into account the various options that are available for not having the groundwater development project occur. Details of how much water is used now as well as various sources for other supplies and overall need for additional water resources is not definitively documented or presented as an essential description for the purpose of the project. Alternatives should also contemplate the outcome of increasing Southern Nevada Water Authority rates and results of decreasing water use. It is very likely that the ground water development project would be unnecessary under these potential circumstances.

Use Of Tiering Will Result In Defective Decisions:

Although the Draft Environmental Impact Statement explains the “tiering” approach used in this application, we are troubled that this piecemeal technique will result in an incomplete evaluation of the consequences. With this approach, it appears likely that actions taken on this portion of the system will result in future actions being rubber-stamped without the willingness to make critical determinations which might warrant changes to decisions already made. Likewise, aspects of the decision process passed over without thorough consideration will be forever out of the cue for evaluation/consideration of ramifications.

We disagree with this Draft Environmental Impact Statement taking a programmatic approach for the specifics of where individual well sites will be located and the still to be determined details of pipeline delivery requirements to incorporate water movement to the central pipeline system. We believe it would be more appropriate to delay the decision process for this Draft Environmental Impact Statement until those specifics are established and presented in a comprehensive amended proposed plan.

Misrepresentation Of Clark And Lincoln County Project Segments:

The mish-mash of might be’s and already done deals creates a level of confusion beyond what would otherwise be an already complicated proposal, perhaps deliberately so.

The Draft Environmental Impact Statement indicates that federal law requires the Secretary to grant the right-of-ways requested by the Southern Nevada Water Authority in Clark and Lincoln counties. From our review and analysis, this approach mischaracterizes the actual Congressional directive of the Lincoln County Lands Act, which stipulates that the decision process is “subject to NEPA”. That doesn’t authorize a rubber stamp pass for consideration of the portions of the project outside of White Pine County. BLM and this Draft Environmental Impact Statement have failed to provide due diligence to the responsibilities embodied in “subject to NEPA”.

We also note that the Draft Environmental Impact Statement doesn’t properly account for the federal requirement of Utah and Nevada signing an agreement pertaining to “shared water”. Again, the concept of waiting with this process and bringing forward another, more comprehensive and improved Draft Environmental Impact Statement, after the contingent decisions are finalized and complete, would be a much better approach.

Comprehensive Analysis Of Environmental Quality Is Deficient:

From our review of the proposed project and the alternatives under consideration, we maintain that BLM cannot select any of the choices and continue to comply with the agency’s mandates to protect public lands and natural resources.

In evaluating the nature and consequences of this ground water development project, this Draft Environmental Impact Statement fails to offer necessary information on how much water BLM requires for legal and authorized uses of lands intertwined with this ground water development project.

Assessing the authorization decision for granting this ground water development to take place on BLM managed lands should include a studied and detailed listing of these water requirements as well as the manner obligations will be met when those amounts of water have been diminished.

In evaluation of the effects of the ground water development project, this Draft Environmental Impact Statement should more completely assess and report the ramifications of how the scope and scale of the project will diminish the capability of the resource base to meet the needs of other users. There is a cumulative effect that this Draft Environmental Impact Statement fails to take into account or handle. Whether this lack of analysis is attributable to the nature of this type of Draft Environmental Impact Statement or other factors, the results are noteworthy in being as incomplete as they are.

The Draft Environmental Impact Statement observes that dewatering will damage the environmental quality of the affected lands. Connected to this assertion, we also conclude that vegetation changes will cause impacts to rangeland health circumstances and that wildlife habitat will be damaged. These consequences don't appear to be addressed, in spite of the responsibilities of federal land managers to respond and work to avoid such outcomes.

If the counter assertion is that these significant and negative outcomes will be addressed through mitigation or other requirements on those developing the project, we maintain the agency will have failed in its obligation. Without being aware of the stipulated agreements and plans, which aren't included in this Draft Environmental Impact Statement, we are highly unconvinced that there is the degree of certainty that the implementation will take place. We further maintain that there is not adequate assurance that funding will be sufficient to achieve the necessary actions.

In addition to providing the background information for possible stipulated agreements and mitigation plans for resolving the serious impacts of the ground water development project, doing so with a full and complete report on pre-construction, construction and post-construction/operations, we also believe that it would be in compliance with the National Environmental Protection Act, to document the back-up plans that address what happens if the Best Management Practices and Mitigation Measures don't work.

Without the proper identification of well sites, we don't have insight into the specific treatment of laterals and other infrastructure used to gather the dispersed water pumping to the centralized pipeline system. The details we've requested to be included in a more complete Draft Environmental Impact Statement should also provide detailed information on these aspects.

Economic Analysis Needs To Be Covered In Draft Environmental Impact Statement:

In addition to the environmental shortfalls in this Draft Environmental Impact Statement, the area for economic analysis is severely deficient.

Following the public comment meetings, there was some indication that having been made aware of the inadequate work performed for economic analysis, plans were to prepare a better work product and include the economic analysis as part of the final Environmental Impact Statement. If this account is accurate of what the plans might be, we would seriously question the legitimacy of the process and the inability of the public to provide input/response to the economic information that will be added.

Again, we encourage and implore BLM to delay the continuation of this process until there is a complete and comprehensive work product available for full public comment and reaction. The piecemeal and incomplete model being followed with the current system is not capable of a full evaluation with the cumulative effects properly presented, analyzed and available for public input on the level that should be considered minimum.

In evaluation of economic impacts, the potential deliberation process needs to also take into account the degree to which the rural economic condition has been influenced by being stymied over the time-span where the pending water permits prevented further economic development efforts. Because the Southern Nevada Water Authority was ahead of other potential projects, ability to move forward with other local projects, which required water development, were precluded. Judging the economic status of the rural areas of the state in light of these past restrictions provides a biased perspective on what could be missed opportunities for greater levels of prosperity had the restricted access to water resources not been in place.

The Draft Environmental Impact Statement fails to provide economic analysis for the receiving areas of the ground water development project too. How capable is the consumer base in Southern Nevada to cover the costs associated with development and operations of the project? Further, how capable is this same group to provide the essential funding to cover mitigation and restoration activities beyond the already expensive operations and development?

Along with not adequately substantiating the need for the water at the end-point of the project, the analysis and various options fails to present a base of detail for how much water is required to make the project cost effective or financially feasible. What if more water is necessary to achieve the quantities for critical mass?

There is much concerning this project and the approach taken by this Draft Environmental Impact Statement implies that this is just a beginning. When future decisions are required, the ones made here will force further pre-determined outcomes to be inevitable. This is not an acceptable approach for a legitimate process to use and further justifies the reason for delay and a more comprehensive Draft Environmental Impact Statement at an appropriate time.

Effects And Impacts On Livestock Grazing:

While all multiple users will be significantly impacted by the degree and magnitude of this groundwater development project, we are especially concerned over the consequences for livestock grazing. In those areas where forage and plant communities will be impacted by dewatering, livestock grazing will not only be negatively affected, it is likely that land managers will unduly place blame on plant community changes and an inability to achieve resource standards on livestock grazing.

There is mention in the Draft Environmental Impact Statement that livestock will be impacted during the construction phase grazing allotments. There is not any mention of mitigation or compensation for loss of forage during these impact periods or the possibility of restricting access to water. How will those who depend on these critical areas in their grazing cycle be compensated for the loss that will be imposed on them?

These shortcomings represent further the lack of essential analysis and attention which should be presented and considered in a more comprehensive and thorough analysis/presentation of information.

Summary:

The thing that is clear, beyond any shadow of a doubt, is the massive impact the overall proposed project will have on the landscape as well as the natural resources (plant and animal) related to the area. The size and scale of the infrastructure system required to accomplish the massive withdrawal of water amounts envisioned is incompressible and the promise that mitigation and monitoring of restoration plans will alleviate all negative consequences is challenging to accept.

We urge that a disclosure be offered on the criteria for evaluation. What is or won't be acceptable for impacts to landscapes, ecosystems and specific areas? It seems that if, as a land management agency, BLM is able to grant such an alteration and allow this degree of effect – what is off limits and beyond the capability of gaining approval? Certainly, all other management aspects pale in comparison with this project and yet from experience, those other use decisions seem to receive a much higher level of detailed consideration.

It almost appears, from the structure of the process and the approach of this apparently customized Draft Environmental Impact Statement that the process is being carried out with all the final decisions already made, or pre-determined when the time arrives, for those decisions to be announced.

This version of the Draft Environmental Impact Statement for the Clark, Lincoln and White Pine Counties Ground Water Development Project is premature and should be returned to the drawing board to await various decisions noted in our comments, including the approval of water rights and agreement between Nevada and Utah. Based on these outcomes being more complete, the information presented in the Draft Environmental Impact Statement will be more comprehensive and legitimately capable of being evaluated in the context of a known project.

We strongly believe in the multiple use concept for BLM management and don't believe that this Draft Environmental Impact Statement adequately addresses the agency's responsibility to maintain sound resource management while meeting the needs of all resource users.

The context of this ground water development project is much more than a narrow approval of a right of way and needs to be considered in that manner. The Draft Environmental Impact Statement needs to focus on the broadest and most cumulative effects of this overall project and evaluate the consequences with the full range of potential, including a legitimate option of not permitting the project to take place because of the inability of the completion in a sustainable fashion (environmentally or economically).



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